

Todd Weiler proposes the following substitute bill:

Domestic Relations Recodification

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Anthony E. Loubet

LONG TITLE

General Description:

This bill recodifies and amends statutes related to domestic relations.

Highlighted Provisions:

This bill:

- clarifies the jurisdiction of the juvenile and district courts with regards to adoptions;
- clarifies and coordinates definitions related to domestic relations;

- recodifies and amends Title 78B, Chapter 15, Utah Uniform Parentage Act, to Title 81, Chapter 5, Uniform Parentage Act, including changing the term, "support-enforcement agency" to "child support services agency";

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

- defining terms to coordinate with the definitions in Title 81, Chapter 5, Uniform Parentage Act; and

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

- recodifies Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and Visitation Act, to Title 81, Chapter 10, Uniform Deployed Parents Custody, Parent-time, and Visitation Act;

- recodifies Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act, to Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act;

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

- clarifies provisions regarding adoption, including:

- definitions related to adoption;
 - access to adoption records by a potential birth father that is allowed to intervene in an

- 29 adoption proceeding;
- 30 • that a petitioner's home includes a temporary place of abode in certain circumstances;
- 31 • clarifying the time periods associated with adoption; and
- 32 • requirements for adopting an adult;
- 33 ▸ allows an adoption proceeding to be brought in a judicial district rather than a county;
- 34 ▸ repeals a requirement requiring a petition for adoption of a minor child to be filed within
- 35 30 days of the minor child being placed in the home of the prospective adoptive parents;
- 36 ▸ repeals a statute requiring a person filing a petition for the adoption of an alien child to
- 37 include written evidence of lawful admission of the alien child;
- 38 ▸ recodifies Title 78B, Chapter 24, Uniform Unregulated Child Custody Transfer Act, to
- 39 Title 81, Chapter 14, Uniform Unregulated Child Custody Transfer Act;
- 40 ▸ includes a coordination clause to address a technical conflict with a reference if this bill
- 41 and H.B. 329, Homeless Services Amendments, both pass and become law;
- 42 ▸ includes a coordination clause to coordinate changes to statutes related to adoption
- 43 documents if this bill and H.B. 129, Adoption Records Access Amendments, both pass
- 44 and become law;
- 45 ▸ includes a coordination clause to change the reference in a statute if this bill and H.B. 30,
- 46 Indian Family Preservation Act Amendments, both pass and become law;
- 47 ▸ includes a coordination clause to modify a definition due to the repeal of a statute if this
- 48 bill and H.B. 21, Criminal Code Recodification and Cross References, both pass and
- 49 become law;
- 50 ▸ includes a coordination clause to address inconsistent terminology if this bill and H.B.
- 51 141, Adoption Modifications, both pass and become law;
- 52 ▸ includes a coordination clause to address inconsistent terminology if this bill and H.B.
- 53 283, Child and Family Services Amendments, both pass and become law; and
- 54 ▸ makes technical and conforming changes.

55 **Money Appropriated in this Bill:**

56 None

57 **Other Special Clauses:**

58 This bill provides a special effective date.

59 This bill provides coordination clauses.

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **10-3-1103**, as last amended by Laws of Utah 2022, Chapters 166, 177

63 **17-33-5**, as last amended by Laws of Utah 2022, Chapters 166, 177
64 **26B-1-202**, as last amended by Laws of Utah 2024, Chapter 506
65 **26B-2-104**, as last amended by Laws of Utah 2024, Chapters 240, 307
66 **26B-2-127**, as last amended by Laws of Utah 2023, Chapter 466 and renumbered and
67 amended by Laws of Utah 2023, Chapter 305
68 **26B-3-108**, as last amended by Laws of Utah 2024, Chapter 284
69 **26B-5-316**, as last amended by Laws of Utah 2024, Chapter 366
70 **26B-6-411**, as last amended by Laws of Utah 2024, Chapter 366
71 **26B-8-101**, as last amended by Laws of Utah 2024, Chapter 366
72 **26B-8-102**, as renumbered and amended by Laws of Utah 2023, Chapter 306
73 **26B-8-104**, as last amended by Laws of Utah 2024, Chapter 295
74 **26B-8-110**, as renumbered and amended by Laws of Utah 2023, Chapter 306
75 **26B-8-119**, as renumbered and amended by Laws of Utah 2023, Chapter 306
76 **26B-8-125**, as renumbered and amended by Laws of Utah 2023, Chapter 306
77 **26B-8-128**, as last amended by Laws of Utah 2023, Chapter 289 and renumbered and
78 amended by Laws of Utah 2023, Chapter 306
79 **26B-8-131**, as renumbered and amended by Laws of Utah 2023, Chapter 306
80 **26B-9-101**, as last amended by Laws of Utah 2024, Chapter 366
81 **26B-9-104**, as last amended by Laws of Utah 2024, Chapter 366
82 **26B-9-108**, as renumbered and amended by Laws of Utah 2023, Chapter 305
83 **26B-9-205**, as renumbered and amended by Laws of Utah 2023, Chapter 305
84 **26B-9-206**, as renumbered and amended by Laws of Utah 2023, Chapter 305
85 **26B-9-207**, as renumbered and amended by Laws of Utah 2023, Chapter 305
86 **26B-9-209**, as renumbered and amended by Laws of Utah 2023, Chapter 305
87 **26B-9-213**, as last amended by Laws of Utah 2024, Chapter 366
88 **26B-9-230**, as last amended by Laws of Utah 2024, Chapter 366
89 **35A-3-308**, as last amended by Laws of Utah 2023, Chapter 328
90 **53-10-108**, as last amended by Laws of Utah 2023, Chapter 328
91 **53B-1-119**, as enacted by Laws of Utah 2024, Chapter 378
92 **53G-11-209**, as enacted by Laws of Utah 2024, Chapter 48
93 **58-60-112**, as last amended by Laws of Utah 2024, Chapter 366
94 **63A-17-106**, as last amended by Laws of Utah 2024, Chapter 397
95 **63J-1-602.1**, as last amended by Laws of Utah 2024, Chapters 88, 501
96 **63J-1-602.2**, as last amended by Laws of Utah 2024, Chapters 241, 285, 425, and 467

97 **75-2-114**, as last amended by Laws of Utah 2014, Chapter 142
98 **75-5-209**, as last amended by Laws of Utah 2021, Chapter 262
99 **76-5-301.2**, as enacted by Laws of Utah 2023, Chapter 125
100 **76-7-102**, as last amended by Laws of Utah 2022, Chapter 217
101 **77-38b-102**, as last amended by Laws of Utah 2024, Chapter 330
102 **78A-5-102**, as last amended by Laws of Utah 2024, Chapter 158
103 **78A-5a-103**, as last amended by Laws of Utah 2024, Chapters 158, 366
104 **78A-6-103**, as last amended by Laws of Utah 2024, Chapter 366
105 **78A-6-104**, as last amended by Laws of Utah 2024, Chapter 366
106 **78A-6-356**, as last amended by Laws of Utah 2024, Chapter 366
107 **78A-6-358**, as last amended by Laws of Utah 2023, Chapter 115
108 **78A-6-359**, as last amended by Laws of Utah 2022, Chapter 442
109 **78B-3-205**, as renumbered and amended by Laws of Utah 2008, Chapter 3
110 **78B-3-416**, as last amended by Laws of Utah 2024, Chapter 366
111 **78B-22-201**, as last amended by Laws of Utah 2022, Chapter 281
112 **78B-22-901**, as last amended by Laws of Utah 2023, Chapter 229
113 **78B-22-903**, as last amended by Laws of Utah 2023, Chapter 229
114 **80-1-102**, as last amended by Laws of Utah 2024, Chapter 256
115 **80-2-503.5**, as last amended by Laws of Utah 2024, Chapter 276
116 **80-2-702**, as last amended by Laws of Utah 2022, Chapter 308 and renumbered and
117 amended by Laws of Utah 2022, Chapter 334 and last amended by Coordination Clause, Laws
118 of Utah 2022, Chapter 334
119 **80-2-802**, as last amended by Laws of Utah 2023, Chapter 330
120 **80-2-803**, as last amended by Laws of Utah 2023, Chapter 330
121 **80-2-906**, as last amended by Laws of Utah 2024, Chapter 366
122 **80-2-909**, as last amended by Laws of Utah 2024, Chapter 267
123 **80-2-1005**, as last amended by Laws of Utah 2023, Chapter 330
124 **80-2a-101**, as enacted by Laws of Utah 2022, Chapter 334 and last amended by
125 Coordination Clause, Laws of Utah 2022, Chapter 334
126 **80-2a-201**, as last amended by Laws of Utah 2023, Chapter 320
127 **80-2a-304**, as last amended by Laws of Utah 2022, Chapter 287 and renumbered and
128 amended by Laws of Utah 2022, Chapter 334
129 **80-3-102**, as last amended by Laws of Utah 2022, Chapters 287, 334
130 **80-3-107**, as last amended by Laws of Utah 2022, Chapter 335

- 131 **80-3-204**, as last amended by Laws of Utah 2023, Chapter 330
132 **80-3-301**, as last amended by Laws of Utah 2023, Chapter 309
133 **80-3-302**, as last amended by Laws of Utah 2023, Chapters 309, 330
134 **80-3-307**, as last amended by Laws of Utah 2023, Chapters 309, 320
135 **80-3-405**, as last amended by Laws of Utah 2023, Chapters 309, 320 and 330
136 **80-3-409**, as last amended by Laws of Utah 2024, Chapter 240
137 **80-3-502**, as renumbered and amended by Laws of Utah 2021, Chapter 261
138 **80-4-104**, as last amended by Laws of Utah 2024, Chapter 293
139 **80-4-106**, as last amended by Laws of Utah 2022, Chapter 334
140 **80-4-203**, as last amended by Laws of Utah 2022, Chapter 335
141 **80-4-302**, as last amended by Laws of Utah 2023, Chapter 330
142 **80-4-307**, as last amended by Laws of Utah 2024, Chapter 98
143 **80-4-502**, as last amended by Laws of Utah 2023, Chapter 139
144 **80-7-102**, as renumbered and amended by Laws of Utah 2021, Chapter 261
145 **81-1-101**, as enacted by Laws of Utah 2024, Chapter 366
146 **81-1-202**, as enacted by Laws of Utah 2024, Chapter 366
147 **81-4-404**, as renumbered and amended by Laws of Utah 2024, Chapter 366
148 **81-9-202**, as renumbered and amended by Laws of Utah 2024, Chapter 366
149 **81-9-203**, as renumbered and amended by Laws of Utah 2024, Chapter 366
150 **81-9-204**, as renumbered and amended by Laws of Utah 2024, Chapter 366
151 **81-9-208**, as renumbered and amended by Laws of Utah 2024, Chapter 366
152 **81-9-209**, as renumbered and amended by Laws of Utah 2024, Chapter 366
153 **81-9-303**, as renumbered and amended by Laws of Utah 2024, Chapter 366
154 **81-9-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366
155 **81-9-402**, as renumbered and amended by Laws of Utah 2024, Chapter 366

156 ENACTS:

- 157 **81-5-105**, Utah Code Annotated 1953
158 **81-13-201**, Utah Code Annotated 1953
159 **81-13-204**, Utah Code Annotated 1953
160 **81-13-301**, Utah Code Annotated 1953
161 **81-13-304**, Utah Code Annotated 1953
162 **81-13-305**, Utah Code Annotated 1953
163 **81-13-306**, Utah Code Annotated 1953
164 **81-13-401**, Utah Code Annotated 1953

165 **81-13-501**, Utah Code Annotated 1953
166 RENUMBERS AND AMENDS:
167 **81-5-102**, (Renumbered from 78B-15-102, as last amended by Laws of Utah 2024,
168 Chapter 366)
169 **81-5-103**, (Renumbered from 78B-15-103, as renumbered and amended by Laws
170 of Utah 2008, Chapter 3)
171 **81-5-104**, (Renumbered from 78B-15-104, as last amended by Laws of Utah 2023,
172 Chapter 330)
173 **81-5-201**, (Renumbered from 78B-15-201, as last amended by Laws of Utah 2017,
174 Chapter 156)
175 **81-5-202**, (Renumbered from 78B-15-202, as renumbered and amended by Laws
176 of Utah 2008, Chapter 3)
177 **81-5-203**, (Renumbered from 78B-15-203, as renumbered and amended by Laws
178 of Utah 2008, Chapter 3)
179 **81-5-204**, (Renumbered from 78B-15-204, as renumbered and amended by Laws
180 of Utah 2008, Chapter 3)
181 **81-5-301**, (Renumbered from 78B-15-301, as renumbered and amended by Laws
182 of Utah 2008, Chapter 3)
183 **81-5-302**, (Renumbered from 78B-15-302, as renumbered and amended by Laws
184 of Utah 2008, Chapter 3)
185 **81-5-303**, (Renumbered from 78B-15-303, as renumbered and amended by Laws
186 of Utah 2008, Chapter 3)
187 **81-5-304**, (Renumbered from 78B-15-304, as renumbered and amended by Laws
188 of Utah 2008, Chapter 3)
189 **81-5-305**, (Renumbered from 78B-15-305, as renumbered and amended by Laws
190 of Utah 2008, Chapter 3)
191 **81-5-306**, (Renumbered from 78B-15-306, as renumbered and amended by Laws
192 of Utah 2008, Chapter 3)
193 **81-5-307**, (Renumbered from 78B-15-307, as renumbered and amended by Laws
194 of Utah 2008, Chapter 3)
195 **81-5-308**, (Renumbered from 78B-15-308, as renumbered and amended by Laws
196 of Utah 2008, Chapter 3)
197 **81-5-309**, (Renumbered from 78B-15-309, as renumbered and amended by Laws
198 of Utah 2008, Chapter 3)

199 **81-5-310**, (Renumbered from 78B-15-310, as renumbered and amended by Laws
200 of Utah 2008, Chapter 3)
201 **81-5-311**, (Renumbered from 78B-15-311, as renumbered and amended by Laws
202 of Utah 2008, Chapter 3)
203 **81-5-312**, (Renumbered from 78B-15-312, as renumbered and amended by Laws
204 of Utah 2008, Chapter 3)
205 **81-5-313**, (Renumbered from 78B-15-313, as renumbered and amended by Laws
206 of Utah 2008, Chapter 3)
207 **81-5-401**, (Renumbered from 78B-15-401, as renumbered and amended by Laws
208 of Utah 2008, Chapter 3)
209 **81-5-402**, (Renumbered from 78B-15-402, as renumbered and amended by Laws
210 of Utah 2008, Chapter 3)
211 **81-5-403**, (Renumbered from 78B-15-403, as renumbered and amended by Laws
212 of Utah 2008, Chapter 3)
213 **81-5-404**, (Renumbered from 78B-15-404, as renumbered and amended by Laws
214 of Utah 2008, Chapter 3)
215 **81-5-405**, (Renumbered from 78B-15-405, as renumbered and amended by Laws
216 of Utah 2008, Chapter 3)
217 **81-5-406**, (Renumbered from 78B-15-406, as renumbered and amended by Laws
218 of Utah 2008, Chapter 3)
219 **81-5-407**, (Renumbered from 78B-15-407, as renumbered and amended by Laws
220 of Utah 2008, Chapter 3)
221 **81-5-408**, (Renumbered from 78B-15-408, as renumbered and amended by Laws
222 of Utah 2008, Chapter 3)
223 **81-5-409**, (Renumbered from 78B-15-409, as renumbered and amended by Laws
224 of Utah 2008, Chapter 3)
225 **81-5-410**, (Renumbered from 78B-15-410, as renumbered and amended by Laws
226 of Utah 2008, Chapter 3)
227 **81-5-501**, (Renumbered from 78B-15-501, as renumbered and amended by Laws
228 of Utah 2008, Chapter 3)
229 **81-5-502**, (Renumbered from 78B-15-502, as renumbered and amended by Laws
230 of Utah 2008, Chapter 3)
231 **81-5-503**, (Renumbered from 78B-15-503, as renumbered and amended by Laws
232 of Utah 2008, Chapter 3)

233 **81-5-504**, (Renumbered from 78B-15-504, as renumbered and amended by Laws
234 of Utah 2008, Chapter 3)
235 **81-5-505**, (Renumbered from 78B-15-505, as renumbered and amended by Laws
236 of Utah 2008, Chapter 3)
237 **81-5-506**, (Renumbered from 78B-15-506, as renumbered and amended by Laws
238 of Utah 2008, Chapter 3)
239 **81-5-507**, (Renumbered from 78B-15-507, as renumbered and amended by Laws
240 of Utah 2008, Chapter 3)
241 **81-5-508**, (Renumbered from 78B-15-508, as renumbered and amended by Laws
242 of Utah 2008, Chapter 3)
243 **81-5-509**, (Renumbered from 78B-15-509, as renumbered and amended by Laws
244 of Utah 2008, Chapter 3)
245 **81-5-510**, (Renumbered from 78B-15-510, as renumbered and amended by Laws
246 of Utah 2008, Chapter 3)
247 **81-5-511**, (Renumbered from 78B-15-511, as renumbered and amended by Laws
248 of Utah 2008, Chapter 3)
249 **81-5-601**, (Renumbered from 78B-15-601, as renumbered and amended by Laws
250 of Utah 2008, Chapter 3)
251 **81-5-602**, (Renumbered from 78B-15-602, as renumbered and amended by Laws
252 of Utah 2008, Chapter 3)
253 **81-5-603**, (Renumbered from 78B-15-603, as last amended by Laws of Utah 2024,
254 Chapter 366)
255 **81-5-604**, (Renumbered from 78B-15-604, as renumbered and amended by Laws
256 of Utah 2008, Chapter 3)
257 **81-5-605**, (Renumbered from 78B-15-605, as renumbered and amended by Laws
258 of Utah 2008, Chapter 3)
259 **81-5-606**, (Renumbered from 78B-15-606, as renumbered and amended by Laws
260 of Utah 2008, Chapter 3)
261 **81-5-607**, (Renumbered from 78B-15-607, as last amended by Laws of Utah 2017,
262 Chapter 156)
263 **81-5-608**, (Renumbered from 78B-15-608, as renumbered and amended by Laws
264 of Utah 2008, Chapter 3)
265 **81-5-609**, (Renumbered from 78B-15-609, as renumbered and amended by Laws
266 of Utah 2008, Chapter 3)

267 **81-5-610**, (Renumbered from 78B-15-610, as last amended by Laws of Utah 2024,
268 Chapter 366)
269 **81-5-611**, (Renumbered from 78B-15-611, as renumbered and amended by Laws
270 of Utah 2008, Chapter 3)
271 **81-5-612**, (Renumbered from 78B-15-612, as last amended by Laws of Utah 2021,
272 Chapter 262)
273 **81-5-613**, (Renumbered from 78B-15-613, as renumbered and amended by Laws
274 of Utah 2008, Chapter 3)
275 **81-5-614**, (Renumbered from 78B-15-614, as renumbered and amended by Laws
276 of Utah 2008, Chapter 3)
277 **81-5-615**, (Renumbered from 78B-15-615, as renumbered and amended by Laws
278 of Utah 2008, Chapter 3)
279 **81-5-616**, (Renumbered from 78B-15-616, as renumbered and amended by Laws
280 of Utah 2008, Chapter 3)
281 **81-5-617**, (Renumbered from 78B-15-617, as renumbered and amended by Laws
282 of Utah 2008, Chapter 3)
283 **81-5-618**, (Renumbered from 78B-15-618, as renumbered and amended by Laws
284 of Utah 2008, Chapter 3)
285 **81-5-619**, (Renumbered from 78B-15-619, as renumbered and amended by Laws
286 of Utah 2008, Chapter 3)
287 **81-5-620**, (Renumbered from 78B-15-620, as renumbered and amended by Laws
288 of Utah 2008, Chapter 3)
289 **81-5-621**, (Renumbered from 78B-15-621, as renumbered and amended by Laws
290 of Utah 2008, Chapter 3)
291 **81-5-622**, (Renumbered from 78B-15-622, as renumbered and amended by Laws
292 of Utah 2008, Chapter 3)
293 **81-5-623**, (Renumbered from 78B-15-623, as last amended by Laws of Utah 2024,
294 Chapter 366)
295 **81-5-701**, (Renumbered from 78B-15-701, as renumbered and amended by Laws
296 of Utah 2008, Chapter 3)
297 **81-5-702**, (Renumbered from 78B-15-702, as renumbered and amended by Laws
298 of Utah 2008, Chapter 3)
299 **81-5-703**, (Renumbered from 78B-15-703, as renumbered and amended by Laws
300 of Utah 2008, Chapter 3)

301 **81-5-704**, (Renumbered from 78B-15-704, as renumbered and amended by Laws
302 of Utah 2008, Chapter 3)
303 **81-5-705**, (Renumbered from 78B-15-705, as renumbered and amended by Laws
304 of Utah 2008, Chapter 3)
305 **81-5-706**, (Renumbered from 78B-15-706, as renumbered and amended by Laws
306 of Utah 2008, Chapter 3)
307 **81-5-707**, (Renumbered from 78B-15-707, as renumbered and amended by Laws
308 of Utah 2008, Chapter 3)
309 **81-5-708**, (Renumbered from 78B-15-708, as enacted by Laws of Utah 2015,
310 Chapter 159)
311 **81-5-801**, (Renumbered from 78B-15-801, as last amended by Laws of Utah 2024,
312 Chapter 367)
313 **81-5-802**, (Renumbered from 78B-15-802, as last amended by Laws of Utah 2024,
314 Chapter 367)
315 **81-5-803**, (Renumbered from 78B-15-803, as last amended by Laws of Utah 2024,
316 Chapter 367)
317 **81-5-804**, (Renumbered from 78B-15-804, as renumbered and amended by Laws
318 of Utah 2008, Chapter 3)
319 **81-5-805**, (Renumbered from 78B-15-805, as renumbered and amended by Laws
320 of Utah 2008, Chapter 3)
321 **81-5-806**, (Renumbered from 78B-15-806, as last amended by Laws of Utah 2024,
322 Chapter 367)
323 **81-5-807**, (Renumbered from 78B-15-807, as renumbered and amended by Laws
324 of Utah 2008, Chapter 3)
325 **81-5-808**, (Renumbered from 78B-15-808, as last amended by Laws of Utah 2024,
326 Chapter 367)
327 **81-5-809**, (Renumbered from 78B-15-809, as renumbered and amended by Laws
328 of Utah 2008, Chapter 3)
329 **81-5-901**, (Renumbered from 78B-15-901, as renumbered and amended by Laws
330 of Utah 2008, Chapter 3)
331 **81-5-902**, (Renumbered from 78B-15-902, as renumbered and amended by Laws
332 of Utah 2008, Chapter 3)
333 **81-8-102**, (Renumbered from 78B-14-102, as last amended by Laws of Utah 2024,
334 Chapter 381)

335 **81-8-103**, (Renumbered from 78B-14-103, as last amended by Laws of Utah 2023,
336 Chapter 330)
337 **81-8-104**, (Renumbered from 78B-14-104, as and further amended by Revisor
338 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
339 Chapter 412)
340 **81-8-105**, (Renumbered from 78B-14-105, as and further amended by Revisor
341 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
342 **81-8-201**, (Renumbered from 78B-14-201, as last amended by Laws of Utah 2015,
343 Chapter 45)
344 **81-8-202**, (Renumbered from 78B-14-202, as renumbered and amended by Laws
345 of Utah 2008, Chapter 3)
346 **81-8-203**, (Renumbered from 78B-14-203, as and further amended by Revisor
347 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
348 Chapter 412)
349 **81-8-204**, (Renumbered from 78B-14-204, as last amended by Laws of Utah 2015,
350 Chapter 45)
351 **81-8-205**, (Renumbered from 78B-14-205, as last amended by Laws of Utah 2015,
352 Chapter 45)
353 **81-8-206**, (Renumbered from 78B-14-206, 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 **81-8-207**, (Renumbered from 78B-14-207, 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 **81-8-208**, (Renumbered from 78B-14-208, 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 **81-8-209**, (Renumbered from 78B-14-209, 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 **81-8-210**, (Renumbered from 78B-14-210, 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 **81-8-211**, (Renumbered from 78B-14-211, as and further amended by Revisor

369 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
370 Chapter 412)

371 **81-8-301**, (Renumbered from 78B-14-301, as and further amended by Revisor
372 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
373 Chapter 412)

374 **81-8-302**, (Renumbered from 78B-14-302, as renumbered and amended by Laws
375 of Utah 2008, Chapter 3)

376 **81-8-303**, (Renumbered from 78B-14-303, as renumbered and amended by Laws
377 of Utah 2008, Chapter 3)

378 **81-8-304**, (Renumbered from 78B-14-304, as and further amended by Revisor
379 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
380 Chapter 412)

381 **81-8-305**, (Renumbered from 78B-14-305, as and further amended by Revisor
382 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
383 Chapter 412)

384 **81-8-306**, (Renumbered from 78B-14-306, as renumbered and amended by Laws
385 of Utah 2008, Chapter 3)

386 **81-8-307**, (Renumbered from 78B-14-307, as last amended by Laws of Utah 2015,
387 Chapter 45)

388 **81-8-308**, (Renumbered from 78B-14-308, as and further amended by Revisor
389 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
390 Chapter 412)

391 **81-8-309**, (Renumbered from 78B-14-309, as renumbered and amended by Laws
392 of Utah 2008, Chapter 3)

393 **81-8-310**, (Renumbered from 78B-14-310, as last amended by Laws of Utah 2015,
394 Chapter 45)

395 **81-8-311**, (Renumbered from 78B-14-311, as and further amended by Revisor
396 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
397 Chapter 412)

398 **81-8-312**, (Renumbered from 78B-14-312, as renumbered and amended by Laws
399 of Utah 2008, Chapter 3)

400 **81-8-313**, (Renumbered from 78B-14-313, as and further amended by Revisor
401 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
402 Chapter 412)

403 **81-8-314**, (Renumbered from 78B-14-314, as renumbered and amended by Laws
404 of Utah 2008, Chapter 3)
405 **81-8-315**, (Renumbered from 78B-14-315, as renumbered and amended by Laws
406 of Utah 2008, Chapter 3)
407 **81-8-316**, (Renumbered from 78B-14-316, as last amended by Laws of Utah 2015,
408 Chapter 45)
409 **81-8-317**, (Renumbered from 78B-14-317, as last amended by Laws of Utah 2015,
410 Chapter 45)
411 **81-8-318**, (Renumbered from 78B-14-318, 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 **81-8-319**, (Renumbered from 78B-14-319, as and further amended by Revisor
415 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
416 Chapter 412)
417 **81-8-401**, (Renumbered from 78B-14-401, as and further amended by Revisor
418 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
419 Chapter 412)
420 **81-8-402**, (Renumbered from 78B-14-402, as and further amended by Revisor
421 Instructions, Laws of Utah 2013, Chapter 245 and renumbered and amended by Laws of Utah
422 2011, Chapter 412)
423 **81-8-501**, (Renumbered from 78B-14-501, as last amended by Laws of Utah 2023,
424 Chapter 330)
425 **81-8-502**, (Renumbered from 78B-14-502, as last amended by Laws of Utah 2015,
426 Chapter 45)
427 **81-8-503**, (Renumbered from 78B-14-503, as last amended by Laws of Utah 2015,
428 Chapter 45)
429 **81-8-504**, (Renumbered from 78B-14-504, as and further amended by Revisor
430 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
431 Chapter 412)
432 **81-8-505**, (Renumbered from 78B-14-505, as and further amended by Revisor
433 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
434 Chapter 412)
435 **81-8-506**, (Renumbered from 78B-14-506, as renumbered and amended by Laws
436 of Utah 2008, Chapter 3)

437 **81-8-507**, (Renumbered from 78B-14-507, as last amended by Laws of Utah 2015,
438 Chapter 45)
439 **81-8-601**, (Renumbered from 78B-14-601, as last amended by Laws of Utah 2015,
440 Chapter 45)
441 **81-8-602**, (Renumbered from 78B-14-602, as last amended by Laws of Utah 2015,
442 Chapter 45)
443 **81-8-603**, (Renumbered from 78B-14-603, as last amended by Laws of Utah 2015,
444 Chapter 45)
445 **81-8-604**, (Renumbered from 78B-14-604, as and further amended by Revisor
446 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
447 Chapter 412)
448 **81-8-605**, (Renumbered from 78B-14-605, as last amended by Laws of Utah 2023,
449 Chapter 330)
450 **81-8-606**, (Renumbered from 78B-14-606, as last amended by Laws of Utah 2015,
451 Chapter 45)
452 **81-8-607**, (Renumbered from 78B-14-607, 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 **81-8-608**, (Renumbered from 78B-14-608, 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 **81-8-609**, (Renumbered from 78B-14-609, 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 **81-8-610**, (Renumbered from 78B-14-610, as and further amended by Revisor
462 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
463 Chapter 412)
464 **81-8-611**, (Renumbered from 78B-14-611, as and further amended by Revisor
465 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
466 Chapter 412)
467 **81-8-612**, (Renumbered from 78B-14-612, as last amended by Laws of Utah 2015,
468 Chapter 45)
469 **81-8-613**, (Renumbered from 78B-14-613, as last amended by Laws of Utah 2016,
470 Chapter 348)

471 **81-8-614**, (Renumbered from 78B-14-614, as renumbered and amended by Laws
472 of Utah 2008, Chapter 3)
473 **81-8-615**, (Renumbered from 78B-14-615, as and further amended by Revisor
474 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
475 Chapter 412)
476 **81-8-616**, (Renumbered from 78B-14-616, as and further amended by Revisor
477 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
478 **81-8-701**, (Renumbered from 78B-14-701.5, as and further amended by Revisor
479 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
480 **81-8-702**, (Renumbered from 78B-14-702, as and further amended by Revisor
481 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
482 **81-8-703**, (Renumbered from 78B-14-703, as last amended by Laws of Utah 2023,
483 Chapter 330)
484 **81-8-704**, (Renumbered from 78B-14-704, as last amended by Laws of Utah 2023,
485 Chapter 330)
486 **81-8-705**, (Renumbered from 78B-14-705, as and further amended by Revisor
487 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
488 **81-8-706**, (Renumbered from 78B-14-706, as and further amended by Revisor
489 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
490 **81-8-707**, (Renumbered from 78B-14-707, as and further amended by Revisor
491 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
492 **81-8-708**, (Renumbered from 78B-14-708, as last amended by Laws of Utah 2015,
493 Chapter 45)
494 **81-8-709**, (Renumbered from 78B-14-709, as and further amended by Revisor
495 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
496 **81-8-710**, (Renumbered from 78B-14-710, as and further amended by Revisor
497 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
498 **81-8-711**, (Renumbered from 78B-14-711, as and further amended by Revisor
499 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
500 **81-8-712**, (Renumbered from 78B-14-712, as and further amended by Revisor
501 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
502 **81-8-713**, (Renumbered from 78B-14-713, as and further amended by Revisor
503 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
504 **81-8-801**, (Renumbered from 78B-14-801, as renumbered and amended by Laws

505 of Utah 2008, Chapter 3)
506 **81-8-802**, (Renumbered from 78B-14-802, as renumbered and amended by Laws
507 of Utah 2008, Chapter 3)
508 **81-8-901**, (Renumbered from 78B-14-901, as and further amended by Revisor
509 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
510 Chapter 412)
511 **81-8-902**, (Renumbered from 78B-14-902, as last amended by Laws of Utah 2015,
512 Chapter 45)
513 **81-10-101**, (Renumbered from 78B-20-102, as last amended by Laws of Utah 2023,
514 Chapter 44)
515 **81-10-102**, (Renumbered from 78B-20-103, as enacted by Laws of Utah 2016,
516 Chapter 292)
517 **81-10-103**, (Renumbered from 78B-20-104, as enacted by Laws of Utah 2016,
518 Chapter 292)
519 **81-10-104**, (Renumbered from 78B-20-105, as enacted by Laws of Utah 2016,
520 Chapter 292)
521 **81-10-105**, (Renumbered from 78B-20-106, as enacted by Laws of Utah 2016,
522 Chapter 292)
523 **81-10-106**, (Renumbered from 78B-20-107, as last amended by Laws of Utah 2023,
524 Chapter 44)
525 **81-10-201**, (Renumbered from 78B-20-201, as last amended by Laws of Utah 2017,
526 Chapter 224)
527 **81-10-202**, (Renumbered from 78B-20-202, as enacted by Laws of Utah 2016,
528 Chapter 292)
529 **81-10-203**, (Renumbered from 78B-20-203, as enacted by Laws of Utah 2016,
530 Chapter 292)
531 **81-10-204**, (Renumbered from 78B-20-204, as enacted by Laws of Utah 2016,
532 Chapter 292)
533 **81-10-205**, (Renumbered from 78B-20-205, as last amended by Laws of Utah 2017,
534 Chapter 224)
535 **81-10-301**, (Renumbered from 78B-20-301, as enacted by Laws of Utah 2016,
536 Chapter 292)
537 **81-10-302**, (Renumbered from 78B-20-302, as last amended by Laws of Utah 2022,
538 Chapter 373)

539 **81-10-303**, (Renumbered from 78B-20-303, as enacted by Laws of Utah 2016,
540 Chapter 292)
541 **81-10-304**, (Renumbered from 78B-20-304, as enacted by Laws of Utah 2016,
542 Chapter 292)
543 **81-10-305**, (Renumbered from 78B-20-305, as enacted by Laws of Utah 2016,
544 Chapter 292)
545 **81-10-306**, (Renumbered from 78B-20-306, as enacted by Laws of Utah 2016,
546 Chapter 292)
547 **81-10-307**, (Renumbered from 78B-20-307, as enacted by Laws of Utah 2016,
548 Chapter 292)
549 **81-10-308**, (Renumbered from 78B-20-308, as enacted by Laws of Utah 2016,
550 Chapter 292)
551 **81-10-309**, (Renumbered from 78B-20-309, as enacted by Laws of Utah 2016,
552 Chapter 292)
553 **81-10-310**, (Renumbered from 78B-20-310, as enacted by Laws of Utah 2016,
554 Chapter 292)
555 **81-10-311**, (Renumbered from 78B-20-311, as last amended by Laws of Utah 2022,
556 Chapter 373)
557 **81-10-401**, (Renumbered from 78B-20-401, as last amended by Laws of Utah 2017,
558 Chapter 224)
559 **81-10-402**, (Renumbered from 78B-20-402, as enacted by Laws of Utah 2016,
560 Chapter 292)
561 **81-10-403**, (Renumbered from 78B-20-403, as last amended by Laws of Utah 2024,
562 Chapter 366)
563 **81-10-404**, (Renumbered from 78B-20-404, as last amended by Laws of Utah 2024,
564 Chapter 366)
565 **81-10-501**, (Renumbered from 78B-20-501, as enacted by Laws of Utah 2016,
566 Chapter 292)
567 **81-10-502**, (Renumbered from 78B-20-502, as enacted by Laws of Utah 2016,
568 Chapter 292)
569 **81-10-503**, (Renumbered from 78B-20-503, as enacted by Laws of Utah 2016,
570 Chapter 292)
571 **81-11-101**, (Renumbered from 78B-13-102, as renumbered and amended by Laws
572 of Utah 2008, Chapter 3)

573 **81-11-102**, (Renumbered from 78B-13-103, as renumbered and amended by Laws
574 of Utah 2008, Chapter 3)
575 **81-11-103**, (Renumbered from 78B-13-104, as renumbered and amended by Laws
576 of Utah 2008, Chapter 3)
577 **81-11-104**, (Renumbered from 78B-13-105, as renumbered and amended by Laws
578 of Utah 2008, Chapter 3)
579 **81-11-105**, (Renumbered from 78B-13-106, as renumbered and amended by Laws
580 of Utah 2008, Chapter 3)
581 **81-11-106**, (Renumbered from 78B-13-107, as renumbered and amended by Laws
582 of Utah 2008, Chapter 3)
583 **81-11-107**, (Renumbered from 78B-13-108, as renumbered and amended by Laws
584 of Utah 2008, Chapter 3)
585 **81-11-108**, (Renumbered from 78B-13-109, as renumbered and amended by Laws
586 of Utah 2008, Chapter 3)
587 **81-11-109**, (Renumbered from 78B-13-110, as renumbered and amended by Laws
588 of Utah 2008, Chapter 3)
589 **81-11-110**, (Renumbered from 78B-13-111, as renumbered and amended by Laws
590 of Utah 2008, Chapter 3)
591 **81-11-111**, (Renumbered from 78B-13-112, as renumbered and amended by Laws
592 of Utah 2008, Chapter 3)
593 **81-11-201**, (Renumbered from 78B-13-201, as renumbered and amended by Laws
594 of Utah 2008, Chapter 3)
595 **81-11-202**, (Renumbered from 78B-13-202, as renumbered and amended by Laws
596 of Utah 2008, Chapter 3)
597 **81-11-203**, (Renumbered from 78B-13-203, as renumbered and amended by Laws
598 of Utah 2008, Chapter 3)
599 **81-11-204**, (Renumbered from 78B-13-204, as renumbered and amended by Laws
600 of Utah 2008, Chapter 3)
601 **81-11-205**, (Renumbered from 78B-13-205, as renumbered and amended by Laws
602 of Utah 2008, Chapter 3)
603 **81-11-206**, (Renumbered from 78B-13-206, as renumbered and amended by Laws
604 of Utah 2008, Chapter 3)
605 **81-11-207**, (Renumbered from 78B-13-207, as renumbered and amended by Laws
606 of Utah 2008, Chapter 3)

607 **81-11-208**, (Renumbered from 78B-13-208, as renumbered and amended by Laws
608 of Utah 2008, Chapter 3)
609 **81-11-209**, (Renumbered from 78B-13-209, as renumbered and amended by Laws
610 of Utah 2008, Chapter 3)
611 **81-11-210**, (Renumbered from 78B-13-210, as renumbered and amended by Laws
612 of Utah 2008, Chapter 3)
613 **81-11-301**, (Renumbered from 78B-13-301, as renumbered and amended by Laws
614 of Utah 2008, Chapter 3)
615 **81-11-302**, (Renumbered from 78B-13-302, as renumbered and amended by Laws
616 of Utah 2008, Chapter 3)
617 **81-11-303**, (Renumbered from 78B-13-303, as renumbered and amended by Laws
618 of Utah 2008, Chapter 3)
619 **81-11-304**, (Renumbered from 78B-13-304, as renumbered and amended by Laws
620 of Utah 2008, Chapter 3)
621 **81-11-305**, (Renumbered from 78B-13-305, as renumbered and amended by Laws
622 of Utah 2008, Chapter 3)
623 **81-11-306**, (Renumbered from 78B-13-306, as renumbered and amended by Laws
624 of Utah 2008, Chapter 3)
625 **81-11-307**, (Renumbered from 78B-13-307, as renumbered and amended by Laws
626 of Utah 2008, Chapter 3)
627 **81-11-308**, (Renumbered from 78B-13-308, as renumbered and amended by Laws
628 of Utah 2008, Chapter 3)
629 **81-11-309**, (Renumbered from 78B-13-309, as renumbered and amended by Laws
630 of Utah 2008, Chapter 3)
631 **81-11-310**, (Renumbered from 78B-13-310, as renumbered and amended by Laws
632 of Utah 2008, Chapter 3)
633 **81-11-311**, (Renumbered from 78B-13-311, as renumbered and amended by Laws
634 of Utah 2008, Chapter 3)
635 **81-11-312**, (Renumbered from 78B-13-312, as renumbered and amended by Laws
636 of Utah 2008, Chapter 3)
637 **81-11-313**, (Renumbered from 78B-13-313, as renumbered and amended by Laws
638 of Utah 2008, Chapter 3)
639 **81-11-314**, (Renumbered from 78B-13-314, as renumbered and amended by Laws
640 of Utah 2008, Chapter 3)

641 **81-11-315**, (Renumbered from 78B-13-315, as renumbered and amended by Laws
642 of Utah 2008, Chapter 3)
643 **81-11-316**, (Renumbered from 78B-13-316, as renumbered and amended by Laws
644 of Utah 2008, Chapter 3)
645 **81-11-317**, (Renumbered from 78B-13-317, as renumbered and amended by Laws
646 of Utah 2008, Chapter 3)
647 **81-11-318**, (Renumbered from 78B-13-318, as renumbered and amended by Laws
648 of Utah 2008, Chapter 3)
649 **81-12-101**, (Renumbered from 78B-16-102, as renumbered and amended by Laws
650 of Utah 2008, Chapter 3)
651 **81-12-102**, (Renumbered from 78B-16-103, as renumbered and amended by Laws
652 of Utah 2008, Chapter 3)
653 **81-12-103**, (Renumbered from 78B-16-104, as renumbered and amended by Laws
654 of Utah 2008, Chapter 3)
655 **81-12-104**, (Renumbered from 78B-16-105, as renumbered and amended by Laws
656 of Utah 2008, Chapter 3)
657 **81-12-105**, (Renumbered from 78B-16-106, as renumbered and amended by Laws
658 of Utah 2008, Chapter 3)
659 **81-12-106**, (Renumbered from 78B-16-107, as renumbered and amended by Laws
660 of Utah 2008, Chapter 3)
661 **81-12-107**, (Renumbered from 78B-16-108, as renumbered and amended by Laws
662 of Utah 2008, Chapter 3)
663 **81-12-108**, (Renumbered from 78B-16-109, as renumbered and amended by Laws
664 of Utah 2008, Chapter 3)
665 **81-12-109**, (Renumbered from 78B-16-110, as renumbered and amended by Laws
666 of Utah 2008, Chapter 3)
667 **81-12-110**, (Renumbered from 78B-16-111, as renumbered and amended by Laws
668 of Utah 2008, Chapter 3)
669 **81-12-111**, (Renumbered from 78B-16-112, as renumbered and amended by Laws
670 of Utah 2008, Chapter 3)
671 **81-13-101**, (Renumbered from 78B-6-103, as last amended by Laws of Utah 2024,
672 Chapter 261)
673 **81-13-102**, (Renumbered from 78B-6-105, as last amended by Laws of Utah 2024,
674 Chapter 158)

675 **81-13-103**, (Renumbered from 78B-6-141, as last amended by Laws of Utah 2021,
676 Chapter 262)
677 **81-13-104**, (Renumbered from 78B-6-106, as last amended by Laws of Utah 2017,
678 Chapter 148)
679 **81-13-105**, (Renumbered from 78B-6-142, as last amended by Laws of Utah 2023,
680 Chapter 330)
681 **81-13-106**, (Renumbered from 78B-6-121.5, as enacted by Laws of Utah 2015,
682 Chapter 183)
683 **81-13-202**, (Renumbered from 78B-6-102, as last amended by Laws of Utah 2019,
684 Chapter 335)
685 **81-13-203**, (Renumbered from 78B-6-117, as last amended by Laws of Utah 2022,
686 Chapters 185, 430)
687 **81-13-205**, (Renumbered from 78B-6-112, as last amended by Laws of Utah 2024,
688 Chapter 158)
689 **81-13-206**, (Renumbered from 78B-6-109, as last amended by Laws of Utah 2010,
690 Chapter 237)
691 **81-13-207**, (Renumbered from 78B-6-110, as last amended by Laws of Utah 2023,
692 Chapter 401)
693 **81-13-208**, (Renumbered from 78B-6-110.1, as last amended by Laws of Utah
694 2017, Chapter 148)
695 **81-13-209**, (Renumbered from 78B-6-110.5, as last amended by Laws of Utah
696 2019, Chapter 491)
697 **81-13-210**, (Renumbered from 78B-6-134, as last amended by Laws of Utah 2017,
698 Chapter 148)
699 **81-13-211**, (Renumbered from 78B-6-119, as last amended by Laws of Utah 2024,
700 Chapter 261)
701 **81-13-212**, (Renumbered from 78B-6-120, as last amended by Laws of Utah 2024,
702 Chapter 261)
703 **81-13-213**, (Renumbered from 78B-6-121, as last amended by Laws of Utah 2024,
704 Chapter 261)
705 **81-13-214**, (Renumbered from 78B-6-124, as last amended by Laws of Utah 2023,
706 Chapter 330)
707 **81-13-215**, (Renumbered from 78B-6-133, as last amended by Laws of Utah 2024,
708 Chapter 260)

709 **81-13-216**, (Renumbered from 78B-6-146, as enacted by Laws of Utah 2013,
710 Chapter 438)
711 **81-13-217**, (Renumbered from 78B-6-140, as last amended by Laws of Utah 2024,
712 Chapters 250, 261)
713 **81-13-218**, (Renumbered from 78B-6-136, as last amended by Laws of Utah 2012,
714 Chapter 340)
715 **81-13-219**, (Renumbered from 78B-6-136.5, as last amended by Laws of Utah
716 2024, Chapter 261)
717 **81-13-220**, (Renumbered from 78B-6-138, as last amended by Laws of Utah 2021,
718 Chapter 262)
719 **81-13-302**, (Renumbered from 78B-6-115, as last amended by Laws of Utah 2021,
720 Chapter 65)
721 **81-13-303**, (Renumbered from 78B-6-116, as last amended by Laws of Utah 2015,
722 Chapter 137)
723 **81-13-402**, (Renumbered from 78B-6-131, as last amended by Laws of Utah 2023,
724 Chapter 330)
725 **81-13-403**, (Renumbered from 78B-6-128, as last amended by Laws of Utah 2024,
726 Chapter 261)
727 **81-13-404**, (Renumbered from 78B-6-129, as last amended by Laws of Utah 2012,
728 Chapter 340)
729 **81-13-405**, (Renumbered from 78B-6-130, as last amended by Laws of Utah 2017,
730 Chapter 280)
731 **81-13-502**, (Renumbered from 78B-6-104, as last amended by Laws of Utah 2010,
732 Chapter 237)
733 **81-13-503**, (Renumbered from 78B-6-143, as last amended by Laws of Utah 2017,
734 Chapter 417)
735 **81-13-504**, (Renumbered from 78B-6-144, as last amended by Laws of Utah 2015,
736 Chapter 137)
737 **81-13-505**, (Renumbered from 78B-6-144.5, as enacted by Laws of Utah 2015,
738 Chapter 137)
739 **81-14-101**, (Renumbered from 78B-24-101, as enacted by Laws of Utah 2022,
740 Chapter 326)
741 **81-14-102**, (Renumbered from 78B-24-102, as enacted by Laws of Utah 2022,
742 Chapter 326)

743 **81-14-201**, (Renumbered from 78B-24-201, as enacted by Laws of Utah 2022,
744 Chapter 326)
745 **81-14-202**, (Renumbered from 78B-24-202, as enacted by Laws of Utah 2022,
746 Chapter 326)
747 **81-14-203**, (Renumbered from 78B-24-203, as last amended by Laws of Utah 2023,
748 Chapter 330)
749 **81-14-204**, (Renumbered from 78B-24-204, as enacted by Laws of Utah 2022,
750 Chapter 326)
751 **81-14-205**, (Renumbered from 78B-24-205, as enacted by Laws of Utah 2022,
752 Chapter 326)
753 **81-14-301**, (Renumbered from 78B-24-301, as enacted by Laws of Utah 2022,
754 Chapter 326)
755 **81-14-302**, (Renumbered from 78B-24-302, as enacted by Laws of Utah 2022,
756 Chapter 326)
757 **81-14-303**, (Renumbered from 78B-24-303, as enacted by Laws of Utah 2022,
758 Chapter 326)
759 **81-14-304**, (Renumbered from 78B-24-304, as enacted by Laws of Utah 2022,
760 Chapter 326)
761 **81-14-305**, (Renumbered from 78B-24-305, as enacted by Laws of Utah 2022,
762 Chapter 326)
763 **81-14-306**, (Renumbered from 78B-24-306, as enacted by Laws of Utah 2022,
764 Chapter 326)
765 **81-14-307**, (Renumbered from 78B-24-307, as last amended by Laws of Utah 2024,
766 Chapter 240)
767 **81-14-308**, (Renumbered from 78B-24-308, as last amended by Laws of Utah 2024,
768 Chapter 240)
769 **81-14-401**, (Renumbered from 78B-24-401, as enacted by Laws of Utah 2022,
770 Chapter 326)
771 **81-14-402**, (Renumbered from 78B-24-402, as enacted by Laws of Utah 2022,
772 Chapter 326)
773 **81-14-403**, (Renumbered from 78B-24-403, as enacted by Laws of Utah 2022,
774 Chapter 326)
775 **81-14-404**, (Renumbered from 78B-24-404, as enacted by Laws of Utah 2022,
776 Chapter 326)

777 REPEALS:

- 778 **78B-6-101**, as enacted by Laws of Utah 2008, Chapter 3
- 779 **78B-6-107**, as last amended by Laws of Utah 2022, Chapter 335
- 780 **78B-6-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 781 **78B-6-111**, as last amended by Laws of Utah 2015, Chapter 194
- 782 **78B-6-113**, as last amended by Laws of Utah 2023, Chapter 330
- 783 **78B-6-114**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 784 **78B-6-118**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 785 **78B-6-120.1**, as last amended by Laws of Utah 2021, Chapter 65
- 786 **78B-6-122**, as last amended by Laws of Utah 2024, Chapter 261
- 787 **78B-6-122.5**, as enacted by Laws of Utah 2010, Chapter 237
- 788 **78B-6-123**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 789 **78B-6-125**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 790 **78B-6-126**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 791 **78B-6-127**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 792 **78B-6-137**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 793 **78B-6-139**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 794 **78B-6-145**, as last amended by Laws of Utah 2012, Chapter 340
- 795 **78B-7-101**, as last amended by Laws of Utah 2020, Chapter 142
- 796 **78B-13-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 797 **78B-14-101**, as last amended by Laws of Utah 2015, Chapter 45
- 798 **78B-15-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 799 **78B-15-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 800 **78B-15-106**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 801 **78B-15-107**, as last amended by Laws of Utah 2023, Chapter 330
- 802 **78B-15-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 803 **78B-15-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 804 **78B-15-110**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 805 **78B-15-111**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 806 **78B-15-112**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 807 **78B-15-113**, as last amended by Laws of Utah 2024, Chapter 366
- 808 **78B-15-114**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 809 **78B-15-115**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 810 **78B-16-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3

811 **78B-20-101**, as enacted by Laws of Utah 2016, Chapter 292

812 **Utah Code Sections affected by Coordination Clause:**

813 **26B-2-104**, as last amended by Laws of Utah 2024, Chapters 240, 307

814 **26B-8-125**, as renumbered and amended by Laws of Utah 2023, Chapter 306

815 **78B-6-128**, (Renumbered from 78B-6-128, as last amended by Laws of Utah 2024,
816 Chapter 261)

817 **78B-6-141**, (Renumbered from 78B-6-141, as last amended by Laws of Utah 2021,
818 Chapter 262)

819 **80-2-1005**, as last amended by Laws of Utah 2023, Chapter 330

820 **81-13-201**, Utah Code Annotated 1953

821 **81-13-204**, Utah Code Annotated 1953

822

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

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

825 **10-3-1103 . Sickness, disability, and death benefits.**

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

828 (2) The governing body of each municipality may maintain as to all elective or appointive
829 officers and employees, including heads of departments, a system for the payment of
830 health, dental, hospital, medical, disability and death benefits to be financed and
831 administered in a manner and payable upon the terms and conditions as the governing
832 body of the municipality may by ordinance or resolution prescribe.

833 (3) The governing bodies of the municipalities may create and administer personnel benefit
834 programs separately or jointly with other municipalities or other political subdivisions of
835 the State of Utah or associations thereof.

836 (4) The governing body of each municipality shall, by ordinance or resolution, provide for
837 at least three work days of paid bereavement leave for an employee:

838 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or

839 (b) following the end of another individual's pregnancy by way of a miscarriage or
840 stillbirth, if:

841 (i) the employee is the individual's spouse or partner;

842 (ii)(A) the employee is the individual's former spouse or partner; and

843 (B) the employee would have been a biological parent of a child born as a result of
844 the pregnancy;

- 845 (iii) the employee provides documentation to show that the individual intended for
 846 the employee to be an adoptive parent, as that term is defined in Section [
 847 ~~78B-6-103~~] 81-13-101, of a child born as a result of the pregnancy; or
 848 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
 849 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
 850 the employee would have been a parent of a child born as a result of the
 851 pregnancy.

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

853 **17-33-5 . Office of personnel management -- Director -- Appointment and**
 854 **responsibilities -- Personnel rules.**

- 855 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
 856 fetus, regardless of gestational age or the duration of the pregnancy.
- 857 (2)(a)(i) Each county executive shall:
- 858 (A) create an office of personnel management, administered by a director of
 859 personnel management; and
- 860 (B) ensure that the director is a person with proven experience in personnel
 861 management.
- 862 (ii) Except as provided in Subsection (2)(b), the position of director of personnel
 863 management shall be:
- 864 (A) a merit position; and
- 865 (B) filled as provided in Subsection (2)(a)(iii).
- 866 (iii) Except as provided in Subsection (2)(b), the career service council shall:
- 867 (A) advertise and recruit for the director position in the same manner as for merit
 868 positions;
- 869 (B) select three names from a register; and
- 870 (C) submit those names as recommendations to the county legislative body.
- 871 (iv) Except as provided in Subsection (2)(b), the county legislative body shall select a
 872 person to serve as director of the office of personnel management from the names
 873 submitted to it by the career service council.
- 874 (b)(i) Effective for appointments made after May 1, 2006, and as an alternative to the
 875 procedure under Subsections (2)(a)(ii), (iii), and (iv) and at the county executive's
 876 discretion, the county executive may appoint a director of personnel management
 877 with the advice and consent of the county legislative body.
- 878 (ii) The position of each director of personnel management appointed under this

- 879 Subsection (2)(b) shall be a merit exempt position.
- 880 (iii) A director of personnel management appointed under this Subsection (2)(b) may
881 be terminated by the county executive with the consent of the county legislative
882 body.
- 883 (3) The director of personnel management shall:
- 884 (a) encourage and exercise leadership in the development of expertise in personnel
885 administration within the several departments, offices, and agencies in the county
886 service and make available the facilities of the office of personnel management to
887 this end;
- 888 (b) advise the county legislative and executive bodies on the use of human resources;
- 889 (c) develop and implement programs for the improvement of employee effectiveness,
890 such as training, safety, health, counseling, and welfare;
- 891 (d) investigate periodically the operation and effect of this law and of the policies made
892 under it and report findings and recommendations to the county legislative body;
- 893 (e) establish and maintain records of all employees in the county service, setting forth as
894 to each employee class, title, pay or status, and other relevant data;
- 895 (f) make an annual report to the county legislative body and county executive regarding
896 the work of the department; and
- 897 (g) apply and carry out this law and the policies under it and perform any other lawful
898 acts that are necessary to carry out the provisions of this law.
- 899 (4)(a)(i) The director shall recommend personnel rules for the county.
- 900 (ii) The county legislative body may:
- 901 (A) recommend personnel rules for the county; and
- 902 (B) approve, amend, or reject personnel rules before they are adopted.
- 903 (b) The rules shall provide for:
- 904 (i) recruiting efforts to be planned and carried out in a manner that assures open
905 competition, with special emphasis to be placed on recruiting efforts to attract
906 minorities, women, persons with a disability as defined by and covered under the
907 Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that
908 are substantially underrepresented in the county work force to help assure they
909 will be among the candidates from whom appointments are made;
- 910 (ii) the establishment of job related minimum requirements wherever practical, that
911 all successful candidates shall be required to meet in order to be eligible for
912 consideration for appointment or promotion;

- 913 (iii) selection procedures that include consideration of the relative merit of each
914 applicant for employment, a job related method of determining the eligibility or
915 ineligibility of each applicant, and a valid, reliable, and objective system of
916 ranking eligible applicants according to their qualifications and merit;
- 917 (iv) certification procedures that insure equitable consideration of an appropriate
918 number of the most qualified eligible applicants based on the ranking system;
- 919 (v) appointments to positions in the career service by selection from the most
920 qualified eligible applicants certified on eligible lists established in accordance
921 with Subsections (4)(b)(iii) and (iv);
- 922 (vi) noncompetitive appointments in the occasional instance where there is evidence
923 that open or limited competition is not practical, such as for unskilled positions
924 that have no minimum job requirements;
- 925 (vii) limitation of competitions at the discretion of the director for appropriate
926 positions to facilitate employment of qualified applicants with a substantial
927 physical or mental impairment, or other groups protected by Title VII of the Civil
928 Rights Act;
- 929 (viii) permanent appointment for entry to the career service that shall be contingent
930 upon satisfactory performance by the employee during a period of six months,
931 with the probationary period extendable for a period not to exceed six months for
932 good cause, but with the condition that the probationary employee may appeal
933 directly to the council any undue prolongation of the period designed to thwart
934 merit principles;
- 935 (ix) temporary, provisional, or other noncareer service appointments, which may not
936 be used as a way of defeating the purpose of the career service and may not
937 exceed 270 days;
- 938 (x) lists of eligible applicants normally to be used, if available, for filling temporary
939 positions, and short term emergency appointments to be made without regard to
940 the other provisions of law to provide for maintenance of essential services in an
941 emergency situation where normal procedures are not practical, these emergency
942 appointments not to exceed 270 days;
- 943 (xi) promotion and career ladder advancement of employees to higher level positions
944 and assurance that all persons promoted are qualified for the position;
- 945 (xii) recognition of the equivalency of other merit processes by waiving, at the
946 discretion of the director, the open competitive examination for placement in the

- 947 career service positions of those who were originally selected through a
948 competitive examination process in another governmental entity, the individual in
949 those cases, to serve a probationary period;
- 950 (xiii) preparation, maintenance, and revision of a position classification plan for all
951 positions in the career service, based upon similarity of duties performed and
952 responsibilities assumed, so that the same qualifications may reasonably be
953 required for, and the same schedule of pay may be equitably applied to, all
954 positions in the same class, the compensation plan, in order to maintain a high
955 quality public work force, to take into account the responsibility and difficulty of
956 the work, the comparative pay and benefits needed to compete in the labor market
957 and to stay in proper alignment with other similar governmental units, and other
958 factors;
- 959 (xiv) keeping records of performance on all employees in the career service and
960 requiring consideration of performance records in determining salary increases,
961 any benefits for meritorious service, promotions, the order of layoffs and
962 reinstatements, demotions, discharges, and transfers;
- 963 (xv) establishment of a plan governing layoffs resulting from lack of funds or work,
964 abolition of positions, or material changes in duties or organization, and governing
965 reemployment of persons so laid off, taking into account with regard to layoffs
966 and reemployment the relative ability, seniority, and merit of each employee;
- 967 (xvi) establishment of a plan for resolving employee grievances and complaints with
968 final and binding decisions;
- 969 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
970 grade, or discharge, measures to provide for presentation of charges, hearing
971 rights, and appeals for all permanent employees in the career service to the career
972 service council;
- 973 (xviii) establishment of a procedure for employee development and improvement of
974 poor performance;
- 975 (xix) establishment of hours of work, holidays, and attendance requirements in
976 various classes of positions in the career service;
- 977 (xx) establishment and publicizing of fringe benefits such as insurance, retirement,
978 and leave programs; and
- 979 (xxi) any other requirements not inconsistent with this law that are proper for its
980 enforcement.

- 981 (5) Rules adopted pursuant to Subsection (4)(b)(xx) shall provide for at least three work
982 days of paid bereavement leave for an employee:
- 983 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
984 (b) following the end of another individual's pregnancy by way of a miscarriage or
985 stillbirth, if:
- 986 (i) the employee is the individual's spouse or partner;
987 (ii)(A) the employee is the individual's former spouse or partner; and
988 (B) the employee would have been a biological parent of a child born as a result of
989 the pregnancy;
990 (iii) the employee provides documentation to show that the individual intended for
991 the employee to be an adoptive parent, as that term is defined in Section [
992 78B-6-103] 81-13-101, of a child born as a result of the pregnancy; or
993 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
994 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
995 the employee would have been a parent of a child born as a result of the
996 pregnancy.

997 Section 3. Section **26B-1-202** is amended to read:

998 **26B-1-202 . Department authority and duties.**

999 The department may, subject to applicable restrictions in state law and in addition to all
1000 other authority and responsibility granted to the department by law:

- 1001 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1002 Act, and not inconsistent with law, as the department may consider necessary or
1003 desirable for providing health and social services to the people of this state;
- 1004 (2) establish and manage client trust accounts in the department's institutions and
1005 community programs, at the request of the client or the client's legal guardian or
1006 representative, or in accordance with federal law;
- 1007 (3) purchase, as authorized or required by law, services that the department is responsible to
1008 provide for legally eligible persons;
- 1009 (4) conduct adjudicative proceedings for clients and providers in accordance with the
1010 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 1011 (5) establish eligibility standards for the department's programs, not inconsistent with state
1012 or federal law or regulations;
- 1013 (6) take necessary steps, including legal action, to recover money or the monetary value of
1014 services provided to a recipient who was not eligible;

- 1015 (7) set and collect fees for the department's services;
- 1016 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
1017 limited by law;
- 1018 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
1019 department, not inconsistent with state law;
- 1020 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
1021 proceeds thereof, may be credited to the program designated by the donor, and may be
1022 used for the purposes requested by the donor, as long as the request conforms to state
1023 and federal policy; all donated funds shall be considered private, nonlapsing funds and
1024 may be invested under guidelines established by the state treasurer;
- 1025 (11) accept and employ volunteer labor or services; the department is authorized to
1026 reimburse volunteers for necessary expenses, when the department considers that
1027 reimbursement to be appropriate;
- 1028 (12) carry out the responsibility assigned in the workforce services plan by the State
1029 Workforce Development Board;
- 1030 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to
1031 coordination of services for students with a disability;
- 1032 (14) provide training and educational opportunities for the department's staff;
- 1033 (15) collect child support payments and any other money due to the department;
- 1034 (16) apply the provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7,
1035 Payment and Enforcement of Spousal and Child Support, to parents whose child lives
1036 out of the home in a department licensed or certified setting;
- 1037 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
1038 cases where the Division of Child and Family Services or the Division of Juvenile
1039 Justice and Youth Services is given custody of a minor by the juvenile court under Title
1040 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a
1041 minor found not competent to proceed under Section 80-6-403, including:
- 1042 (a) designation of interagency teams for each juvenile court district in the state;
- 1043 (b) delineation of assessment criteria and procedures;
- 1044 (c) minimum requirements, and timeframes, for the development and implementation of
1045 a collaborative service plan for each minor placed in department custody; and
- 1046 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 1047 (18) carry out the responsibilities assigned to the department by statute;
- 1048 (19) examine and audit the expenditures of any public funds provided to a local substance

1049 abuse authority, a local mental health authority, a local area agency on aging, and any
1050 person, agency, or organization that contracts with or receives funds from those
1051 authorities or agencies. Those local authorities, area agencies, and any person or entity
1052 that contracts with or receives funds from those authorities or area agencies, shall
1053 provide the department with any information the department considers necessary. The
1054 department is further authorized to issue directives resulting from any examination or
1055 audit to a local authority, an area agency, and persons or entities that contract with or
1056 receive funds from those authorities with regard to any public funds. If the department
1057 determines that it is necessary to withhold funds from a local mental health authority or
1058 local substance abuse authority based on failure to comply with state or federal law,
1059 policy, or contract provisions, the department may take steps necessary to ensure
1060 continuity of services. For purposes of this Subsection (19) "public funds" means the
1061 same as that term is defined in Section 26B-5-101;

1062 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
1063 persons to provide intercountry adoption services;

1064 (21) within legislative appropriations, promote and develop a system of care and
1065 stabilization services:

1066 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
1067 (b) that encompasses the department, department contractors, and the divisions, offices,
1068 or institutions within the department, to:

1069 (i) navigate services, funding resources, and relationships to the benefit of the
1070 children and families whom the department serves;

1071 (ii) centralize department operations, including procurement and contracting;

1072 (iii) develop policies that govern business operations and that facilitate a system of
1073 care approach to service delivery;

1074 (iv) allocate resources that may be used for the children and families served by the
1075 department or the divisions, offices, or institutions within the department, subject
1076 to the restrictions in Section 63J-1-206;

1077 (v) create performance-based measures for the provision of services; and
1078 (vi) centralize other business operations, including data matching and sharing among
1079 the department's divisions, offices, and institutions;

1080 (22) ensure that any training or certification required of a public official or public
1081 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
1082 Chapter 22, State Training and Certification Requirements, if the training or certification

- 1083 is required:
- 1084 (a) under this title;
- 1085 (b) by the department; or
- 1086 (c) by an agency or division within the department;
- 1087 (23) enter into cooperative agreements with the Department of Environmental Quality to
- 1088 delineate specific responsibilities to assure that assessment and management of risk to
- 1089 human health from the environment are properly administered;
- 1090 (24) consult with the Department of Environmental Quality and enter into cooperative
- 1091 agreements, as needed, to ensure efficient use of resources and effective response to
- 1092 potential health and safety threats from the environment, and to prevent gaps in
- 1093 protection from potential risks from the environment to specific individuals or
- 1094 population groups;
- 1095 (25) to the extent authorized under state law or required by federal law, promote and protect
- 1096 the health and wellness of the people within the state;
- 1097 (26) establish, maintain, and enforce rules authorized under state law or required by federal
- 1098 law to promote and protect the public health or to prevent disease and illness;
- 1099 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
- 1100 affecting the public health;
- 1101 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
- 1102 any other disease or health hazard which the department considers to be dangerous,
- 1103 important, or likely to affect the public health;
- 1104 (29) collect and report information on causes of injury, sickness, death, and disability and
- 1105 the risk factors that contribute to the causes of injury, sickness, death, and disability
- 1106 within the state;
- 1107 (30) collect, prepare, publish, and disseminate information to inform the public concerning
- 1108 the health and wellness of the population, specific hazards, and risks that may affect the
- 1109 health and wellness of the population and specific activities which may promote and
- 1110 protect the health and wellness of the population;
- 1111 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
- 1112 communicable diseases affecting the public health;
- 1113 (32) make necessary sanitary and health investigations and inspections in cooperation with
- 1114 local health departments as to any matters affecting the public health;
- 1115 (33) establish laboratory services necessary to support public health programs and medical
- 1116 services in the state;

- 1117 (34) establish and enforce standards for laboratory services which are provided by any
1118 laboratory in the state when the purpose of the services is to protect the public health;
- 1119 (35) cooperate with the Labor Commission to conduct studies of occupational health
1120 hazards and occupational diseases arising in and out of employment in industry, and
1121 make recommendations for elimination or reduction of the hazards;
- 1122 (36) cooperate with the local health departments, the Department of Corrections, the
1123 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
1124 Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection
1125 of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual
1126 offense;
- 1127 (37) investigate the causes of maternal and infant mortality;
- 1128 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
1129 and drivers of motor vehicles killed in highway accidents be examined for the presence
1130 and concentration of alcohol, and provide the Commissioner of Public Safety with
1131 monthly statistics reflecting the results of these examinations, with necessary safeguards
1132 so that information derived from the examinations is not used for a purpose other than
1133 the compilation of these statistics;
- 1134 (39) establish qualifications for individuals permitted to draw blood under Subsection
1135 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),
1136 and to issue permits to individuals the department finds qualified, which permits may be
1137 terminated or revoked by the department;
- 1138 (40) establish a uniform public health program throughout the state which includes
1139 continuous service, employment of qualified employees, and a basic program of disease
1140 control, vital and health statistics, sanitation, public health nursing, and other preventive
1141 health programs necessary or desirable for the protection of public health;
- 1142 (41) conduct health planning for the state;
- 1143 (42) monitor the costs of health care in the state and foster price competition in the health
1144 care delivery system;
- 1145 (43) establish methods or measures for health care providers, public health entities, and
1146 health care insurers to coordinate among themselves to verify the identity of the
1147 individuals the providers serve;
- 1148 (44) designate Alzheimer's disease and related dementia as a public health issue and, within
1149 budgetary limitations, implement a state plan for Alzheimer's disease and related
1150 dementia by incorporating the plan into the department's strategic planning and

- 1151 budgetary process;
- 1152 (45) coordinate with other state agencies and other organizations to implement the state
1153 plan for Alzheimer's disease and related dementia;
- 1154 (46) ensure that any training or certification required of a public official or public
1155 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
1156 Chapter 22, State Training and Certification Requirements, if the training or certification
1157 is required by the agency or under this Title 26B, Utah Health and Human Services
1158 Code;
- 1159 (47) oversee public education vision screening as described in Section 53G-9-404;
- 1160 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
1161 Alert; and
- 1162 (49) as allowed by state and federal law, share data with the Office of Families that is
1163 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the
1164 extent available:
- 1165 (a) demographic data concerning family structures in the state; and
- 1166 (b) data regarding the family structure associated with:
- 1167 (i) suicide, depression, or anxiety; and
- 1168 (ii) various health outcomes.

1169 *The following section is affected by a coordination clause at the end of this bill.*

1170 Section 4. Section **26B-2-104** is amended to read:

1171 **26B-2-104 . Division responsibilities.**

- 1172 (1) Subject to the requirements of federal and state law, the office shall:
- 1173 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1174 Rulemaking Act, to establish:
- 1175 (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for
1176 licensees, that shall be limited to:
- 1177 (A) fire safety;
- 1178 (B) food safety;
- 1179 (C) sanitation;
- 1180 (D) infectious disease control;
- 1181 (E) safety of the:
- 1182 (I) physical facility and grounds; and
- 1183 (II) area and community surrounding the physical facility;
- 1184 (F) transportation safety;

- 1185 (G) emergency preparedness and response;
- 1186 (H) the administration of medical standards and procedures, consistent with the
1187 related provisions of this title;
- 1188 (I) staff and client safety and protection;
- 1189 (J) the administration and maintenance of client and service records;
- 1190 (K) staff qualifications and training, including standards for permitting experience
1191 to be substituted for education, unless prohibited by law;
- 1192 (L) staff to client ratios;
- 1193 (M) access to firearms; and
- 1194 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 1195 (ii) basic health and safety standards for therapeutic schools, that shall be limited to:
- 1196 (A) fire safety, except that the standards are limited to those required by law or
1197 rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
- 1198 (B) food safety;
- 1199 (C) sanitation;
- 1200 (D) infectious disease control, except that the standards are limited to:
- 1201 (I) those required by law or rule under this title, or Title 26A, Local Health
1202 Authorities; and
- 1203 (II) requiring a separate room for clients who are sick;
- 1204 (E) safety of the physical facility and grounds, except that the standards are
1205 limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire
1206 Prevention and Fireworks Act;
- 1207 (F) transportation safety;
- 1208 (G) emergency preparedness and response;
- 1209 (H) access to appropriate medical care, including:
- 1210 (I) subject to the requirements of law, designation of a person who is
1211 authorized to dispense medication; and
- 1212 (II) storing, tracking, and securing medication;
- 1213 (I) staff and client safety and protection that permits the school to provide for the
1214 direct supervision of clients at all times;
- 1215 (J) the administration and maintenance of client and service records;
- 1216 (K) staff qualifications and training, including standards for permitting experience
1217 to be substituted for education, unless prohibited by law;
- 1218 (L) staff to client ratios;

- 1219 (M) access to firearms; and
- 1220 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 1221 (iii) procedures and standards for permitting a licensee to:
- 1222 (A) provide in the same facility and under the same conditions as children,
- 1223 residential treatment services to a person 18 years old or older who:
- 1224 (I) begins to reside at the licensee's residential treatment facility before the
- 1225 person's 18th birthday;
- 1226 (II) has resided at the licensee's residential treatment facility continuously since
- 1227 the time described in Subsection (1)(a)(iii)(A)(I);
- 1228 (III) has not completed the course of treatment for which the person began
- 1229 residing at the licensee's residential treatment facility; and
- 1230 (IV) voluntarily consents to complete the course of treatment described in
- 1231 Subsection (1)(a)(iii)(A)(III); or
- 1232 (B)(I) provide residential treatment services to a child who is:
- 1233 (Aa) at least 12 years old or, as approved by the office, younger than 12
- 1234 years old; and
- 1235 (Bb) under the custody of the department, or one of its divisions; and
- 1236 (II) provide, in the same facility as a child described in Subsection
- 1237 (1)(a)(iii)(B)(I), residential treatment services to a person who is:
- 1238 (Aa) at least 18 years old, but younger than 21 years old; and
- 1239 (Bb) under the custody of the department, or one of its divisions;
- 1240 (iv) minimum administration and financial requirements for licensees;
- 1241 (v) guidelines for variances from rules established under this Subsection (1);
- 1242 (vi) ethical standards, as described in [~~Subsection 78B-6-106(3)~~] Section 81-13-104,
- 1243 and minimum responsibilities of a child-placing agency that provides adoption
- 1244 services and that is licensed under this part;
- 1245 (vii) what constitutes an "outpatient treatment program" for purposes of this part;
- 1246 (viii) a procedure requiring a licensee to provide an insurer the licensee's records
- 1247 related to any services or supplies billed to the insurer, and a procedure allowing
- 1248 the licensee and the insurer to contact the Insurance Department to resolve any
- 1249 disputes;
- 1250 (ix) a protocol for the office to investigate and process complaints about licensees;
- 1251 (x) a procedure for a licensee to:
- 1252 (A) report the use of a restraint or seclusion within one business day after the day

- 1253 on which the use of the restraint or seclusion occurs; and
- 1254 (B) report a critical incident within one business day after the day on which the
- 1255 incident occurs;
- 1256 (xi) guidelines for the policies and procedures described in Sections 26B-2-109 and
- 1257 26B-2-123;
- 1258 (xii) a procedure for the office to review and approve the policies and procedures
- 1259 described in Sections 26B-2-109 and 26B-2-123; and
- 1260 (xiii) a requirement that each human services program publicly post information that
- 1261 informs an individual how to submit a complaint about a human services program
- 1262 to the office;
- 1263 (b) enforce rules relating to the office;
- 1264 (c) issue licenses in accordance with this part;
- 1265 (d) if the United States Department of State executes an agreement with the office that
- 1266 designates the office to act as an accrediting entity in accordance with the
- 1267 Intercountry Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more
- 1268 agencies and persons to provide intercountry adoption services pursuant to:
- 1269 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and
- 1270 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L.
- 1271 No. 106-279;
- 1272 (e) make rules to implement the provisions of Subsection (1)(d);
- 1273 (f) conduct surveys and inspections of licensees and facilities in accordance with Section
- 1274 26B-2-107;
- 1275 (g) collect licensure fees;
- 1276 (h) notify licensees of the name of a person within the department to contact when filing
- 1277 a complaint;
- 1278 (i) investigate complaints regarding any licensee or human services program;
- 1279 (j) have access to all records, correspondence, and financial data required to be
- 1280 maintained by a licensee;
- 1281 (k) have authority to interview any client, family member of a client, employee, or
- 1282 officer of a licensee;
- 1283 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by
- 1284 the department under this part by following the procedures and requirements of Title
- 1285 63G, Chapter 4, Administrative Procedures Act;
- 1286 (m) cooperate with the Division of Child and Family Services to condition, revoke, or

- 1287 suspend the license of a foster home when a child welfare caseworker from the
 1288 Division of Child and Family Services identifies a safety concern with the foster
 1289 home;
- 1290 (n) electronically post notices of agency action issued to a human services program, with
 1291 the exception of a foster home, on the office's website, in accordance with Title 63G,
 1292 Chapter 2, Government Records Access and Management Act; and
- 1293 (o) upon receiving a local government's request under Section 26B-2-118, notify the
 1294 local government of new human services program license applications, except for
 1295 foster homes, for human services programs located within the local government's
 1296 jurisdiction.
- 1297 (2) In establishing rules under Subsection (1)(a)(ii)(G), the office shall require a licensee to
 1298 establish and comply with an emergency response plan that requires clients and staff to:
- 1299 (a) immediately report to law enforcement any significant criminal activity, as defined
 1300 by rule, committed:
- 1301 (i) on the premises where the licensee operates its human services program;
 1302 (ii) by or against its clients; or
 1303 (iii) by or against a staff member while the staff member is on duty;
- 1304 (b) immediately report to emergency medical services any medical emergency, as
 1305 defined by rule:
- 1306 (i) on the premises where the licensee operates its human services program;
 1307 (ii) involving its clients; or
 1308 (iii) involving a staff member while the staff member is on duty; and
- 1309 (c) immediately report other emergencies that occur on the premises where the licensee
 1310 operates its human services program to the appropriate emergency services agency.

1311 Section 5. Section **26B-2-127** is amended to read:

1312 **26B-2-127 . Child placing licensure requirements -- Prohibited acts --**

1313 **Consortium.**

- 1314 (1) As used in this section:
- 1315 (a)(i) "Advertisement" means any written, oral, or graphic statement or representation
 1316 made in connection with a solicitation of business.
- 1317 (ii) "Advertisement" includes a statement or representation described in Subsection
 1318 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper,
 1319 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.
- 1320 (b) "Birth parent" means the same as that term is defined in Section [78B-6-103]

- 1321 81-13-101.
- 1322 (c) "Clearly and conspicuously disclose" means the same as that term is defined in
1323 Section 13-11a-2.
- 1324 (d)(i) "Matching advertisement" means any written, oral, or graphic statement or
1325 representation made in connection with a solicitation of business to provide the
1326 assistance described in Subsection (3)(a)(i), regardless of whether there is or will
1327 be an exchange described in Subsection (3)(a)(ii).
- 1328 (ii) "Matching advertisement" includes a statement or representation described in
1329 Subsection (1)(d)(i) by a noncable television system, radio, printed brochure,
1330 newspaper, leaflet, flyer, circular, billboard, banner, Internet website, social
1331 media, or sign.
- 1332 (2)(a) Subject to Section [~~78B-24-205~~] 81-14-205, a person may not engage in child
1333 placing, or solicit money or other assistance for child placing, without a valid license
1334 issued by the office in accordance with this part.
- 1335 (b) If a child-placing agency's license is suspended or revoked in accordance with this
1336 part, the care, control, or custody of any child who is in the care, control, or custody
1337 of the child-placing agency shall be transferred to the Division of Child and Family
1338 Services.
- 1339 (3)(a)(i) An attorney, physician, or other person may assist:
- 1340 (A) a birth parent to identify or locate a prospective adoptive parent who is
1341 interested in adopting the birth parent's child; or
- 1342 (B) a prospective adoptive parent to identify or locate a child to be adopted.
- 1343 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any
1344 kind, or promise or agreement to make the same, may not be made for the
1345 assistance described in Subsection (3)(a)(i).
- 1346 (b) An attorney, physician, or other person may not:
- 1347 (i) issue or cause to be issued to any person a card, sign, or device indicating that the
1348 attorney, physician, or other person is available to provide the assistance described
1349 in Subsection (3)(a)(i);
- 1350 (ii) cause, permit, or allow any sign or marking indicating that the attorney,
1351 physician, or other person is available to provide the assistance described in
1352 Subsection (3)(a)(i), on or in any building or structure;
- 1353 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,
1354 physician, or other person is available to provide the assistance described in

- 1355 Subsection (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or
 1356 television, or an Internet website relating to a business;
- 1357 (iv) announce, cause, permit, or allow a matching advertisement; or
- 1358 (v) announce, cause, permit, or allow an advertisement that indicates or implies the
 1359 attorney, physician, or other person is available to provide the assistance described
 1360 in Subsection (3)(a)(i) as part of, or related to, other adoption-related services by
 1361 using any of the following terms:
- 1362 (A) "comprehensive";
- 1363 (B) "complete";
- 1364 (C) "one-stop";
- 1365 (D) "all-inclusive"; or
- 1366 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)
 1367 through (D).
- 1368 (c) An attorney, physician, or other person who is not licensed by the office shall clearly
 1369 and conspicuously disclose in any print media advertisement or written contract
 1370 regarding adoption services or adoption-related services that the attorney, physician,
 1371 or other person is not licensed to provide adoption services by the office.
- 1372 (4) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of a
 1373 third degree felony.
- 1374 (5) This section does not preclude payment of fees for medical, legal, or other lawful
 1375 services rendered in connection with the care of a mother, delivery and care of a child,
 1376 or lawful adoption proceedings, except that a child-placing agency may not:
- 1377 (a) charge or accept payment for services that were not actually rendered; or
- 1378 (b) charge or accept payment from a prospective adoptive parent for medical or hospital
 1379 expenses that were paid for by public funds.
- 1380 (6) In accordance with federal law, only an agent or employee of the Division of Child and
 1381 Family Services or of a licensed child-placing agency may certify to United States
 1382 Citizenship and Immigration Services that a family meets the preadoption requirements
 1383 of the Division of Child and Family Services.
- 1384 (7) A licensed child-placing agency or an attorney practicing in this state may not place a
 1385 child for adoption, either temporarily or permanently, with an individual who would not
 1386 be qualified for adoptive placement under Sections [~~78B-6-102, 78B-6-117, and~~
 1387 ~~78B-6-137~~] 81-13-202, 81-13-203, and 81-13-402.
- 1388 (8)(a) A child-placing agency, as that term is defined in Section 63G-20-102, that serves

1389 a resident of the state who is a birth mother or a prospective adoptive parent must be
1390 a member of a statewide consortium of licensed child-placing agencies that, together,
1391 serve all birth mothers lawfully seeking to place a child for adoption and all qualified
1392 prospective adoptive parents.

1393 (b) The department shall receive and investigate any complaint against a consortium of
1394 licensed child-placing agencies.

1395 Section 6. Section **26B-3-108** is amended to read:

1396 **26B-3-108 . Administration of Medicaid program by department -- Reporting to**
1397 **the Legislature -- Disciplinary measures and sanctions -- Funds collected -- Eligibility**
1398 **standards -- Optional dental services costs and delivery -- Internal audits -- Health**
1399 **opportunity accounts.**

1400 (1) The department shall be the single state agency responsible for the administration of the
1401 Medicaid program in connection with the United States Department of Health and
1402 Human Services pursuant to Title XIX of the Social Security Act.

1403 (2)(a) The department shall implement the Medicaid program through administrative
1404 rules in conformity with this chapter, Title 63G, Chapter 3, Utah Administrative
1405 Rulemaking Act, the requirements of Title XIX, and applicable federal regulations.

1406 (b) The rules adopted under Subsection (2)(a) shall include, in addition to other rules
1407 necessary to implement the program:

1408 (i) the standards used by the department for determining eligibility for Medicaid
1409 services;

1410 (ii) the services and benefits to be covered by the Medicaid program;

1411 (iii) reimbursement methodologies for providers under the Medicaid program; and

1412 (iv) a requirement that:

1413 (A) a person receiving Medicaid services shall participate in the electronic
1414 exchange of clinical health records established in accordance with Section
1415 26B-8-411 unless the individual opts out of participation;

1416 (B) prior to enrollment in the electronic exchange of clinical health records the
1417 enrollee shall receive notice of enrollment in the electronic exchange of clinical
1418 health records and the right to opt out of participation at any time; and

1419 (C) when the program sends enrollment or renewal information to the enrollee and
1420 when the enrollee logs onto the program's website, the enrollee shall receive
1421 notice of the right to opt out of the electronic exchange of clinical health
1422 records.

- 1423 (3)(a) The department shall, in accordance with Subsection (3)(b), report to the Social
1424 Services Appropriations Subcommittee when the department:
- 1425 (i) implements a change in the Medicaid State Plan;
 - 1426 (ii) initiates a new Medicaid waiver;
 - 1427 (iii) initiates an amendment to an existing Medicaid waiver;
 - 1428 (iv) applies for an extension of an application for a waiver or an existing Medicaid
1429 waiver;
 - 1430 (v) applies for or receives approval for a change in any capitation rate within the
1431 Medicaid program; or
 - 1432 (vi) initiates a rate change that requires public notice under state or federal law.
- 1433 (b) The report required by Subsection (3)(a) shall:
- 1434 (i) be submitted to the Social Services Appropriations Subcommittee prior to the
1435 department implementing the proposed change; and
 - 1436 (ii) include:
 - 1437 (A) a description of the department's current practice or policy that the department
1438 is proposing to change;
 - 1439 (B) an explanation of why the department is proposing the change;
 - 1440 (C) the proposed change in services or reimbursement, including a description of
1441 the effect of the change;
 - 1442 (D) the effect of an increase or decrease in services or benefits on individuals and
1443 families;
 - 1444 (E) the degree to which any proposed cut may result in cost-shifting to more
1445 expensive services in health or human service programs; and
 - 1446 (F) the fiscal impact of the proposed change, including:
 - 1447 (I) the effect of the proposed change on current or future appropriations from
1448 the Legislature to the department;
 - 1449 (II) the effect the proposed change may have on federal matching dollars
1450 received by the state Medicaid program;
 - 1451 (III) any cost shifting or cost savings within the department's budget that may
1452 result from the proposed change; and
 - 1453 (IV) identification of the funds that will be used for the proposed change,
1454 including any transfer of funds within the department's budget.
- 1455 (4) Any rules adopted by the department under Subsection (2) are subject to review and
1456 reauthorization by the Legislature in accordance with Section 63G-3-502.

- 1457 (5) The department may, in its discretion, contract with other qualified agencies for services
1458 in connection with the administration of the Medicaid program, including:
- 1459 (a) the determination of the eligibility of individuals for the program;
 - 1460 (b) recovery of overpayments; and
 - 1461 (c) consistent with Section 26B-3-1113, and to the extent permitted by law and quality
1462 control services, enforcement of fraud and abuse laws.
- 1463 (6) The department shall provide, by rule, disciplinary measures and sanctions for Medicaid
1464 providers who fail to comply with the rules and procedures of the program, provided
1465 that sanctions imposed administratively may not extend beyond:
- 1466 (a) termination from the program;
 - 1467 (b) recovery of claim reimbursements incorrectly paid; and
 - 1468 (c) those specified in Section 1919 of Title XIX of the federal Social Security Act.
- 1469 (7)(a) Funds collected as a result of a sanction imposed under Section 1919 of Title XIX
1470 of the federal Social Security Act shall be deposited into the General Fund as
1471 dedicated credits to be used by the division in accordance with the requirements of
1472 Section 1919 of Title XIX of the federal Social Security Act.
- 1473 (b) In accordance with Section 63J-1-602.2, sanctions collected under this Subsection
1474 (7) are nonlapsing.
- 1475 (8)(a) In determining whether an applicant or recipient is eligible for a service or benefit
1476 under this part or Part 9, Utah Children's Health Insurance Program, the department
1477 shall, if Subsection (8)(b) is satisfied, exclude from consideration one passenger
1478 vehicle designated by the applicant or recipient.
- 1479 (b) Before Subsection (8)(a) may be applied:
 - 1480 (i) the federal government shall:
 - 1481 (A) determine that Subsection (8)(a) may be implemented within the state's
1482 existing public assistance-related waivers as of January 1, 1999;
 - 1483 (B) extend a waiver to the state permitting the implementation of Subsection
1484 (8)(a); or
 - 1485 (C) determine that the state's waivers that permit dual eligibility determinations
1486 for cash assistance and Medicaid are no longer valid; and
 - 1487 (ii) the department shall determine that Subsection (8)(a) can be implemented within
1488 existing funding.
- 1489 (9)(a) As used in this Subsection (9):
- 1490 (i) "aged, blind, or has a disability" means an aged, blind, or disabled individual, as

- 1491 defined in 42 U.S.C. Sec. 1382c(a)(1); and
- 1492 (ii) "spend down" means an amount of income in excess of the allowable income
1493 standard that shall be paid in cash to the department or incurred through the
1494 medical services not paid by Medicaid.
- 1495 (b) In determining whether an applicant or recipient who is aged, blind, or has a
1496 disability is eligible for a service or benefit under this chapter, the department shall
1497 use 100% of the federal poverty level as:
- 1498 (i) the allowable income standard for eligibility for services or benefits; and
1499 (ii) the allowable income standard for eligibility as a result of spend down.
- 1500 (10) The department shall conduct internal audits of the Medicaid program.
- 1501 (11)(a)(i) The department shall apply for, and if approved, implement an amendment
1502 to the state plan under this Subsection (11) for benefits for:
- 1503 (A) medically needy pregnant women;
1504 (B) medically needy children; and
1505 (C) medically needy parents and caretaker relatives.
- 1506 (ii) The department may implement the eligibility standards of Subsection (11)(b) for
1507 eligibility determinations made on or after the date of the approval of the
1508 amendment to the state plan.
- 1509 (b) In determining whether an applicant is eligible for benefits described in Subsection
1510 (11)(a)(i), the department shall:
- 1511 (i) disregard resources held in an account in a savings plan created under Title 53B,
1512 Chapter 8a, Utah Educational Savings Plan, if the beneficiary of the account is:
1513 (A) under the age of 26; and
1514 (B) living with the account owner, as that term is defined in Section 53B-8a-102,
1515 or temporarily absent from the residence of the account owner; and
1516 (ii) include withdrawals from an account in the Utah Educational Savings Plan as
1517 resources for a benefit determination, if the withdrawals were not used for
1518 qualified higher education costs as that term is defined in Section 53B-8a-102.5.
- 1519 (12)(a) The department may not deny or terminate eligibility for Medicaid solely
1520 because an individual is:
- 1521 (i) incarcerated; and
1522 (ii) not an inmate as defined in Section 64-13-1.
- 1523 (b) Subsection (12)(a) does not require the Medicaid program to provide coverage for
1524 any services for an individual while the individual is incarcerated.

1525 (13) The department is a party to, and may intervene at any time in, any judicial or
1526 administrative action:

1527 (a) to which the Department of Workforce Services is a party; and

1528 (b) that involves medical assistance under this chapter.

1529 (14)(a) The department may not deny or terminate eligibility for Medicaid solely
1530 because a birth mother, as that term is defined in Section ~~[78B-6-103]~~ 81-13-101,
1531 considers an adoptive placement for the child or proceeds with an adoptive placement
1532 of the child.

1533 (b) A health care provider, as that term is defined in Section 26B-3-126, may not decline
1534 payment by Medicaid for covered health and medical services provided to a birth
1535 mother, as that term is defined in Section ~~[78B-6-103]~~ 81-13-101, who is enrolled in
1536 Utah's Medicaid program and who considers an adoptive placement for the child or
1537 proceeds with an adoptive placement of the child.

1538 Section 7. Section **26B-5-316** is amended to read:

1539 **26B-5-316 . Responsibility for cost of care.**

1540 (1) The division shall estimate and determine, as nearly as possible, the actual expense per
1541 annum of caring for and maintaining a patient in the state hospital, and that amount or
1542 portion of that amount shall be assessed to and paid by the applicant, patient, spouse,
1543 parents, child or children who are of sufficient financial ability to do so, or by the
1544 guardian of the patient who has funds of the patient that may be used for that purpose.

1545 (2) In addition to the expenses described in Subsection (1), parents are responsible for the
1546 support of their child while the child is in the care of the state hospital in accordance
1547 with ~~[Title 26B,]~~Chapter 9, Recovery Services and Administration of Child Support, [
1548 ~~and]~~Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and
1549 Enforcement of Spousal and Child Support.

1550 Section 8. Section **26B-6-411** is amended to read:

1551 **26B-6-411 . Parent liable for cost and support of minor -- Guardian liable for**
1552 **costs.**

1553 (1) Parents of a person who receives services or support from the division, who are
1554 financially responsible, are liable for the cost of the actual care and maintenance of that
1555 person and for the support of the child in accordance with ~~[Title 81, Chapter 6, Child~~
1556 ~~Support, and]~~Chapter 9, Part 1, Office of Recovery Services, Title 81, Chapter 6, Child
1557 Support, and Title 81, Chapter 7, Payment and Enforcement of Spousal and Child
1558 Support, until the person reaches 18 years old.

1559 (2) A guardian of a person who receives services or support from the division is liable for
 1560 the cost of actual care and maintenance of that person, regardless of his age, where funds
 1561 are available in the guardianship estate established on his behalf for that purpose.
 1562 However, if the person who receives services is a beneficiary of a trust created in
 1563 accordance with Section 26B-6-412, or if the guardianship estate meets the requirements
 1564 of a trust described in that section, the trust income prior to distribution to the
 1565 beneficiary, and the trust principal are not subject to payment for services or support for
 1566 that person.

1567 (3) If, at the time a person who receives services or support from the division is discharged
 1568 from a facility or program owned or operated by or under contract with the division, or
 1569 after the death and burial of a resident of the developmental center, there remains in the
 1570 custody of the division or the superintendent any money paid by a parent or guardian for
 1571 the support or maintenance of that person, it shall be repaid upon demand.

1572 Section 9. Section **26B-8-101** is amended to read:

1573 **26B-8-101 . Definitions.**

1574 As used in this part:

1575 (1) "Adoption document" means [~~an adoption-related document filed with the office, a~~
 1576 ~~petition for adoption, a decree of adoption, an original birth certificate, or evidence~~
 1577 ~~submitted in support of a supplementary birth certificate]~~ the same as that term is defined
 1578 in Section 81-13-101.

1579 (2) "Alien child" means an individual:

1580 (a) who is younger than 16 years old; and

1581 (b) who is not considered a citizen or national of the United States by the United States
 1582 Citizenship and Immigration Services.

1583 [(2)] (3) "Biological sex at birth" means an individual's sex, as being male or female,
 1584 according to distinct reproductive roles as manifested by sex and reproductive organ
 1585 anatomy, chromosomal makeup, and endogenous hormone profiles.

1586 [(3)] (4) "Certified nurse midwife" means an individual who:

1587 (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a, Nurse
 1588 Midwife Practice Act; and

1589 (b) has completed an education program regarding the completion of a certificate of
 1590 death developed by the department by rule made in accordance with Title 63G,
 1591 Chapter 3, Utah Administrative Rulemaking Act.

1592 [(4)] (5) "Custodial funeral service director" means a funeral service director who:

- 1593 (a) is employed by a licensed funeral establishment; and
1594 (b) has custody of a dead body.
- 1595 ~~[(5)]~~ (6) "Dead body" means a human body or parts of a human body from the condition of
1596 which it reasonably may be concluded that death occurred.
- 1597 ~~[(6)]~~ (7) "Decedent" means the same as a dead body.
- 1598 ~~[(7)]~~ (8) "Dead fetus" means a product of human conception, other than those circumstances
1599 described in Subsection 76-7-301(1):
- 1600 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
1601 period began to the date of delivery; and
1602 (b) that was not born alive.
- 1603 ~~[(8) "Declarant father" means a male who claims to be the genetic father of a child, and,
1604 along with the biological mother, signs a voluntary declaration of paternity to establish
1605 the child's paternity.]~~
- 1606 (9) "Declarant father" means the same as that term is defined in Section 81-5-102.
- 1607 ~~[(9)]~~ (10) "Dispositioner" means:
- 1608 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as having
1609 the right and duty to control the disposition of the decedent, if the person voluntarily
1610 acts as the dispositioner; or
1611 (b) the next of kin of the decedent, if:
- 1612 (i)(A) a person has not been designated as described in Subsection ~~[(9)(a)]~~ (10)(a);
1613 or
1614 (B) the person described in Subsection ~~[(9)(a)]~~ (10)(a) is unable or unwilling to
1615 exercise the right and duty described in Subsection ~~[(9)(a)]~~ (10)(a); and
1616 (ii) the next of kin voluntarily acts as the dispositioner.
- 1617 ~~[(10)]~~ (11) "Fetal remains" means:
- 1618 (a) an aborted fetus as that term is defined in Section 26B-2-232; or
1619 (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- 1620 ~~[(11)]~~ (12) "File" means the submission of a completed certificate or other similar
1621 document, record, or report as provided under this part for registration by the state
1622 registrar or a local registrar.
- 1623 ~~[(12)]~~ (13) "Funeral service director" means the same as that term is defined in Section
1624 58-9-102.
- 1625 ~~[(13)]~~ (14) "Health care facility" means the same as that term is defined in Section
1626 26B-2-201.

- 1627 ~~[(14)]~~ (15) "Health care professional" means a physician, physician assistant, nurse
1628 practitioner, or certified nurse midwife.
- 1629 ~~[(15)]~~ (16) "Intersex individual" means an individual who:
- 1630 (a) is born with external biological sex characteristics that are irresolvably ambiguous;
1631 (b) is born with 46, XX chromosomes with virilization;
1632 (c) is born with 46, XY chromosomes with undervirilization;
1633 (d) has both ovarian and testicular tissue; or
1634 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with
1635 abnormal:
- 1636 (i) sex chromosome structure;
1637 (ii) sex steroid hormone production; or
1638 (iii) sex steroid hormone action for a male or female.
- 1639 ~~[(16)]~~ (17) "Licensed funeral establishment" means:
- 1640 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
1641 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act;
1642 or
1643 (b) if located in a state, district, or territory of the United States other than Utah, a
1644 funeral service establishment that complies with the licensing laws of the jurisdiction
1645 where the establishment is located.
- 1646 ~~[(17)]~~ (18) "Live birth" means the birth of a child who shows evidence of life after the child
1647 is entirely outside of the mother.
- 1648 ~~[(18)]~~ (19) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).
- 1649 ~~[(19)]~~ (20) "Nurse practitioner" means an individual who:
- 1650 (a) is licensed to practice as an advanced practice registered nurse under Title 58,
1651 Chapter 31b, Nurse Practice Act; and
1652 (b) has completed an education program regarding the completion of a certificate of
1653 death developed by the department by administrative rule made in accordance with
1654 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1655 ~~[(20)]~~ (21) "Office" means the Office of Vital Records and Statistics within the department.
- 1656 ~~[(21)]~~ (22) "Physician" means a person licensed to practice as a physician or osteopath in
1657 this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68,
1658 Utah Osteopathic Medical Practice Act.
- 1659 ~~[(22)]~~ (23) "Physician assistant" means an individual who:
- 1660 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah

- 1661 Physician Assistant Act; and
- 1662 (b) has completed an education program regarding the completion of a certificate of
- 1663 death developed by the department by administrative rule made in accordance with
- 1664 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1665 [~~(23)~~] (24) "Presumed father" means the same as that term is defined in Section [~~78B-15-102~~]
- 1666 81-5-102.
- 1667 [~~(24)~~] (25) "Registration" or "register" means acceptance by the local or state registrar of a
- 1668 certificate and incorporation of the certificate into the permanent records of the state.
- 1669 [~~(25)~~] (26) "State registrar" means the state registrar of vital records appointed under Section
- 1670 26B-8-102.
- 1671 [~~(26)~~] (27) "Vital records" means:
- 1672 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
- 1673 dissolution of marriage, or annulment;
- 1674 (b) amendments to any of the registered certificates or reports described in Subsection [~~(26)~~]
- 1675 (a) (27)(a);
- 1676 (c) an adoption document; and
- 1677 (d) other similar documents.
- 1678 [~~(27)~~] (28) "Vital statistics" means the data derived from registered certificates and reports
- 1679 of birth, death, fetal death, induced termination of pregnancy, marriage, divorce,
- 1680 dissolution of marriage, or annulment.
- 1681 Section 10. Section **26B-8-102** is amended to read:
- 1682 **26B-8-102 . Department duties and authority.**
- 1683 (1) As used in this section:
- 1684 (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry
- 1685 Information created in Section [~~78B-6-121.5~~] 81-13-106, effective on May 10, 2016.
- 1686 (b) "Putative father":
- 1687 (i) means the same as that term is as defined in Section [~~78B-6-121.5~~] 81-13-106; and
- 1688 (ii) includes an unmarried biological father.
- 1689 (c) "State registrar" means the state registrar of vital records appointed under Subsection
- 1690 (2)(e).
- 1691 (d) "Unmarried biological father" means the same as that term is defined in Section [~~78B-6-103~~]
- 1692 81-13-101.
- 1693 (2) The department shall:
- 1694 (a) provide offices properly equipped for the preservation of vital records made or

- 1695 received under this part;
- 1696 (b) establish a statewide vital records system for the registration, collection,
1697 preservation, amendment, and certification of vital records and other similar
1698 documents required by this part and activities related to them, including the
1699 tabulation, analysis, and publication of vital statistics;
- 1700 (c) prescribe forms for certificates, certification, reports, and other documents and
1701 records necessary to establish and maintain a statewide system of vital records;
- 1702 (d) prepare an annual compilation, analysis, and publication of statistics derived from
1703 vital records; and
- 1704 (e) appoint a state registrar to direct the statewide system of vital records.
- 1705 (3) The department may:
- 1706 (a) divide the state from time to time into registration districts; and
- 1707 (b) appoint local registrars for registration districts who under the direction and
1708 supervision of the state registrar shall perform all duties required of them by this part
1709 and department rules.
- 1710 (4) The state registrar appointed under Subsection (2)(e) shall, with the input of Utah
1711 stakeholders and the Uniform Law Commission, study the following items for the state's
1712 implementation of the compact:
- 1713 (a) the feasibility of using systems developed by the National Association for Public
1714 Health Statistics and Information Systems, including the State and Territorial
1715 Exchange of Vital Events (STEVE) system and the Electronic Verification of Vital
1716 Events (EVVE) system, or similar systems, to exchange putative father registry
1717 information with states that are parties to the compact;
- 1718 (b) procedures necessary to share putative father information, located in the confidential
1719 registry maintained by the state registrar, upon request from the state registrar of
1720 another state that is a party to the compact;
- 1721 (c) procedures necessary for the state registrar to access putative father information
1722 located in a state that is a party to the compact, and share that information with
1723 persons who request a certificate from the state registrar;
- 1724 (d) procedures necessary to ensure that the name of the mother of the child who is the
1725 subject of a putative father's notice of commencement, filed pursuant to Section [
1726 ~~78B-6-121~~] 81-13-213, is kept confidential when a state that is a party to the compact
1727 accesses this state's confidential registry through the state registrar; and
- 1728 (e) procedures necessary to ensure that a putative father's registration with a state that is

1729 a party to the compact is given the same effect as a putative father's notice of
1730 commencement filed pursuant to Section [~~78B-6-121~~] 81-13-213.

1731 Section 11. Section **26B-8-104** is amended to read:

1732 **26B-8-104 . Birth registrations -- Execution and registration requirements.**

1733 (1) As used in this section:

1734 (a) "Birthing facility" means a:

1735 (i) general acute hospital as defined in Section 26B-2-201; or

1736 (ii) birthing center as defined in Section 26B-2-201.

1737 (b) "Designated administrator" means an individual who has been designated by a
1738 birthing facility to submit a birth registration on behalf of the birthing facility.

1739 (2)(a) The office shall register a birth if a birth registration is completed and filed in
1740 accordance with this section.

1741 (b) Once a birth is registered, the office shall provide a birth certificate upon request in
1742 accordance with all state laws.

1743 (3)(a) For each live birth that occurs in a birthing facility, the designated administrator,
1744 attending physician, or nurse midwife shall:

1745 (i) obtain and enter the information required under this part in the electronic birth
1746 registration system no later than 10 days from the day on which the birth occurred;

1747 (ii) provide the parent the opportunity to review the information to ensure accuracy;
1748 and

1749 (iii) submit the birth registration.

1750 (b)(i) The date, time, place of birth, and required medical information shall be
1751 certified by the designated administrator.

1752 (ii) The designated administrator shall enter the attending physician's, physician
1753 assistant's, or nurse midwife's name and transmit the birth registration to the local
1754 registrar for each birth that occurs in a birth facility.

1755 (iii) The information contained in the birth registration about the parents shall be
1756 provided and certified by the mother or father or, in their incapacity or absence, by
1757 a person with knowledge of the facts.

1758 (4)(a)(i) For a live birth that occurs outside a birthing facility, the birth registration
1759 shall be completed and filed by the physician, physician assistant, nurse, nurse
1760 practitioner, certified nurse midwife, or other person primarily responsible for
1761 providing assistance to the mother at the birth no later than 10 days from the day
1762 on which the birth occurred.

- 1763 (ii) If the birth occurred without assistance from an individual described in
1764 Subsection (4)(a)(i), the presumed or declarant father or the mother of the child
1765 shall complete and file the birth registration.
- 1766 (b) The birth registration shall be completed as fully as possible and shall include the
1767 date, time, and place of birth, and the mother's name.
- 1768 (5)(a) For each live birth to an unmarried mother that occurs in a birthing facility, the
1769 designated administrator shall:
- 1770 (i) provide the birth mother and declarant father, if present, with:
- 1771 (A) a voluntary declaration of paternity form published by the state registrar;
1772 (B) oral and written notice to the birth mother and declarant father of the
1773 alternatives to, the legal consequences of, and the rights and responsibilities
1774 that arise from signing the declaration; and
1775 (C) the opportunity to sign the declaration;
- 1776 (ii) witness the signature of a birth mother or declarant father in accordance with
1777 Section ~~[78B-15-302]~~ 81-5-302 if the signature occurs at the facility;
- 1778 (iii) enter the declarant father's information on the original birth certificate, but only
1779 if the mother and declarant father have signed a voluntary declaration of paternity
1780 or a court or administrative agency has issued an adjudication of paternity; and
1781 (iv) file the completed declaration with the original birth certificate.
- 1782 (b) If there is a presumed father, the voluntary declaration will only be valid if the
1783 presumed father also signs the voluntary declaration.
- 1784 (c) The state registrar shall file the information provided on the voluntary declaration of
1785 paternity form with the original birth certificate and may provide certified copies of
1786 the declaration of paternity as otherwise provided under ~~[Title 78B, Chapter 15, Utah~~
1787 ~~Uniform Parentage Act]~~ Title 81, Chapter 5, Uniform Parentage Act.
- 1788 (6)(a) The state registrar shall publish a form for the voluntary declaration of paternity, a
1789 description of the process for filing a voluntary declaration of paternity, and of the
1790 rights and responsibilities established or effected by that filing, in accordance with [
1791 ~~Title 78B, Chapter 15, Utah Uniform Parentage Act]~~ Title 81, Chapter 5, Uniform
1792 Parentage Act.
- 1793 (b) Information regarding the form and services related to voluntary paternity
1794 establishment shall be made available to birthing facilities and to any other entity or
1795 individual upon request.
- 1796 (7) The name of a declarant father may only be included on the birth certificate of a child of

- 1797 unmarried parents if:
- 1798 (a) the mother and declarant father have signed a voluntary declaration of paternity; or
- 1799 (b) a court or administrative agency has issued an adjudication of paternity.
- 1800 (8) Voluntary declarations of paternity, adjudications of paternity by judicial or
- 1801 administrative agencies, and voluntary rescissions of paternity shall be filed with and
- 1802 maintained by the state registrar for the purpose of comparing information with the state
- 1803 case registry maintained by the Office of Recovery Services pursuant to Section
- 1804 26B-9-104.
- 1805 (9) The department may notify the Division of Professional Licensing that an individual
- 1806 who is required to complete a birth registration under Subsection (4)(a)(i) has failed to
- 1807 register a birth if:
- 1808 (a) the department has notified the individual that the individual is required by state law
- 1809 to complete the birth registration; and
- 1810 (b) the individual is a physician, physician assistant, nurse, nurse practitioner, or
- 1811 certified nurse midwife.
- 1812 Section 12. Section **26B-8-110** is amended to read:
- 1813 **26B-8-110 . Supplementary certificate of birth.**
- 1814 (1) An individual born in this state may request the state registrar to register a
- 1815 supplementary birth certificate for the individual if:
- 1816 (a) the individual is legally recognized as a child of the individual's [~~natural~~]parents
- 1817 when the individual's [~~natural~~]parents are subsequently married;
- 1818 (b) the individual's parentage has been determined by a state court of the United States
- 1819 or a Canadian provincial court with jurisdiction; or
- 1820 (c) the individual has been legally adopted, as a child or as an adult, under the law of this
- 1821 state, any other state, or any province of Canada.
- 1822 (2) The application for registration of a supplementary birth certificate may be made by:
- 1823 (a) the individual requesting registration under Subsection (1) if the individual is of legal
- 1824 age;
- 1825 (b) a legal representative; or
- 1826 (c) any agency authorized to receive children for placement or adoption under the laws
- 1827 of this or any other state.
- 1828 (3)(a) The state registrar shall require that an applicant submit identification and proof
- 1829 according to department rules.
- 1830 (b) In the case of an adopted individual, that proof may be established by order of the

1831 court in which the adoption proceedings were held.

1832 (4)(a) After the supplementary birth certificate is registered, any information disclosed
1833 from the record shall be from the supplementary birth certificate.

1834 (b) Access to the original birth certificate and to the evidence submitted in support of the
1835 supplementary birth certificate are not open to inspection except upon the order of a
1836 Utah district court or as described in Section [~~78B-6-141 or Section 78B-6-144]~~
1837 81-13-103 or 81-13-504.

1838 Section 13. Section **26B-8-119** is amended to read:

1839 **26B-8-119 . Petition for establishment of unregistered birth or death -- Court**
1840 **procedure.**

1841 (1) A person holding a direct, tangible, and legitimate interest as described in Subsection
1842 26B-8-125(3)(a) or (b) may petition for a court order establishing the fact, time, and
1843 place of a birth or death that is not registered or for which a certified copy of the
1844 registered birth or death certificate is not obtainable. The person shall verify the petition
1845 and file the petition in the Utah court for the county where:

- 1846 (a) the birth or death is alleged to have occurred;
- 1847 (b) the person resides whose birth is to be established; or
- 1848 (c) the decedent named in the petition resided at the date of death.

1849 (2) In order for the court to have jurisdiction, the petition shall:

- 1850 (a) allege the date, time, and place of the birth or death; and
- 1851 (b) state either that no certificate of birth or death has been registered or that a copy of
1852 the registered certificate cannot be obtained.

1853 (3) The court shall set a hearing for five to 10 days after the day on which the petition is
1854 filed.

1855 (4)(a) If the time and place of birth or death are in question, the court shall hear available
1856 evidence and determine the time and place of the birth or death.

1857 (b) If the time and place of birth or death are not in question, the court shall determine
1858 the time and place of birth or death to be those alleged in the petition.

1859 (5) A court order under this section shall be made on a form prescribed and furnished by the
1860 department and is effective upon the filing of a certified copy of the order with the state
1861 registrar.

1862 (6)(a) For purposes of this section, the birth certificate of an adopted alien child[~~as~~
1863 ~~defined in Section 78B-6-108,~~] is considered to be unobtainable if the alien child was
1864 born in a country that is not recognized by department rule as having an established

1865 vital records registration system.

1866 (b) If the adopted alien child was born in a country recognized by department rule, but a
 1867 person described in Subsection (1) is unable to obtain a certified copy of the birth
 1868 certificate, the state registrar shall authorize the preparation of a birth certificate if the
 1869 state registrar receives a written statement signed by the registrar of the alien child's
 1870 birth country stating a certified copy of the birth certificate is not available.

1871 *The following section is affected by a coordination clause at the end of this bill.*

1872 Section 14. Section **26B-8-125** is amended to read:

1873 **26B-8-125 . Inspection of vital records.**

1874 (1) As used in this section:

1875 (a) "Designated legal representative" means an attorney, physician, funeral service
 1876 director, genealogist, or other agent of the subject, or an immediate family member of
 1877 the subject, who has been delegated the authority to access vital records.

1878 (b) "Drug use intervention or suicide prevention effort" means a program that studies or
 1879 promotes the prevention of drug overdose deaths or suicides in the state.

1880 (c) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
 1881 grandchild.

1882 (d) "Pre-existing parent" means the same as that term is defined in Section 81-13-101.

1883 (2)(a) The vital records shall be open to inspection, but only in compliance with the

1884 provisions of this part, department rules, and Sections [~~78B-6-141 and 78B-6-144]~~

1885 81-13-103 and 81-13-504.

1886 (b) It is unlawful for any state or local officer or employee to disclose data contained in
 1887 vital records contrary to this part, department rule, [~~Section 78B-6-141, or Section~~
 1888 ~~78B-6-144]~~ Section 81-13-103, or Section 81-13-504.

1889 (c)[~~(i)~~] An adoption document is open to inspection as provided in Section [~~78B-6-141 or Section 78B-6-144]~~ 81-13-103 or 81-13-504.

1891 [~~(ii) A birth parent may not access an adoption document under Subsection~~
 1892 ~~78B-6-141(3).]~~

1893 (d) A custodian of vital records may permit inspection of a vital record or issue a
 1894 certified copy of a record or a part of a record when the custodian is satisfied that the
 1895 applicant has demonstrated a direct, tangible, and legitimate interest.

1896 (3) Except as provided in Subsection (4), a direct, tangible, and legitimate interest in a vital
 1897 record is present only if:

1898 (a) the request is from:

- 1899 (i) the subject;
- 1900 (ii) an immediate family member of the subject;
- 1901 (iii) the guardian of the subject;
- 1902 (iv) a designated legal representative of the subject; or
- 1903 (v) a person, including a child-placing agency as defined in Section ~~[78B-6-103]~~
- 1904 81-13-101, with whom a child has been placed pending finalization of an adoption
- 1905 of the child;
- 1906 (b) the request involves a personal or property right of the subject of the record;
- 1907 (c) the request is for official purposes of a public health authority or a state, local, or
- 1908 federal governmental agency;
- 1909 (d) the request is for a drug use intervention or suicide prevention effort or a statistical or
- 1910 medical research program and prior consent has been obtained from the state
- 1911 registrar; or
- 1912 (e) the request is a certified copy of an order of a court of record specifying the record to
- 1913 be examined or copied.
- 1914 (4)(a) Except as provided in ~~[Title 78B, Chapter 6, Part 1, Utah Adoption Act]~~ Title 81,
- 1915 Chapter 13, Adoption, a parent, or an immediate family member of a parent~~[-who]~~
- 1916 may not be considered as having a direct, tangible, and legitimate interest under this
- 1917 section in a vital record for which the subject is a child if the parent or family member
- 1918 does not have legal or physical custody of, or visitation or parent-time rights for[-a] ,
- 1919 the child:
- 1920 (i) because of the termination of parental rights under Title 80, Chapter 4,
- 1921 Termination and Restoration of Parental Rights~~[-or]~~ ; or
- 1922 (ii) by virtue of consenting to or relinquishing a child for adoption ~~[pursuant to Title~~
- 1923 ~~78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a~~
- 1924 ~~direct, tangible, and legitimate interest under this section]~~ as described in Title 81,
- 1925 Chapter 13, Adoption.
- 1926 (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting
- 1927 names, addresses, or similar information may not be considered as having a direct,
- 1928 tangible, and legitimate interest under this section.
- 1929 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office
- 1930 shall make the following records available to the public:
- 1931 (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding
- 1932 confidential information collected for medical and health use, if 100 years or more

- 1933 have passed since the date of birth;
- 1934 (b) a death record if 50 years or more have passed since the date of death; and
- 1935 (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed
- 1936 since the date of the event upon which the record is based.
- 1937 (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office
- 1938 shall make an adoption document available as provided in Sections [~~78B-6-141 and~~
- 1939 ~~78B-6-144~~] 81-13-103 and 81-13-504.
- 1940 (7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
- 1941 Administrative Rulemaking Act, establishing procedures and the content of forms as
- 1942 follows:
- 1943 (a) for the inspection of adoption documents under Subsection [~~78B-6-141(4)~~
- 1944 81-13-103(6);
- 1945 (b) for a [~~birth~~] pre-existing parent's election to permit identifying information about the [
- 1946 ~~birth~~] pre-existing parent to be made available[~~, under Section 78B-6-141~~] as
- 1947 described in Section 81-13-103;
- 1948 (c) for the release of information by the mutual-consent, voluntary adoption registry[~~,~~
- 1949 ~~under Section 78B-6-144~~] as described in Section 81-13-504;
- 1950 (d) for collecting fees and donations under Section [~~78B-6-144.5~~] 81-13-505; and
- 1951 (e) for the review and approval of a request described in Subsection (3)(d).
- 1952 Section 15. Section **26B-8-128** is amended to read:
- 1953 **26B-8-128 . Divorce or adoption -- Duty of court clerk to file certificates or**
- 1954 **reports.**
- 1955 (1) For each adoption, annulment of adoption, divorce, and annulment of marriage ordered
- 1956 or decreed in this state, the clerk of the court shall prepare a divorce certificate or report
- 1957 of adoption on a form furnished by the state registrar or, for a report of adoption, the
- 1958 state of the child's birth.
- 1959 (2) The petitioner shall provide the clerk of the court with the information necessary to
- 1960 prepare the certificate or report under Subsection (1), including the form furnished by
- 1961 the child's state of birth if the child was born in another state.
- 1962 (3) The clerk shall:
- 1963 (a) prepare the certificate or report under Subsection (1); and
- 1964 (b) complete the remaining entries for the certificate or report immediately after the
- 1965 decree or order becomes final.
- 1966 (4) On or before the 15th day of each month, the clerk shall forward the divorce certificates

1967 and reports of adoption under Subsection (1) completed by the clerk during the
 1968 preceding month to the state registrar, except for reports of adoption provided to an
 1969 attorney or child-placing agency under Subsection (5)(b).

1970 (5)(a) In addition to the report of adoption that the clerk forwards to the state registrar
 1971 under Subsection (4), the clerk shall also provide an original report of adoption under
 1972 Subsection (1), upon request, to the attorney who is providing representation of a
 1973 party to the adoption, or the child-placing agency, as defined in Section [~~78B-6-103~~
 1974 81-13-101], that is placing the child.

1975 (b) If the child was born in another state, the clerk of court shall prepare and provide one
 1976 original report of adoption, upon request, to the attorney who is providing
 1977 representation of a party to the adoption, or the child-placing agency that is placing
 1978 the child, and the attorney or child-placing agency shall be responsible for submitting
 1979 the report to the state of the child's birth.

1980 (c) If the attorney or child-placing agency does not request an original report of adoption
 1981 under Subsection (5)(a) or (b), the clerk shall forward the report of adoption to the
 1982 state registrar pursuant to Subsection (4).

1983 (d) If, pursuant to Subsection (5)(a), an original report of adoption is provided to the
 1984 attorney or the child-placing agency, as defined in Section [~~78B-6-103~~] 81-13-101,
 1985 the attorney or the child-placing agency shall immediately provide the report of
 1986 adoption to the state registrar.

1987 Section 16. Section **26B-8-131** is amended to read:

1988 **26B-8-131 . Birth certificate for foreign adoptees.**

1989 Upon presentation of a court order of adoption and an order establishing the fact, time,
 1990 and place of birth under Section 26B-8-119, the department shall prepare a birth certificate for
 1991 an individual who:

1992 (1) was adopted under the laws of this state; and

1993 (2) was at the time of adoption, as a child or as an adult, considered an alien child or [adult
 1994 for whom the court received documentary evidence of lawful admission under Section
 1995 ~~78B-6-108~~] an adult born in another country.

1996 Section 17. Section **26B-9-101** is amended to read:

1997 **26B-9-101 . Definitions.**

1998 As used in this part:

1999 (1) "Account" means a demand deposit account, checking or negotiable withdrawal order
 2000 account, savings account, time deposit account, or money-market mutual fund account.

- 2001 (2) "Alleged genetic father" means the same as that term is defined in Section 81-5-102.
- 2002 [~~(2)~~] (3) "Assistance" means public assistance.
- 2003 (4) "Birth mother" means the same as that term is defined in Section 81-5-102.
- 2004 [~~(3)~~] (5) "Child" means the same as that term is defined in Section 81-6-101.
- 2005 [~~(4)~~] (6)(a) "Child support" means a base child support award as defined in Section
- 2006 81-6-101, or a financial award for uninsured monthly medical expenses, ordered by a
- 2007 tribunal for the support of a child, including current periodic payments, all arrearages
- 2008 that accrue under an order for current periodic payments, and sum certain judgments
- 2009 awarded for arrearages, medical expenses, and child care costs.
- 2010 (b) "Child support" includes obligations ordered by a tribunal for the support of a spouse
- 2011 or former spouse with whom the child resides if the spousal support is collected with
- 2012 the child support.
- 2013 [~~(5)~~] (7) "Child support services" means services provided pursuant to Part D of Title IV of
- 2014 the Social Security Act, 42 U.S.C. Sec. 651, et seq.
- 2015 [~~(6)~~] (8) "Director" means the director of the Office of Recovery Services.
- 2016 [~~(7)~~] (9) "Financial institution" means:
- 2017 (a) a depository institution as defined in Section 7-1-103 or the Federal Deposit
- 2018 Insurance Act, 12 U.S.C. Sec. 1813(c);
- 2019 (b) an institution-affiliated party as defined in the Federal Deposit Insurance Act, 12
- 2020 U.S.C. Sec. 1813(u);
- 2021 (c) any federal credit union or state credit union as defined in the Federal Credit Union
- 2022 Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit
- 2023 union as defined in 12 U.S.C. Sec. 1786(r);
- 2024 (d) a broker-dealer as defined in Section 61-1-13; or
- 2025 (e) any benefit association, insurance company, safe deposit company, money-market
- 2026 mutual fund, or similar entity authorized to do business in the state.
- 2027 [~~(8)~~] (10) "Financial record" means the same as that term is defined in the Right to Financial
- 2028 Privacy Act of 1978, 12 U.S.C. Sec. 3401.
- 2029 [~~(9)~~] (11)(a) "Income" means earnings, compensation, or other payment due to an
- 2030 individual, regardless of source, whether denominated as wages, salary, commission,
- 2031 bonus, pay, or contract payment, or denominated as advances on future wages, salary,
- 2032 commission, bonus, pay, allowances, contract payment, or otherwise, including
- 2033 severance pay, sick pay, and incentive pay.
- 2034 (b) "Income" includes:

- 2035 (i) all gain derived from capital assets, labor, or both, including profit gained through
 2036 sale or conversion of capital assets;
- 2037 (ii) interest and dividends;
- 2038 (iii) periodic payments made under pension or retirement programs or insurance
 2039 policies of any type;
- 2040 (iv) unemployment compensation benefits;
- 2041 (v) workers' compensation benefits; and
- 2042 (vi) disability benefits.
- 2043 ~~[(10)]~~ (12) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651
 2044 et seq.
- 2045 ~~[(11)]~~ (13) "IV-D child support services" means child support services.
- 2046 ~~[(12)]~~ (14) "New hire registry" means the centralized new hire registry created in Section
 2047 35A-7-103.
- 2048 ~~[(13)]~~ (15) "Obligee" means an individual, this state, another state, or other comparable
 2049 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support
 2050 or public assistance.
- 2051 ~~[(14)]~~ (16) "Obligor" means a person, firm, corporation, or the estate of a decedent owing
 2052 money to this state, to an individual, to another state, or other comparable jurisdiction in
 2053 whose behalf this state is acting.
- 2054 ~~[(15)]~~ (17) "Office" means the Office of Recovery Services.
- 2055 (18) "Parentage" means the same as that term is defined in Section 81-5-102.
- 2056 ~~[(16)]~~ (19) "Public assistance" means:
- 2057 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;
- 2058 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;
- 2059 (c) foster care maintenance payments under Part E of Title IV of the Social Security Act,
 2060 42 U.S.C. Sec. 670, et seq.;
- 2061 (d) SNAP benefits as defined in Section 35A-1-102; or
- 2062 (e) any other public funds expended for the benefit of a person in need of financial,
 2063 medical, food, housing, or related assistance.
- 2064 ~~[(17)]~~ (20) "State case registry" means the central, automated record system maintained by
 2065 the office and the central, automated district court record system maintained by the
 2066 Administrative Office of the Courts, that contains records which use standardized data
 2067 elements, such as names, Social Security numbers and other uniform identification
 2068 numbers, dates of birth, and case identification numbers, with respect to:

- 2069 (a) each case in which services are being provided by the office under the state IV-D
 2070 child support services plan; and
- 2071 (b) each support order established or modified in the state on or after October 1, 1998.
 2072 Section 18. Section **26B-9-104** is amended to read:
 2073 **26B-9-104 . Duties of the Office of Recovery Services.**
- 2074 (1) The office has the following duties:
- 2075 (a) except as provided in Subsection (2), to provide child support services if:
- 2076 (i) the office has received an application for child support services;
- 2077 (ii) the state has provided public assistance; or
- 2078 (iii) a child lives out of the home in the protective custody, temporary custody, or
 2079 custody or care of the state;
- 2080 (b) for the purpose of collecting child support, to carry out the obligations of the
 2081 department contained in:
- 2082 (i) this chapter;
- 2083 [~~(ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;~~]
- 2084 [~~(iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and~~]
- 2085 (ii) Title 81, Chapter 5, Uniform Parentage Act;
- 2086 [~~(iv)~~] (iii) Title 81, Chapter 6, Child Support;
- 2087 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and
- 2088 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;
- 2089 (c) to collect money due the department which could act to offset expenditures by the
 2090 state;
- 2091 (d) to cooperate with the federal government in programs designed to recover health and
 2092 social service funds;
- 2093 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
 2094 and reimbursable expenses owed to the state or any of its political subdivisions, if the
 2095 office has contracted to provide collection services;
- 2096 (f) to implement income withholding for collection of child support in accordance with
 2097 Part 3, Income Withholding in IV-D Cases;
- 2098 (g) to enter into agreements with financial institutions doing business in the state to
 2099 develop and operate, in coordination with such financial institutions, a data match
 2100 system in the manner provided for in Section 26B-9-208;
- 2101 (h) to establish and maintain the state case registry in the manner required by the Social
 2102 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:

- 2103 (i) the amount of monthly or other periodic support owed under the order, and other
 2104 amounts, including arrearages, interest, late payment penalties, or fees, due or
 2105 overdue under the order;
- 2106 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 2107 (iii) the distribution of collected amounts;
- 2108 (iv) the birth date of any child for whom the order requires the provision of support;
 2109 and
- 2110 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 2111 (i) to contract with the Department of Workforce Services to establish and maintain the
 2112 new hire registry created under Section 35A-7-103;
- 2113 (j) to determine whether an individual who has applied for or is receiving cash assistance
 2114 or Medicaid is cooperating in good faith with the office as required by Section
 2115 26B-9-213;
- 2116 (k) to finance any costs incurred from collections, fees, General Fund appropriation,
 2117 contracts, and federal financial participation; and
- 2118 (l) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of
 2119 the opportunity to contest the accuracy of allegations by a custodial parent of
 2120 nonpayment of past-due child support, prior to taking action against a noncustodial
 2121 parent to collect the alleged past-due support.
- 2122 (2) The office may not provide child support services to the Division of Child and Family
 2123 Services for a calendar month when the child to whom the child support services relate
 2124 is:
- 2125 (a) in the custody of the Division of Child and Family Services; and
- 2126 (b) lives in the home of a custodial parent of the child for more than seven consecutive
 2127 days, regardless of whether:
- 2128 (i) the greater than seven consecutive day period starts during one month and ends in
 2129 the next month; and
- 2130 (ii) the child is living in the home on a trial basis.
- 2131 (3) The Division of Child and Family Services is not entitled to child support, for a child to
 2132 whom the child support relates, for a calendar month when child support services may
 2133 not be provided under Subsection (2).
- 2134 Section 19. Section **26B-9-108** is amended to read:
- 2135 **26B-9-108 . Director -- Powers of office -- Representation by county attorney or**
 2136 **attorney general -- Receipt of grants -- Rulemaking and enforcement.**

- 2137 (1) The director of the office shall be appointed by the executive director.
- 2138 (2) The office has power to administer oaths, certify to official acts, issue subpoenas, and to
2139 compel witnesses and the production of books, accounts, documents, and evidence.
- 2140 (3) The office has the power to seek administrative and judicial orders to require an obligor
2141 who owes past-due support and is obligated to support a child receiving public
2142 assistance to participate in appropriate work activities if the obligor is unemployed and
2143 is not otherwise incapacitated.
- 2144 (4) The office has the power to enter into reciprocal child support enforcement agreements
2145 with foreign countries consistent with federal law and cooperative enforcement
2146 agreements with Indian Tribes.
- 2147 (5) The office has the power to pursue through court action the withholding, suspension,
2148 and revocation of driver's licenses, professional and occupational licenses, and
2149 recreational licenses of individuals owing overdue support or failing, after receiving
2150 appropriate notice, to comply with subpoenas or orders relating to ~~[paternity]~~ parentage
2151 or child support proceedings pursuant to Section 78B-6-315.
- 2152 (6)(a) It is the duty of the attorney general or the county attorney of any county in which
2153 a cause of action can be filed, to represent the office.
- 2154 (b) Neither the attorney general nor the county attorney represents or has an
2155 attorney-client relationship with the obligee or the obligor in carrying out the duties
2156 arising under this chapter.
- 2157 (7) The office, with department approval, is authorized to receive any grants or stipends
2158 from the federal government or other public or private source designed to aid the
2159 efficient and effective operation of the recovery program.
- 2160 (8) The office may adopt, amend, and enforce rules as may be necessary to carry out the
2161 provisions of this chapter.

2162 Section 20. Section **26B-9-205** is amended to read:

2163 **26B-9-205 . Expedited procedures for establishing parentage or establishing,**
2164 **modifying, or enforcing a support order.**

- 2165 (1) The office may, without the necessity of initiating an adjudicative proceeding or
2166 obtaining an order from any other judicial or administrative tribunal, take the following
2167 actions related to the establishment of ~~[paternity]~~ parentage or the establishment,
2168 modification, or enforcement of a support order, and to recognize and enforce the
2169 authority of state agencies of other states to take the following actions:
- 2170 (a) require a child, a birth mother, and an alleged genetic father to submit to genetic

- 2171 testing;
- 2172 (b) subpoena financial or other information needed to establish, modify, or enforce a
2173 support order, including:
- 2174 (i) the name, address, and employer of a person who owes or is owed support that
2175 appears on the customer records of public utilities and cable television companies;
2176 and
- 2177 (ii) information held by financial institutions on such things as the assets and
2178 liabilities of a person who owes or is owed support;
- 2179 (c) require a public or private employer to promptly disclose information to the office on
2180 the name, address, date of birth, social security number, employment status,
2181 compensation, and benefits, including health insurance, of any person employed as
2182 an employee or contractor by the employer;
- 2183 (d) require an insurance organization subject to Title 31A, Insurance Code, or an
2184 insurance administrator of a self-insured employer to promptly disclose to the office
2185 health insurance information pertaining to an insured or an insured's dependents, if
2186 known;
- 2187 (e) obtain access to information in the records and automated databases of other state
2188 and local government agencies, including:
- 2189 (i) marriage, birth, and divorce records;
- 2190 (ii) state and local tax and revenue records providing information on such things as
2191 residential and mailing addresses, employers, income, and assets;
- 2192 (iii) real and titled personal property records;
- 2193 (iv) records concerning occupational and professional licenses and the ownership and
2194 control of corporations, partnerships, and other business entities;
- 2195 (v) employment security records;
- 2196 (vi) records of agencies administering public assistance programs;
- 2197 (vii) motor vehicle department records; and
- 2198 (viii) corrections records;
- 2199 (f) upon providing notice to the obligor and obligee, direct an obligor or other payor to
2200 change the payee to the office if support has been assigned to the office under Section
2201 35A-7-108 or if support is paid through the office pursuant to the Social Security Act,
2202 42 U.S.C. Sec. 654B;
- 2203 (g) order income withholding in accordance with Part 3, Income Withholding in IV-D
2204 Cases;

- 2205 (h) secure assets to satisfy past-due support by:
- 2206 (i) intercepting or seizing periodic or lump-sum payments from:
- 2207 (A) a state or local government agency, including unemployment compensation,
- 2208 workers' compensation, and other benefits; and
- 2209 (B) judgments, settlements, and lotteries;
- 2210 (ii) attaching and seizing assets of an obligor held in financial institutions;
- 2211 (iii) attaching public and private retirement funds, if the obligor presently:
- 2212 (A) receives periodic payments; or
- 2213 (B) has the authority to withdraw some or all of the funds; and
- 2214 (iv) imposing liens against real and personal property in accordance with this section
- 2215 and Section 26B-9-214; and
- 2216 (i) increase monthly payments in accordance with Section 26B-9-219.
- 2217 (2)(a) When taking action under Subsection (1), the office shall send notice under this
- 2218 Subsection (2)(a) to the person or entity who is required to comply with the action if
- 2219 not a party to a case receiving IV-D services.
- 2220 (b) The notice described in Subsection (2)(a) shall include:
- 2221 (i) the authority of the office to take the action;
- 2222 (ii) the response required by the recipient;
- 2223 (iii) the opportunity to provide clarifying information to the office under Subsection
- 2224 (2)(c);
- 2225 (iv) the name and telephone number of a person in the office who can respond to
- 2226 inquiries; and
- 2227 (v) the protection from criminal and civil liability extended under Subsection (7).
- 2228 (c) The recipient of a notice sent under this Subsection (2) shall promptly comply with
- 2229 the terms of the notice and may, if the recipient believes the office's request is in
- 2230 error, send clarifying information to the office setting forth the basis for the
- 2231 recipient's belief.
- 2232 (3) The office shall in any case in which it requires genetic testing under Subsection (1)(a):
- 2233 (a) consider clarifying information if submitted by the obligee and alleged father;
- 2234 (b) proceed with testing as the office considers appropriate;
- 2235 (c) pay the cost of the tests, subject to recoupment from the alleged father if [~~paternity~~]
- 2236 parentage is established;
- 2237 (d) order a second test if the original test result is challenged, and the challenger pays the
- 2238 cost of the second test in advance; and

- 2239 (e) require that the genetic test is:
- 2240 (i) of a type generally acknowledged as reliable by accreditation bodies designated by
- 2241 the Secretary of the United States Department of Health and Human Services; and
- 2242 (ii) performed by a laboratory approved by such an accreditation body.
- 2243 (4) The office may impose a penalty against an entity for failing to provide information
- 2244 requested in a subpoena issued under Subsection (1) as follows:
- 2245 (a) \$25 for each failure to provide requested information; or
- 2246 (b) \$500 if the failure to provide requested information is the result of a conspiracy
- 2247 between the entity and the obligor to not supply the requested information or to
- 2248 supply false or incomplete information.
- 2249 (5)(a) Unless a court or administrative agency has reduced past-due support to a sum
- 2250 certain judgment, the office shall provide concurrent notice to an obligor in
- 2251 accordance with Section 26B-9-207 of:
- 2252 (i) any action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or
- 2253 Subsection 26B-9-208(1)(b) if Subsection (5)(b)(iii) does not apply; and
- 2254 (ii) the opportunity of the obligor to contest the action and the amount claimed to be
- 2255 past-due by filing a written request for an adjudicative proceeding with the office
- 2256 within 15 days of notice being sent.
- 2257 (b)(i) Upon receipt of a notice of levy from the office for an action taken pursuant to
- 2258 Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection 26B-9-208(1)(b), a
- 2259 person in possession of personal property of the obligor shall:
- 2260 (A) secure the property from unauthorized transfer or disposition as required by
- 2261 Section 26B-9-215; and
- 2262 (B) surrender the property to the office after 21 days of receiving the notice unless
- 2263 the office has notified the person to release all or part of the property to the
- 2264 obligor.
- 2265 (ii) Unless released by the office, a notice of levy upon personal property shall be:
- 2266 (A) valid for 60 days; and
- 2267 (B) effective against any additional property which the obligor may deposit or
- 2268 transfer into the possession of the person up to the amount of the levy.
- 2269 (iii) If the property upon which the office imposes a levy is insufficient to satisfy the
- 2270 specified amount of past-due support and the obligor fails to contest that amount
- 2271 under Subsection (5)(a)(ii), the office may proceed under Subsections (1)(h)(i)(B),
- 2272 (1)(h)(ii), (1)(h)(iii), or Subsection 26B-9-208(1)(b) against additional property of

- 2273 the obligor until the amount specified and the reasonable costs of collection are
2274 fully paid.
- 2275 (c) Except as provided in Subsection (5)(b)(iii), the office may not disburse funds
2276 resulting from action requiring notice under Subsection (5)(a)(i) until:
2277 (i) 21 days after notice was sent to the obligor; and
2278 (ii) the obligor, if the obligor contests the action under Subsection (5)(a)(ii), has
2279 exhausted the obligor's administrative remedies and, if appealed to a district court,
2280 the district court has rendered a final decision.
- 2281 (d) Before intercepting or seizing any periodic or lump-sum payment under Subsection
2282 (1)(h)(i)(A), the office shall:
2283 (i) comply with Subsection 59-10-529(4)(a); and
2284 (ii) include in the notice required by Subsection 59-10-529(4)(a) reference to
2285 Subsection (1)(h)(i)(A).
- 2286 (e) If Subsection (5)(a) or (5)(d) does not apply, an action against the real or personal
2287 property of the obligor shall be in accordance with Section 26B-9-214.
- 2288 (6) All information received under this section is subject to Title 63G, Chapter 2,
2289 Government Records Access and Management Act.
- 2290 (7) No employer, financial institution, public utility, cable company, insurance
2291 organization, its agent or employee, or related entity may be civilly or criminally liable
2292 for providing information to the office or taking any other action requested by the office
2293 pursuant to this section.
- 2294 (8) The actions the office may take under Subsection (1) are in addition to the actions the
2295 office may take pursuant to Part 3, Income Withholding in IV-D Cases.
2296 Section 21. Section **26B-9-206** is amended to read:
2297 **26B-9-206 . Issuance or modification of administrative order -- Compliance with**
2298 **court order -- Authority of office -- Stipulated agreements -- Notification requirements.**
- 2299 (1) Through an adjudicative proceeding the office may issue or modify an administrative
2300 order that:
2301 (a) determines [~~paternity~~] parentage;
2302 (b) determines whether an obligor owes support;
2303 (c) determines temporary orders of child support upon clear and convincing evidence of [
2304 ~~paternity~~] parentage in the form of genetic test results or other evidence;
2305 (d) requires an obligor to pay a specific or determinable amount of present and future
2306 support;

- 2307 (e) determines the amount of past-due support;
- 2308 (f) orders an obligor who owes past-due support and is obligated to support a child
2309 receiving public assistance to participate in appropriate work activities if the obligor
2310 is unemployed and is not otherwise incapacitated;
- 2311 (g) imposes a penalty authorized under this chapter;
- 2312 (h) determines an issue that may be specifically contested under this chapter by a party
2313 who timely files a written request for an adjudicative proceeding with the office; and
- 2314 (i) renews an administrative judgment.
- 2315 (2)(a) An abstract of a final administrative order issued under this section or a notice of
2316 judgment-lien under Section 26B-9-214 may be filed with the clerk of any district
2317 court.
- 2318 (b) Upon a filing under Subsection (2)(a), the clerk of the court shall:
- 2319 (i) docket the abstract or notice in the judgment docket of the court and note the time
2320 of receipt on the abstract or notice and in the judgment docket; and
- 2321 (ii) at the request of the office, place a copy of the abstract or notice in the file of a
2322 child support action involving the same parties.
- 2323 (3) If a judicial order has been issued, the office may not issue an order under Subsection (1)
2324 that is not based on the judicial order, except:
- 2325 (a) the office may establish a new obligation in those cases in which the juvenile court
2326 has ordered the parties to meet with the office to determine the support pursuant to
2327 Section 78A-6-356; or
- 2328 (b) the office may issue an order of current support in accordance with the child support
2329 guidelines if the conditions of Subsection [~~78B-14-207(2)(c)~~] 81-8-207(2)(c) are met.
- 2330 (4) The office may proceed under this section in the name of this state, another state under
2331 Section 26B-9-209, any department of this state, the office, or the obligee.
- 2332 (5) The office may accept voluntary acknowledgment of a support obligation and enter into
2333 stipulated agreements providing for the issuance of an administrative order under this
2334 part.
- 2335 (6) The office may act in the name of the obligee in endorsing and cashing any drafts,
2336 checks, money orders, or other negotiable instruments received by the office for support.
- 2337 (7) The obligor shall, after a notice of agency action has been served on the obligor in
2338 accordance with Section 63G-4-201, keep the office informed of:
- 2339 (a) the obligor's current address;
- 2340 (b) the name and address of current payors of income;

2341 (c) availability of or access to health insurance coverage; and

2342 (d) applicable health insurance policy information.

2343 Section 22. Section **26B-9-207** is amended to read:

2344 **26B-9-207 . Filing of location information -- Service of process.**

2345 (1)(a) Upon the entry of an order in a proceeding to establish [~~paternity~~] parentage or to
2346 establish, modify, or enforce a support order, each party shall file identifying
2347 information and shall update that information as changes occur:

2348 (i) with the court or administrative agency that conducted the proceeding; and

2349 (ii) after October 1, 1998, with the state case registry.

2350 (b) The identifying information required under Subsection (1)(a) shall include the
2351 person's Social Security number, driver's license number, residential and mailing
2352 addresses, telephone numbers, the name, address, and telephone number of
2353 employers, and any other data required by the Secretary of the United States
2354 Department of Health and Human Services.

2355 (c) In any subsequent child support action involving the office or between the parties,
2356 state due process requirements for notice and service of process shall be satisfied as
2357 to a party upon:

2358 (i) a sufficient showing that diligent effort has been made to ascertain the location of
2359 the party; and

2360 (ii) delivery of notice to the most recent residential or employer address filed with the
2361 court, administrative agency, or state case registry under Subsection (1)(a).

2362 (2)(a) The office shall provide individuals who are applying for or receiving services
2363 under this chapter or who are parties to cases in which services are being provided
2364 under this chapter:

2365 (i) with notice of all proceedings in which support obligations might be established or
2366 modified; and

2367 (ii) with a copy of any order establishing or modifying a child support obligation, or
2368 in the case of a petition for modification, a notice of determination that there
2369 should be no change in the amount of the child support award, within 14 days
2370 after issuance of such order or determination.

2371 (b) Notwithstanding Subsection (2)(a)(ii), notice in the case of an interstate order shall
2372 be provided in accordance with Section [~~78B-14-614~~] 81-8-614.

2373 (3) Service of all notices and orders under this part shall be made in accordance with Title
2374 63G, Chapter 4, Administrative Procedures Act, the Utah Rules of Civil Procedure, or

2375 this section.

2376 (4) Consistent with Title 63G, Chapter 2, Government Records Access and Management
2377 Act, the office shall adopt procedures to classify records to prohibit the unauthorized use
2378 or disclosure of information relating to a proceeding to:

2379 (a) establish [~~paternity~~] parentage; or

2380 (b) establish or enforce support.

2381 (5)(a) The office shall, upon written request, provide location information available in its
2382 files on a custodial or noncustodial parent to the other party or the other party's legal
2383 counsel provided that:

2384 (i) the party seeking the information produces a copy of the parent-time order signed
2385 by the court;

2386 (ii) the information has not been safeguarded in accordance with Section 454 of the
2387 Social Security Act;

2388 (iii) the party whose location is being sought has been afforded notice in accordance
2389 with this section of the opportunity to contest release of the information;

2390 (iv) the party whose location is being sought has not provided the office with a copy
2391 of a protective order, a current court order prohibiting disclosure, a current court
2392 order limiting or prohibiting the requesting person's contact with the party or child
2393 whose location is being sought, a criminal order, an administrative order pursuant
2394 to Section 80-2-707, or documentation of a pending proceeding for any of the
2395 above; and

2396 (v) there is no other state or federal law that would prohibit disclosure.

2397 (b) "Location information" shall consist of the current residential address of the
2398 custodial or noncustodial parent and, if different and known to the office, the current
2399 residence of any children who are the subject of the parent-time order. If there is no
2400 current residential address available, the person's place of employment and any other
2401 location information shall be disclosed.

2402 (c) For the purposes of this section, "reason to believe" under Section 454 of the Social
2403 Security Act means that the person seeking to safeguard information has provided to
2404 the office a copy of a protective order, current court order prohibiting disclosure,
2405 current court order prohibiting or limiting the requesting person's contact with the
2406 party or child whose location is being sought, criminal order signed by a court of
2407 competent jurisdiction, an administrative order pursuant to Section 80-2-707, or
2408 documentation of a pending proceeding for any of the above.

2409 (d) Neither the state, the department, the office nor its employees shall be liable for any
2410 information released in accordance with this section.

2411 (6) Custodial or noncustodial parents or their legal representatives who are denied location
2412 information in accordance with Subsection (5) may serve the Office of Recovery
2413 Services to initiate an action to obtain the information.

2414 Section 23. Section **26B-9-209** is amended to read:

2415 **26B-9-209 . Support collection services requested by agency of another state.**

2416 (1) In accordance with [~~Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act~~]
2417 Title 81, Chapter 8, Uniform Interstate Family Support Act, the office may proceed to
2418 issue or modify an order under Section 26B-9-206 to collect under this part from an
2419 obligor who is located in or is a resident of this state regardless of the presence or
2420 residence of the obligee if:

2421 (a) support collection services are requested by an agency of another state that is
2422 operating under Part IV-D of the Social Security Act; or

2423 (b) an individual applies for services.

2424 (2) The office shall use high-volume automated administrative enforcement, to the same
2425 extent it is used for intrastate cases, in response to a request made by another state's
2426 IV-D child support agency to enforce support orders.

2427 (3) A request by another state shall constitute a certification by the requesting state:

2428 (a) of the amount of support under the order of payment of which is in arrears; and

2429 (b) that the requesting state has complied with procedural due process requirements
2430 applicable to the case.

2431 (4) The office shall give automated administrative interstate enforcement requests the same
2432 priority as a two-state referral received from another state to enforce a support order.

2433 (5) The office shall promptly report the results of the enforcement procedures to the
2434 requesting state.

2435 (6) As required by the Social Security Act, 42 U.S.C. Sec. 666(a)(14), the office shall
2436 maintain records of:

2437 (a) the number of requests for enforcement assistance received by the office under this
2438 section;

2439 (b) the number of cases for which the state collected support in response to those
2440 requests; and

2441 (c) the amount of support collected.

2442 Section 24. Section **26B-9-213** is amended to read:

- 2443 **26B-9-213 . Duties of obligee after assignment of support rights.**
- 2444 (1) An obligee whose rights to support have been assigned under Section 35A-3-108 as a
2445 condition of eligibility for public assistance has the following duties:
- 2446 (a) Unless a good cause or other exception applies, the obligee shall, at the request of the
2447 office:
- 2448 (i) cooperate in good faith with the office by providing the name and other
2449 identifying information of the other parent of the obligee's child for the purpose of:
- 2450 (A) establishing [~~paternity~~] parentage; or
2451 (B) establishing, modifying, or enforcing a child support order;
- 2452 (ii) supply additional necessary information and appear at interviews, hearings, and
2453 legal proceedings; and
- 2454 (iii) submit the obligee's child and [~~himself~~] the obligee to judicially or
2455 administratively ordered genetic testing.
- 2456 (b) The obligee may not commence an action against an obligor or file a pleading to
2457 collect or modify support without the office's written consent.
- 2458 (c) The obligee may not do anything to prejudice the rights of the office to establish [
2459 ~~paternity~~] parentage, enforce provisions requiring health insurance, or to establish and
2460 collect support.
- 2461 (d) The obligee may not agree to allow the obligor to change the court or
2462 administratively ordered manner or amount of payment of past, present, or future
2463 support without the office's written consent.
- 2464 (2)(a) The office shall determine and redetermine, when appropriate, whether an obligee
2465 has cooperated with the office as required by Subsection (1)(a).
- 2466 (b) If the office determines that an obligee has not cooperated as required by Subsection
2467 (1)(a), the office shall:
- 2468 (i) forward the determination and the basis for it to the Department of Workforce
2469 Services, which shall inform the department of the determination, for a
2470 determination of whether compliance by the obligee should be excused on the
2471 basis of good cause or other exception; and
- 2472 (ii) send to the obligee:
- 2473 (A) a copy of the notice; and
2474 (B) information that the obligee may, within 15 days of notice being sent:
- 2475 (I) contest the office's determination of noncooperation by filing a written
2476 request for an adjudicative proceeding with the office; or

- 2477 (II) assert that compliance should be excused on the basis of good cause or
2478 other exception by filing a written request for a good cause exception with
2479 the Department of Workforce Services.
- 2480 (3) The office's right to recover is not reduced or terminated if an obligee agrees to allow
2481 the obligor to change the court or administratively ordered manner or amount of
2482 payment of support regardless of whether that agreement is entered into before or after
2483 public assistance is furnished on behalf of a child.
- 2484 (4)(a) If an obligee receives direct payment of assigned support from an obligor, the
2485 obligee shall immediately deliver that payment to the office.
- 2486 (b)(i) If an obligee agrees with an obligor to receive payment of support other than in
2487 the court or administratively ordered manner and receives payment as agreed with
2488 the obligor, the obligee shall immediately deliver the cash equivalent of the
2489 payment to the office.
- 2490 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)
2491 exceeds the amount of the court or administratively ordered support due, the
2492 office shall return the excess to the obligee.
- 2493 (5)(a) If public assistance furnished on behalf of a child is terminated, the office may
2494 continue to provide [~~paternity~~] parentage establishment and support collection
2495 services.
- 2496 (b) Unless the obligee notifies the office to discontinue these services, the obligee is
2497 considered to have accepted and is bound by the rights, duties, and liabilities of an
2498 obligee who has applied for those services.
- 2499 Section 25. Section **26B-9-230** is amended to read:
- 2500 **26B-9-230 . Right to judicial review.**
- 2501 (1)(a) Within 30 days of notice of any administrative action on the part of the office to
2502 establish [~~paternity~~] parentage or establish, modify or enforce a child support order,
2503 the obligor may file a petition for de novo review with the district court.
- 2504 (b) For purposes of Subsection (1)(a), notice includes:
- 2505 (i) notice actually received by the obligor in accordance with Section 26B-9-207;
- 2506 (ii) participation by the obligor in the proceedings related to the establishment of the [
2507 paternity] parentage or the modification or enforcement of child support; or
- 2508 (iii) receiving a paycheck in which a reduction has been made for child support.
- 2509 (2) The petition shall name the office and all other appropriate parties as respondents and
2510 meet the form requirements specified in Section 63G-4-402.

- 2511 (3) A copy of the petition shall be served upon the Child and Family Support Division of
2512 the Office of Attorney General.
- 2513 (4)(a) If the petition is regarding the amount of the child support obligation established
2514 in accordance with Title 81, Chapter 6, Child Support, the court may issue a
2515 temporary order for child support until a final order is issued.
- 2516 (b) The petitioner may file an affidavit stating the amount of child support reasonably
2517 believed to be due and the court may issue a temporary order for that amount. The
2518 temporary order shall be valid for 60 days, unless extended by the court while the
2519 action is being pursued.
- 2520 (c) If the court upholds the amount of support established in Subsection (4)(a), the
2521 petitioner shall be ordered to make up the difference between the amount originally
2522 ordered in Subsection (4)(a) and the amount temporarily ordered under Subsection
2523 (4)(b).
- 2524 (d) This Subsection (4) does not apply to an action for the court-ordered modification of
2525 a judicial child support order.
- 2526 (5)(a) The court may, on its own initiative and based on the evidence before it,
2527 determine whether the petitioner violated Rule 11 of the Utah Rules of Civil
2528 Procedure by filing the action.
- 2529 (b) If the court determines that Rule 11 of the Utah Rules of Civil Procedure was
2530 violated, it shall, at a minimum, award to the office attorney fees and costs for the
2531 action.
- 2532 (6) Nothing in this section precludes the obligor from seeking administrative remedies as
2533 provided in this chapter.
- 2534 Section 26. Section **35A-3-308** is amended to read:
- 2535 **35A-3-308 . Adoption services -- Printed information -- Supports provided.**
- 2536 (1) The department may provide assistance under this section to an applicant who is
2537 pregnant and is not receiving cash assistance at the beginning of the third trimester of
2538 pregnancy.
- 2539 (2) For a pregnant applicant, the department shall:
- 2540 (a) refer the applicant for appropriate prenatal medical care, including maternal health
2541 services provided under Title 26B, Chapter 7, Part 1, Health Promotion and Risk
2542 Reduction;
- 2543 (b) inform the applicant of free counseling about adoption from licensed child placement
2544 agencies and licensed attorneys; and

- 2545 (c) offer the applicant the adoption information packet described in Subsection (3).
- 2546 (3) The department shall publish an adoption information packet that:
- 2547 (a) is easy to understand;
- 2548 (b) contains geographically indexed materials on the public and private organizations
- 2549 that provide adoption assistance;
- 2550 (c) lists the names, addresses, and telephone numbers of licensed child placement
- 2551 agencies and licensed attorneys who place children for adoption;
- 2552 (d) explains that private adoption is legal and that the law permits adoptive parents to
- 2553 reimburse the costs of prenatal care, childbirth, neonatal care, and other expenses
- 2554 related to pregnancy; and
- 2555 (e) describes the services available to the applicant under this section.
- 2556 (4)(a) A recipient remains eligible for assistance under this section, even though the
- 2557 recipient relinquishes a child for adoption, if the adoption is in accordance with
- 2558 Sections ~~[78B-6-120 through 78B-6-122]~~ 81-13-212 and 81-13-213.
- 2559 (b) The assistance provided under this section may include:
- 2560 (i) reimbursement for expenses associated with care and confinement during
- 2561 pregnancy as provided in Subsection (5); and
- 2562 (ii) for a maximum of 12 months from the date of relinquishment, coordination of
- 2563 services to assist the recipient in:
- 2564 (A) receiving appropriate educational and occupational assessment and planning;
- 2565 (B) enrolling in appropriate education or training programs, including high school
- 2566 completion and adult education programs;
- 2567 (C) enrolling in programs that provide assistance with job readiness, employment
- 2568 counseling, finding employment, and work skills;
- 2569 (D) finding suitable housing;
- 2570 (E) receiving medical assistance, under Title 26B, Chapter 3, Health Care -
- 2571 Administration and Assistance, if the recipient is otherwise eligible; and
- 2572 (F) receiving counseling and other mental health services.
- 2573 (5)(a) Except as provided in Subsection (5)(b), a recipient under this section is eligible
- 2574 to receive an amount equal to the maximum monthly amount of cash assistance paid
- 2575 under this part to one person for up to 12 consecutive months from the date of
- 2576 relinquishment.
- 2577 (b) If a recipient is otherwise eligible to receive cash assistance under this part, the
- 2578 recipient is eligible to receive an amount equal to the increase in cash assistance the

- 2579 recipient would have received but for the relinquishment for up to 12 consecutive
 2580 months from the date of relinquishment.
- 2581 (6)(a) To remain eligible for assistance under this section, a recipient shall:
- 2582 (i) with the cooperation of the department, develop and implement an employment
 2583 plan that includes goals for achieving self-sufficiency and that describes the action
 2584 the recipient will take concerning education and training to achieve full-time
 2585 employment;
- 2586 (ii) if the recipient does not have a high school diploma, enroll in high school or an
 2587 alternative to high school and demonstrate progress toward graduation; and
- 2588 (iii) make a good faith effort to meet the goals of the employment plan as described
 2589 in Section 35A-3-304.
- 2590 (b) Cash assistance provided to a recipient before the recipient relinquishes a child for
 2591 adoption is part of the state plan.
- 2592 (c) Assistance provided under Subsection (5):
- 2593 (i) shall be provided for with state funds; and
- 2594 (ii) may not be counted when determining subsequent eligibility for cash assistance
 2595 under this chapter.
- 2596 (d) The time limit provisions of Section 35A-3-306 apply to cash assistance provided
 2597 under the state plan.
- 2598 (e) The department shall monitor a recipient's compliance with this section.
- 2599 (f) Except for Subsection (6)(b), Subsections (2) through (6) are excluded from the state
 2600 plan.

2601 Section 27. Section **53-10-108** is amended to read:

2602 **53-10-108 . Restrictions on access, use, and contents of division records --**

2603 **Limited use of records for employment purposes -- Challenging accuracy of records --**

2604 **Usage fees -- Missing children records -- Penalty for misuse of records.**

- 2605 (1) As used in this section:
- 2606 (a) "Clone" means to copy a subscription or subscription data from a rap back system,
 2607 including associated criminal history record information, from a qualified entity to
 2608 another qualified entity.
- 2609 (b) "FBI Rap Back System" means the rap back system maintained by the Federal
 2610 Bureau of Investigation.
- 2611 (c) "Rap back system" means a system that enables authorized entities to receive
 2612 ongoing status notifications of any criminal history reported on individuals whose

- 2613 fingerprints are registered in the system.
- 2614 (d) "Volunteer Employee Criminal History System" or "VECHS" means a system that
2615 allows the bureau and the Federal Bureau of Investigation to provide criminal history
2616 record information to a qualifying entity, including a non-governmental qualifying
2617 entity.
- 2618 (e) "WIN Database" means the Western Identification Network Database that consists of
2619 eight western states sharing one electronic fingerprint database.
- 2620 (2) Except as provided in Subsection (17), dissemination of information from a criminal
2621 history record, including information obtained from a fingerprint background check,
2622 name check, warrant of arrest information, or information from division files, is limited
2623 to:
- 2624 (a) criminal justice agencies for purposes of administration of criminal justice and for
2625 employment screening by criminal justice agencies;
- 2626 (b)(i) agencies or individuals pursuant to a specific agreement with a criminal justice
2627 agency to provide services required for the administration of criminal justice; and
2628 (ii) the agreement shall specifically authorize access to data, limit the use of the data
2629 to purposes for which given, and ensure the security and confidentiality of the
2630 data;
- 2631 (c) a qualifying entity for employment background checks for the qualifying entity's own
2632 employees or volunteers and individuals who have applied for employment with or to
2633 serve as a volunteer for the qualifying entity;
- 2634 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,
2635 executive order, court rule, court order, or local ordinance;
- 2636 (e) agencies or individuals for the purpose of obtaining required clearances connected
2637 with foreign travel or obtaining citizenship;
- 2638 (f) agencies or individuals for the purpose of a preplacement adoptive study, in
2639 accordance with the requirements of Sections [~~78B-6-128 and 78B-6-130~~] 81-13-403
2640 and 81-13-405;
- 2641 (g) private security agencies through guidelines established by the commissioner for
2642 employment background checks for their own employees and prospective employees;
- 2643 (h) state agencies for the purpose of conducting a background check for the following
2644 individuals:
- 2645 (i) employees;
- 2646 (ii) applicants for employment;

- 2647 (iii) volunteers; and
2648 (iv) contract employees;
- 2649 (i) governor's office for the purpose of conducting a background check on the following
2650 individuals:
- 2651 (i) cabinet members;
2652 (ii) judicial applicants; and
2653 (iii) members of boards, committees, and commissions appointed by the governor;
- 2654 (j) the office of the lieutenant governor for the purpose of conducting a background
2655 check on an individual applying to be a notary public under Section 46-1-3;
- 2656 (k) agencies and individuals as the commissioner authorizes for the express purpose of
2657 research, evaluative, or statistical activities pursuant to an agreement with a criminal
2658 justice agency; and
- 2659 (l) other agencies and individuals as the commissioner authorizes and finds necessary for
2660 protection of life and property and for offender identification, apprehension, and
2661 prosecution pursuant to an agreement.
- 2662 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data, limit
2663 the use of data to research, evaluative, or statistical purposes, preserve the anonymity of
2664 individuals to whom the information relates, and ensure the confidentiality and security
2665 of the data.
- 2666 (4)(a) Before requesting information, a qualifying entity under Subsection (2)(c), state
2667 agency, or other agency or individual described in Subsections (2)(d) through (j) shall
2668 obtain a signed waiver from the person whose information is requested.
- 2669 (b) The waiver shall notify the signee:
- 2670 (i) that a criminal history background check will be conducted;
2671 (ii) who will see the information; and
2672 (iii) how the information will be used.
- 2673 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or
2674 individual described in Subsections (2)(d) through (g) that submits a request for a
2675 noncriminal justice name based background check of local databases to the bureau
2676 shall provide to the bureau:
- 2677 (i) personal identifying information for the subject of the background check; and
2678 (ii) the fee required by Subsection (15).
- 2679 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or
2680 individual described in Subsections (2)(d) through (g) that submits a request for a

- 2681 WIN database check and a nationwide background check shall provide to the bureau:
2682 (i) personal identifying information for the subject of the background check;
2683 (ii) a fingerprint card for the subject of the background check; and
2684 (iii) the fee required by Subsection (15).
- 2685 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or
2686 other agency or individual described in Subsections (2)(d) through (j) may only be:
2687 (i) available to individuals involved in the hiring or background investigation of the
2688 job applicant, employee, notary applicant, or as authorized under federal or state
2689 law;
2690 (ii) used for the purpose of assisting in making an employment appointment,
2691 selection, or promotion decision or for considering a notary applicant under
2692 Section 46-1-3; and
2693 (iii) used for the purposes disclosed in the waiver signed in accordance with
2694 Subsection (4)(b).
- 2695 (f) An individual who disseminates or uses information obtained from the division under
2696 Subsections (2)(c) through (j) for purposes other than those specified under
2697 Subsection (4)(e), in addition to any penalties provided under this section, is subject
2698 to civil liability.
- 2699 (g)(i) A qualifying entity under Subsection (2)(c), state agency, or other agency or
2700 individual described in Subsections (2)(d) through (j) that obtains background
2701 check information shall provide the subject of the background check an
2702 opportunity to:
2703 (A) request a copy of the information received; and
2704 (B) respond to and challenge the accuracy of any information received.
2705 (ii) An individual who is the subject of a background check and who receives a copy
2706 of the information described in Subsection (4)(g)(i) may use the information only
2707 for the purpose of reviewing, responding to, or challenging the accuracy of the
2708 information.
- 2709 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2710 division may make rules to implement this Subsection (4).
- 2711 (i) The division or the division's employees are not liable for defamation, invasion of
2712 privacy, negligence, or any other claim in connection with the contents of
2713 information disseminated under Subsections (2)(c) through (j).
- 2714 (5)(a) Except as provided in Subsection (5)(b), (c), (d), or (e), or as otherwise authorized

- 2715 under state law, criminal history record information obtained from division files may
2716 be used only for the purposes for which the information was provided.
- 2717 (b) A criminal history provided to an agency under Subsection (2)(f) may be provided
2718 by the agency to the individual who is the subject of the history, another licensed
2719 child-placing agency, or the attorney for the adoptive parents for the purpose of
2720 facilitating an adoption.
- 2721 (c) A criminal history of a defendant provided to a criminal justice agency under
2722 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense
2723 counsel, upon request during the discovery process, for the purpose of establishing a
2724 defense in a criminal case.
- 2725 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit
2726 District Act, that is under contract with a state agency to provide services may, for
2727 the purposes of complying with Subsection 26B-6-410(5), provide a criminal history
2728 record to the state agency or the agency's designee.
- 2729 (e) Criminal history record information obtained from a national source may be
2730 disseminated if the dissemination is authorized by a policy issued by the Criminal
2731 Justice Information Services Division or other federal law.
- 2732 (6)(a) A qualifying entity under Subsection (2)(c) may submit fingerprints to the bureau
2733 and the Federal Bureau of Investigation for a local and national background check
2734 under the provisions of the National Child Protection Act of 1993, 42 U.S.C. Sec.
2735 5119 et seq.
- 2736 (b) A qualifying entity under Subsection (2)(c) that submits fingerprints under
2737 Subsection (6)(a):
- 2738 (i) shall meet all VECHS requirements for using VECHS; and
2739 (ii) may only submit fingerprints for an employee, volunteer, or applicant who has
2740 resided in Utah for the seven years before the day on which the qualifying entity
2741 submits the employee's, volunteer's, or applicant's fingerprints.
- 2742 (7)(a) This section does not preclude the use of the division's central computing facilities
2743 for the storage and retrieval of criminal history record information.
- 2744 (b) This information shall be stored so the information cannot be modified, destroyed, or
2745 accessed by unauthorized agencies or individuals.
- 2746 (8) Direct access through remote computer terminals to criminal history record information
2747 in the division's files is limited to those agencies authorized by the commissioner under
2748 procedures designed to prevent unauthorized access to this information.

- 2749 (9)(a) The commissioner shall establish procedures to allow an individual right of access
2750 to review and receive a copy of the individual's criminal history report.
- 2751 (b) A processing fee for the right of access service, including obtaining a copy of the
2752 individual's criminal history report under Subsection (9)(a) shall be set in accordance
2753 with Section 63J-1-504.
- 2754 (c)(i) The commissioner shall establish procedures for an individual to challenge the
2755 completeness and accuracy of criminal history record information contained in the
2756 division's computerized criminal history files regarding that individual.
- 2757 (ii) These procedures shall include provisions for amending any information found to
2758 be inaccurate or incomplete.
- 2759 (10) The private security agencies as provided in Subsection (2)(g):
- 2760 (a) shall be charged for access; and
- 2761 (b) shall be registered with the division according to rules made by the division under
2762 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2763 (11) Before providing information requested under this section, the division shall give
2764 priority to a criminal justice agency's needs.
- 2765 (12)(a) It is a class B misdemeanor for a person to knowingly or intentionally access,
2766 use, disclose, or disseminate a record created, maintained, or to which access is
2767 granted by the division or any information contained in a record created, maintained,
2768 or to which access is granted by the division for a purpose prohibited or not permitted
2769 by statute, rule, regulation, or policy of a governmental entity.
- 2770 (b) A person who discovers or becomes aware of any unauthorized use of records
2771 created or maintained, or to which access is granted by the division shall inform the
2772 commissioner and the director of the bureau of the unauthorized use.
- 2773 (13)(a) Subject to Subsection (13)(b), a qualifying entity or an entity described in
2774 Subsection (2) may request that the division register fingerprints taken for the
2775 purpose of conducting current and future criminal background checks under this
2776 section with:
- 2777 (i) the WIN Database rap back system, or any successor system;
- 2778 (ii) the FBI Rap Back System; or
- 2779 (iii) a system maintained by the division.
- 2780 (b) A qualifying entity or an entity described in Subsection (2) may only make a request
2781 under Subsection (13)(a) if the entity:
- 2782 (i) has the authority through state or federal statute or federal executive order;

- 2783 (ii) obtains a signed waiver from the individual whose fingerprints are being
2784 registered; and
- 2785 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only
2786 receives notifications for individuals with whom the entity maintains an
2787 authorizing relationship.
- 2788 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to be
2789 retained in the FBI Rap Back System for the purpose of being searched by future
2790 submissions to the FBI Rap Back System, including latent fingerprint searches.
- 2791 (15)(a) The division shall impose fees set in accordance with Section 63J-1-504 for the
2792 applicant fingerprint card, name check, and to register fingerprints under Subsection
2793 (13)(a).
- 2794 (b) Funds generated under this Subsection (15) shall be deposited into the General Fund
2795 as a dedicated credit by the department to cover the costs incurred in providing the
2796 information.
- 2797 (c) The division may collect fees charged by an outside agency for services required
2798 under this section.
- 2799 (16) For the purposes of conducting a criminal background check authorized under
2800 Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in
2801 accordance with Title 63A, Chapter 17, Utah State Personnel Management Act, and the
2802 governor's office shall have direct access to criminal background information maintained
2803 under Chapter 10, Part 2, Bureau of Criminal Identification.
- 2804 (17)(a) Except as provided in Subsection (18), if an individual has an active FBI Rap
2805 Back System subscription with a qualifying entity, the division may, upon request
2806 from another qualifying entity, clone the subscription to the requesting qualifying
2807 entity if:
- 2808 (i) the requesting qualifying entity requests the clone:
- 2809 (A) for the purpose of evaluating whether the individual should be permitted to
2810 obtain or retain a license for, or serve as an employee or volunteer in a position
2811 in which the individual is responsible for, the care, treatment, training,
2812 instruction, supervision, or recreation of children, the elderly, or individuals
2813 with disabilities; or
- 2814 (B) for the same purpose as the purpose for which the original qualifying entity
2815 requested the criminal history record information;
- 2816 (ii) the requesting qualifying entity is expressly authorized by statute to obtain

- 2817 criminal history record information for the individual who is the subject of the
2818 request;
- 2819 (iii) before requesting the clone, the requesting qualifying entity obtains a signed
2820 waiver, containing the information described in Subsection (4)(b), from the
2821 individual who is the subject of the request;
- 2822 (iv) the requesting qualifying entity or the individual pays any applicable fees set by
2823 the division in accordance with Section 63J-1-504; and
- 2824 (v) the requesting qualifying entity complies with the requirements described in
2825 Subsection (4)(g).
- 2826 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2827 division may make rules regulating the process described in this Subsection (17).
- 2828 (18)(a) Subsection (17) does not apply unless the Federal Bureau of Investigation
2829 approves the use of the FBI Rap Back System for the purpose described in
2830 Subsection (17)(a)(i) under the conditions described in Subsection (17).
- 2831 (b) Subsection (17) does not apply to the extent that implementation of the provisions of
2832 Subsection (17) are contrary to the requirements of the Child Care and Development
2833 Block Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.
- 2834 (19)(a) Information received by a qualifying entity under Subsection (17) may only be
2835 disclosed and used as described in Subsection (4)(e).
- 2836 (b) A person who disseminates or uses information received under Subsection (17) for a
2837 purpose other than those described in Subsection (4)(e) is subject to the penalties
2838 described in this section and is also subject to civil liability.
- 2839 (c) A qualifying entity is not liable for defamation, invasion of privacy, negligence, or
2840 any other claim in connection with the contents of information disseminated under
2841 Subsection (17).
- 2842 Section 28. Section **53B-1-119** is amended to read:
- 2843 **53B-1-119 . Bereavement leave for miscarriage and stillbirth.**
- 2844 (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a
2845 fetus, regardless of gestational age or the duration of the pregnancy.
- 2846 (2) An institution shall adopt policies providing at least three work days of paid
2847 bereavement leave for an employee following the end of the employee's pregnancy by
2848 way of miscarriage or stillbirth or following the end of another individual's pregnancy
2849 by way of a miscarriage or stillbirth, if:
- 2850 (a) the employee is the individual's spouse or partner;

- 2851 (b) the employee is the individual's former spouse or partner and the employee would
 2852 have been a biological parent of a child born as a result of the pregnancy;
 2853 (c) the employee provides documentation to show that the individual intended for the
 2854 employee to be an adoptive parent, as that term is defined in Section [78B-6-103]
 2855 81-13-101, of a child born as a result of the pregnancy; or
 2856 (d) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15, Part~~
 2857 ~~8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement, the
 2858 employee would have been a parent of a child born as a result of the pregnancy.

2859 Section 29. Section **53G-11-209** is amended to read:

2860 **53G-11-209 . Paid leave -- Parental leave -- Postpartum recovery leave -- Leave**
 2861 **sharing -- Rulemaking.**

2862 (1) As used in this section:

- 2863 (a)(i) "Paid leave hours" means leave hours an LEA provides to an LEA employee
 2864 who accrues paid leave benefits in accordance with the LEA's leave policies.
 2865 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
 2866 of leave an employee may take while still receiving compensation.
 2867 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.
 2868 (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible
 2869 employee.
 2870 (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave
 2871 benefits in accordance with the LEA's leave policies and is:
 2872 (i) a birth parent as defined in Section [73B-6-103] 81-13-101;
 2873 (ii) legally adopting a minor child, unless the individual is the spouse of the
 2874 pre-existing parent;
 2875 (iii) the intended parent of a child born under a validated gestational agreement in
 2876 accordance with [~~Title 78B, Chapter 15, Part 8, Gestational Agreement~~] Title 81,
 2877 Chapter 5, Part 8, Gestational Agreement; or
 2878 (iv) appointed the legal guardian of a minor child or incapacitated adult.
 2879 (d) "Postpartum recovery leave" means leave hours a state employer provides to a
 2880 postpartum recovery leave eligible employee to recover from childbirth.
 2881 (e) "Postpartum recovery leave eligible employee" means an employee:
 2882 (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and
 2883 (ii) who gives birth to a child.
 2884 (f) "Qualified employee" means:

- 2885 (i) a parental leave eligible employee; or
2886 (ii) a postpartum recovery leave eligible employee.
- 2887 (g) "Retaliatory action" means to do any of the following regarding an employee:
2888 (i) dismiss the employee;
2889 (ii) reduce the employee's compensation;
2890 (iii) fail to increase the employee's compensation by an amount to which the
2891 employee is otherwise entitled to or was promised;
2892 (iv) fail to promote the employee if the employee would have otherwise been
2893 promoted; or
2894 (v) threaten to take an action described in Subsections [~~(1)(f)(i)~~] (1)(g)(i) through (iv).
- 2895 (2) Beginning July 1, 2025, an LEA:
2896 (a) shall develop leave policies that provide for the use and administration of parental
2897 leave and postpartum recovery leave by a qualified employee under this section in a
2898 manner that is not more restrictive than the parental and postpartum recovery leave
2899 available to state employees under Section 63A-17-511; [and]
2900 (b) may develop leave policies that provide a mechanism for leave sharing between
2901 employees of the same LEA or school for all types of leave including, sick leave,
2902 annual leave, parental leave, and postpartum recovery leave;
2903 (c) shall allow a parental leave eligible employee and a postpartum recovery leave
2904 eligible employee who is part-time or who works in excess of a 40-hour work week
2905 or the equivalent of a 40-hour work week to use the amount of postpartum recovery
2906 leave available under this section on a pro rata basis; and
2907 (d) shall provide each employee written information regarding:
2908 (i) a qualified employee's right to use parental leave or postpartum recovery leave
2909 under this section; and
2910 (ii) the availability of and process for using or contributing to the leave sharing
2911 mechanism described in Subsection (2)(b).
- 2912 (3) An LEA may not take retaliatory action against a qualified employee for using parental
2913 leave or postpartum recovery leave in accordance with this section.
- 2914 (4) An LEA may not charge parental leave or postpartum recovery leave against paid leave
2915 hours to which a qualified employee is entitled as described in Subsection (6).
- 2916 (5) An LEA or school may use leave bank sharing and other efforts to mitigate incurred
2917 costs of compliance with this section including coordinating with other LEAs or schools
2918 to share approaches or policies designed to fulfill the requirements of this section in a

2919 cost effective manner.

2920 (6) An LEA may provide leave that exceeds the benefits of the state leave policies
2921 described in this section.

2922 Section 30. Section **58-60-112** is amended to read:

2923 **58-60-112 . Reporting of unprofessional or unlawful conduct -- Immunity from**
2924 **liability -- Reporting conduct of court-appointed therapist.**

2925 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section
2926 58-60-102 by a person licensed under this chapter or an individual not licensed under
2927 this chapter and engaged in acts or practices regulated under this chapter, that results in
2928 disciplinary action by a licensed health care facility, professional practice group, or
2929 professional society, or that results in a significant adverse impact upon the public
2930 health, safety, or welfare, the following shall report the conduct in writing to the division
2931 within 10 days after learning of the disciplinary action or the conduct unless the
2932 individual or person knows it has been reported:

2933 (a) a licensed health care facility or organization in which an individual licensed under
2934 this chapter engages in practice;

2935 (b) an individual licensed under this chapter; and

2936 (c) a professional society or organization whose membership is individuals licensed
2937 under this chapter and which has the authority to discipline or expel a member for
2938 acts of unprofessional or unlawful conduct.

2939 (2) Any individual reporting acts of unprofessional or unlawful conduct by an individual
2940 licensed under this chapter is immune from liability arising out of the disclosure to the
2941 extent the individual furnishes the information in good faith and without malice.

2942 (3)(a) As used in this Subsection (3):

2943 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
2944 provide psychotherapeutic treatment to an individual, a couple, or a family in a
2945 domestic case.

2946 (ii) "Domestic case" means a proceeding under:

2947 (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

2948 [~~(B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
2949 ~~Enforcement Act;~~]

2950 [~~(C) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~]

2951 [~~(D)~~] (B) Title 81, Chapter 4, Dissolution of Marriage; [~~or~~]

2952 (C) Title 81, Chapter 5, Uniform Parentage Act;

2953 [~~E~~] (D) Title 81, Chapter 9, Custody, Parent-time, and Visitation[-] ; or
 2954 (E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement
 2955 Act.

- 2956 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
 2957 domestic case may not file a report against the court-appointed therapist for unlawful
 2958 or unprofessional conduct during the pendency of the domestic case, unless:
 2959 (i) the party has requested that the court release the court-appointed therapist from the
 2960 appointment; and
 2961 (ii) the court finds good cause to release the court-appointed therapist from the
 2962 appointment.

2963 Section 31. Section **63A-17-106** is amended to read:

2964 **63A-17-106 . Responsibilities of the director.**

- 2965 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
 2966 fetus, regardless of gestational age or the duration of the pregnancy.
 2967 (2) The director shall have full responsibility and accountability for the administration of
 2968 the statewide human resource management system.
 2969 (3) Except as provided in Section 63A-17-201, an agency may not perform human resource
 2970 functions without the consent of the director.
 2971 (4) Statewide human resource management rules made by the division in accordance with
 2972 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take precedence if
 2973 there is a conflict with agency rules, policies, or practices.
 2974 (5) The division may operate as an internal service fund agency in accordance with Section
 2975 63J-1-410 for the human resource functions the division provides.
 2976 (6) The director shall:
 2977 (a) develop, implement, and administer a statewide program of human resource
 2978 management that will:
 2979 (i) aid in the efficient execution of public policy;
 2980 (ii) foster careers in public service for qualified employees; and
 2981 (iii) render assistance to state agencies in performing their missions;
 2982 (b) design and administer the state pay plan;
 2983 (c) design and administer the state classification system and procedures for determining
 2984 schedule assignments;
 2985 (d) design and administer the state recruitment and selection system;
 2986 (e) administer agency human resource practices and ensure compliance with federal law,

- 2987 state law, and state human resource rules, including equal employment opportunity;
- 2988 (f) consult with agencies on decisions concerning employee corrective action and
- 2989 discipline;
- 2990 (g) maintain central personnel records;
- 2991 (h) perform those functions necessary to implement this chapter unless otherwise
- 2992 assigned or prohibited;
- 2993 (i) perform duties assigned by the governor, executive director, or statute;
- 2994 (j) make rules for human resource management, in accordance with Title 63G, Chapter
- 2995 3, Utah Administrative Rulemaking Act;
- 2996 (k) establish and maintain a management information system that will furnish the
- 2997 governor, the Legislature, and agencies with current information on authorized
- 2998 positions, payroll, and related matters concerning state human resources;
- 2999 (l) conduct research and planning activities to:
- 3000 (i) determine and prepare for future state human resource needs;
- 3001 (ii) develop methods for improving public human resource management; and
- 3002 (iii) propose needed policy changes to the governor;
- 3003 (m) study the character, causes, and extent of discrimination in state employment and
- 3004 develop plans for its elimination through programs consistent with federal and state
- 3005 laws governing equal employment opportunity in employment;
- 3006 (n) establish compensation policies and procedures for early voluntary retirement;
- 3007 (o) confer with the heads of other agencies about human resource policies and
- 3008 procedures;
- 3009 (p) submit an annual report to the executive director, the governor, and the Legislature;
- 3010 and
- 3011 (q) assist with the development of a vacant position report required under Subsection
- 3012 63J-1-201(2)(b)(vi).
- 3013 (7)(a) After consultation with the executive director, the governor, and the heads of
- 3014 other agencies, the director shall establish and coordinate statewide training
- 3015 programs, including training described in Subsection (7)(e).
- 3016 (b) The programs developed under this Subsection (7) shall have application to more
- 3017 than one agency.
- 3018 (c) The division may not establish training programs that train employees to perform
- 3019 highly specialized or technical jobs and tasks.
- 3020 (d) The division shall ensure that any training program described in this Subsection (7)

3021 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

3022 (e)(i) As used in this Subsection (7)(e):

3023 (A) "Employee" means the same as that term is defined in Section 63A-17-112.

3024 (B) "Supervisor" means an individual in a position at an agency, as defined in
3025 Section 63A-17-112, that requires the regular supervision and performance
3026 evaluation of an employee.

3027 (ii) A supervisor shall attend the training:

3028 (A) within six months of being promoted or hired to the position of supervisor; and

3029 (B) at least annually.

3030 (iii) A supervisor's completion of training and effective use of training information
3031 and principles shall be considered in an evaluation of the supervisor's job
3032 performance.

3033 (iv) The training shall include:

3034 (A) effective employee management and evaluation methods based on the pay for
3035 performance management system described in Section 63A-17-112;

3036 (B) instruction to improve supervisor and employee communications;

3037 (C) best practices for recognizing and retaining high-performing employees;

3038 (D) best practices for addressing poor-performing employees; and

3039 (E) any other information and principles identified by the division to improve
3040 management or organizational effectiveness.

3041 (8)(a)(i) The division may collect fees for training as authorized by this Subsection

3042 (8).

3043 (ii) Training funded from General Fund appropriations shall be treated as a separate
3044 program within the department budget.

3045 (iii) All money received from fees under this section will be accounted for by the
3046 department as a separate user driven training program.

3047 (iv) The user training program includes the costs of developing, procuring, and
3048 presenting training and development programs, and other associated costs for
3049 these programs.

3050 (b)(i) Funds remaining at the end of the fiscal year in the user training program are
3051 nonlapsing.

3052 (ii) Each year, as part of the appropriations process, the Legislature shall review the
3053 amount of nonlapsing funds remaining at the end of the fiscal year and may, by
3054 statute, require the department to lapse a portion of the funds.

- 3055 (9) Rules described in Subsection (6)(j) shall provide for at least three work days of paid
 3056 bereavement leave for an employee:
- 3057 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
 3058 (b) following the end of another individual's pregnancy by way of a miscarriage or
 3059 stillbirth, if:
- 3060 (i) the employee is the individual's spouse or partner;
 3061 (ii)(A) the employee is the individual's former spouse or partner; and
 3062 (B) the employee would have been a biological parent of a child born as a result of
 3063 the pregnancy;
 3064 (iii) the employee provides documentation to show that the individual intended for
 3065 the employee to be an adoptive parent, as that term is defined in Section [
 3066 78B-6-103] 81-13-101, of a child born as a result of the pregnancy; or
 3067 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
 3068 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
 3069 the employee would have been a parent of a child born as a result of the
 3070 pregnancy.

3071 Section 32. Section **63J-1-602.1** is amended to read:

3072 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

3073 Appropriations made from the following accounts or funds are nonlapsing:

- 3074 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
 3075 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
 3076 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
 3077 (3) Funds collected for directing and administering the C-PACE district created in Section
 3078 11-42a-106.
 3079 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
 3080 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
 3081 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
 3082 19-2a-106.
 3083 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
 3084 Section 19-5-126.
 3085 (8) State funds for matching federal funds in the Children's Health Insurance Program as
 3086 provided in Section 26B-3-906.
 3087 (9) Funds collected from the program fund for local health department expenses incurred in
 3088 responding to a local health emergency under Section 26B-7-111.

- 3089 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 3090 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 3091 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
3092 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 3093 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 3094 (14) The Health Insurance Actuarial Review Restricted Account created in Section
3095 31A-30-115.
- 3096 (15) The State Mandated Insurer Payments Restricted Account created in Section
3097 31A-30-118.
- 3098 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 3099 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
3100 Account created in Section 32B-2-306.
- 3101 [~~(18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted~~
3102 ~~Account created in Section 32B-2-308.~~]
- 3103 [~~(19)~~ (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 3104 [~~(20)~~ (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
3105 products or services, as provided in Section 35A-13-202.
- 3106 [~~(21)~~ (20) The Homeless Shelter Cities Mitigation Restricted Account created in Section
3107 35A-16-402.
- 3108 [~~(22)~~ (21) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3109 [~~(23)~~ (22) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3110 [~~(24)~~ (23) The Division of Oil, Gas, and Mining Restricted account created in Section
3111 40-6-23.
- 3112 [~~(25)~~ (24) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
3113 the Motor Vehicle Division.
- 3114 [~~(26)~~ (25) The License Plate Restricted Account created by Section 41-1a-122.
- 3115 [~~(27)~~ (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
3116 created by Section 41-3-110 to the State Tax Commission.
- 3117 [~~(28)~~ (27) The State Disaster Recovery Restricted Account to the Division of Emergency
3118 Management, as provided in Section 53-2a-603.
- 3119 [~~(29)~~ (28) The Response, Recovery, and Post-disaster Mitigation Restricted Account
3120 created in Section 53-2a-1302.
- 3121 [~~(30)~~ (29) The Department of Public Safety Restricted Account to the Department of Public
3122 Safety, as provided in Section 53-3-106.

- 3123 [~~(31)~~] (30) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
3124 53-8-303.
- 3125 [~~(32)~~] (31) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3126 [~~(33)~~] (32) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 3127 [~~(34)~~] (33) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 3128 [~~(35)~~] (34) A certain portion of money collected for administrative costs under the School
3129 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 3130 [~~(36)~~] (35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
3131 subject to Subsection 54-5-1.5(4)(d).
- 3132 [~~(37)~~] (36) Funds collected from a surcharge fee to provide certain licensees with access to
3133 an electronic reference library, as provided in Section 58-3a-105.
- 3134 [~~(38)~~] (37) Certain fines collected by the Division of Professional Licensing for violation of
3135 unlawful or unprofessional conduct that are used for education and enforcement
3136 purposes, as provided in Section 58-17b-505.
- 3137 [~~(39)~~] (38) Funds collected from a surcharge fee to provide certain licensees with access to
3138 an electronic reference library, as provided in Section 58-22-104.
- 3139 [~~(40)~~] (39) Funds collected from a surcharge fee to provide certain licensees with access to
3140 an electronic reference library, as provided in Section 58-55-106.
- 3141 [~~(41)~~] (40) Funds collected from a surcharge fee to provide certain licensees with access to
3142 an electronic reference library, as provided in Section 58-56-3.5.
- 3143 [~~(42)~~] (41) Certain fines collected by the Division of Professional Licensing for use in
3144 education and enforcement of the Security Personnel Licensing Act, as provided in
3145 Section 58-63-103.
- 3146 [~~(43)~~] (42) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3147 [~~(44)~~] (43) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3148 [~~(45)~~] (44) Funds paid to the Division of Real Estate for the cost of a criminal background
3149 check for a mortgage loan license, as provided in Section 61-2c-202.
- 3150 [~~(46)~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal background
3151 check for principal broker, associate broker, and sales agent licenses, as provided in
3152 Section 61-2f-204.
- 3153 [~~(47)~~] (46) Certain funds donated to the Department of Health and Human Services, as
3154 provided in Section 26B-1-202.
- 3155 [~~(48)~~] (47) Certain funds donated to the Division of Child and Family Services, as provided
3156 in Section 80-2-404.

- 3157 [~~(49)~~] (48) Funds collected by the Office of Administrative Rules for publishing, as
 3158 provided in Section 63G-3-402.
- 3159 [~~(50)~~] (49) The Immigration Act Restricted Account created in Section 63G-12-103.
- 3160 [~~(51)~~] (50) Money received by the military installation development authority, as provided
 3161 in Section 63H-1-504.
- 3162 [~~(52)~~] (51) The Unified Statewide 911 Emergency Service Account created in Section
 3163 63H-7a-304.
- 3164 [~~(53)~~] (52) The Utah Statewide Radio System Restricted Account created in Section
 3165 63H-7a-403.
- 3166 [~~(54)~~] (53) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 3167 [~~(55)~~] (54) The Motion Picture Incentive Account created in Section 63N-8-103.
- 3168 [~~(56)~~] (55) Funds collected by the housing of state probationary inmates or state parole
 3169 inmates, as provided in Subsection 64-13e-104(2).
- 3170 [~~(57)~~] (56) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
 3171 and State Lands, as provided in Section 65A-8-103.
- 3172 [~~(58)~~] (57) The following funds or accounts created in Section 72-2-124:
- 3173 (a) Transportation Investment Fund of 2005;
- 3174 (b) Transit Transportation Investment Fund;
- 3175 (c) Cottonwood Canyons Transportation Investment Fund;
- 3176 (d) Active Transportation Investment Fund; and
- 3177 (e) Commuter Rail Subaccount.
- 3178 [~~(59)~~] (58) The Amusement Ride Safety Restricted Account, as provided in Section
 3179 72-16-204.
- 3180 [~~(60)~~] (59) Certain funds received by the Office of the State Engineer for well drilling fines
 3181 or bonds, as provided in Section 73-3-25.
- 3182 [~~(61)~~] (60) The Water Resources Conservation and Development Fund, as provided in
 3183 Section 73-23-2.
- 3184 [~~(62)~~] (61) Award money under the State Asset Forfeiture Grant Program, as provided under
 3185 Section 77-11b-403.
- 3186 [~~(63)~~] (62) Funds donated or paid to a juvenile court by private sources, as provided in
 3187 Subsection 78A-6-203(1)(c).
- 3188 [~~(64)~~] (63) Fees for certificate of admission created under Section 78A-9-102.
- 3189 [~~(65)~~] (64) Funds collected for adoption document access as provided in Sections [
 3190 ~~78B-6-141, 78B-6-144, and 78B-6-144.5~~] 81-13-103, 81-13-504, and 81-13-505.

3191 [~~(66)~~] (65) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
3192 Utah Indigent Defense Commission.

3193 [~~(67)~~] (66) The Utah Geological Survey Restricted Account created in Section 79-3-403.

3194 [~~(68)~~] (67) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
3195 Park, and Green River State Park, as provided under Section 79-4-403.

3196 [~~(69)~~] (68) Certain funds received by the Division of State Parks from the sale or disposal of
3197 buffalo, as provided under Section 79-4-1001.

3198 Section 33. Section **63J-1-602.2** is amended to read:

3199 **63J-1-602.2 . List of nonlapsing appropriations to programs.**

3200 Appropriations made to the following programs are nonlapsing:

3201 (1) The Legislature and the Legislature's committees.

3202 (2) The State Board of Education, including all appropriations to agencies, line items, and
3203 programs under the jurisdiction of the State Board of Education, in accordance with
3204 Section 53F-9-103.

3205 (3) The Rangeland Improvement Act created in Section 4-20-101.

3206 (4) The Percent-for-Art Program created in Section 9-6-404.

3207 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.

3208 (6) The Utah Lake Authority created in Section 11-65-201.

3209 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
3210 Subsection 17-16-21(2)(d)(ii).

3211 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.

3212 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
3213 26B-3-108(7).

3214 (10) The primary care grant program created in Section 26B-4-310.

3215 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.

3216 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
3217 26B-4-702.

3218 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.

3219 (14) The Utah Medical Education Council for the:

3220 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;

3221 (b) provision of medical residency grants described in Section 26B-4-711; and

3222 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.

3223 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.

3224 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program

- 3225 created in Section 26B-7-122.
- 3226 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with
3227 Subsection 32B-2-301(8)(a) or (b).
- 3228 (18) The General Assistance program administered by the Department of Workforce
3229 Services, as provided in Section 35A-3-401.
- 3230 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 3231 (20) The Search and Rescue Financial Assistance Program, as provided in Section
3232 53-2a-1102.
- 3233 (21) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 3234 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 3235 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in
3236 Section 53B-6-104.
- 3237 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection [
3238 ~~53G-10-608(6)~~] 53G-10-608(3).
- 3239 (25) The Division of Fleet Operations for the purpose of upgrading underground storage
3240 tanks under Section 63A-9-401.
- 3241 (26) The Division of Technology Services for technology innovation as provided under
3242 Section 63A-16-903.
- 3243 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 3244 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 3245 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado
3246 River Authority of Utah Act.
- 3247 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as
3248 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 3249 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
3250 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
3251 Program.
- 3252 (32) County correctional facility contracting program for state inmates as described in
3253 Section 64-13e-103.
- 3254 (33) County correctional facility reimbursement program for state probationary inmates and
3255 state parole inmates as described in Section 64-13e-104.
- 3256 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 3257 (35) The Division of Human Resource Management user training program, as provided in
3258 Section 63A-17-106.

- 3259 (36) A public safety answering point's emergency telecommunications service fund, as
 3260 provided in Section 69-2-301.
- 3261 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 3262 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the
 3263 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
 3264 settlement of federal reserved water right claims.
- 3265 (39) The Judicial Council for compensation for special prosecutors, as provided in Section
 3266 77-10a-19.
- 3267 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 3268 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 3269 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 3270 (43) Adoption document access as provided in Sections [~~78B-6-141, 78B-6-144, and~~
 3271 ~~78B-6-144.5~~] 81-13-103, 81-13-504, and 81-13-505.
- 3272 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense
 3273 Commission.
- 3274 (45) The program established by the Division of Facilities Construction and Management
 3275 under Section 63A-5b-703 under which state agencies receive an appropriation and pay
 3276 lease payments for the use and occupancy of buildings owned by the Division of
 3277 Facilities Construction and Management.
- 3278 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with
 3279 Section 59-2-1802.5.
- 3280 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
 3281 Section 34. Section **75-2-114** is amended to read:
 3282 **75-2-114 . Parent and child relationship.**
- 3283 (1)(a) Except as provided in Subsections (2) and (3), for purposes of intestate succession
 3284 by, through, or from a person, an individual is the child of the individual's natural
 3285 parents, regardless of their marital status.
- 3286 (b) The parent and child relationship may be established as provided in [~~Title 78B,~~
 3287 ~~Chapter 15, Utah Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act.
- 3288 (2) An adopted individual is the child of the adopting parent or parents and not of the
 3289 natural parents, but adoption of a child by the spouse of either natural parent has no
 3290 effect on the relationship between the child and that natural parent.
- 3291 (3) Inheritance from or through a child by either natural parent or the child's kindred is
 3292 precluded unless that natural parent has openly treated the child as the natural parent's,

3293 and has not refused to support the child.

3294 Section 35. Section **75-5-209** is amended to read:

3295 **75-5-209 . Powers and duties of guardian of minor -- Residual parental rights**
3296 **and duties -- Adoption of a ward.**

3297 (1) For purposes of this section, "residual parental rights and duties" is as defined in Section
3298 80-1-102.

3299 (2) Except as provided in Subsection (4)(a), a guardian of a minor has the powers and
3300 responsibilities of a parent who has not been deprived of custody of the parent's
3301 unemancipated minor, including the powers and responsibilities described in Subsection
3302 (3).

3303 (3) A guardian of a minor:

3304 (a) must take reasonable care of the personal effects of the guardian's ward;

3305 (b) must commence protective proceedings if necessary to protect other property of the
3306 guardian's ward;

3307 (c) subject to Subsection (4)(b), may receive money payable for the support of the ward
3308 to the ward's parent, guardian, or custodian under the terms of a:

3309 (i) statutory benefit or insurance system;

3310 (ii) private contract;

3311 (iii) devise;

3312 (iv) trust;

3313 (v) conservatorship; or

3314 (vi) custodianship;

3315 (d) subject to Subsection (4)(b), may receive money or property of the ward paid or
3316 delivered by virtue of Section 75-5-102;

3317 (e) except as provided in Subsection (4)(c), must exercise due care to conserve any
3318 excess money or property described in Subsection (3)(d) for the ward's future needs;

3319 (f) unless otherwise provided by statute, may institute proceedings to compel the
3320 performance by any person of a duty to:

3321 (i) support the ward; or

3322 (ii) pay sums for the welfare of the ward;

3323 (g) is empowered to:

3324 (i) facilitate the ward's education, social, or other activities; and

3325 (ii) subject to Subsection (4)(d), authorize medical or other professional care,
3326 treatment, or advice;

- 3327 (h) may consent to the:
- 3328 (i) marriage of the guardian's ward, if specifically authorized by a court to give this
- 3329 consent; or
- 3330 (ii) adoption of the guardian's ward if the:
- 3331 (A) guardian of the ward is specifically authorized by a court to give this consent;
- 3332 and
- 3333 (B) parental rights of the ward's parents have been terminated; and
- 3334 (i) must report the condition of the minor and of the minor's estate that has been subject
- 3335 to the guardian's possession or control:
- 3336 (i) as ordered by court on petition of any person interested in the minor's welfare; or
- 3337 (ii) as required by court rule.
- 3338 (4)(a) Notwithstanding Subsection (2), a guardian of a minor is not:
- 3339 (i) legally obligated to provide from the guardian's own funds for the ward; and
- 3340 (ii) liable to third persons by reason of the guardian's relationship for acts of the ward.
- 3341 (b) Sums received under Subsection (3)(c) or (d):
- 3342 (i) may not be used for compensation for the services of a guardian, except as:
- 3343 (A) approved by court order; or
- 3344 (B) determined by a duly appointed conservator other than the guardian; and
- 3345 (ii) shall be applied to the ward's current needs for support, care, and education.
- 3346 (c) Notwithstanding Subsection (3)(e), if a conservator is appointed for the estate of the
- 3347 ward, the excess shall be paid over at least annually to the conservator.
- 3348 (d) A guardian of a minor is not, by reason of giving the authorization described in
- 3349 Subsection (3)(g)(ii), liable for injury to the minor resulting from the negligence or
- 3350 acts of third persons, unless it would have been illegal for a parent to have given the
- 3351 authorization.
- 3352 (5) A parent of a minor for whom a guardian is appointed retains residual parental rights
- 3353 and duties.
- 3354 (6) If a parent of a minor for whom a guardian is appointed consents to the adoption of the
- 3355 minor, the guardian is entitled to:
- 3356 (a) receive notice of the adoption proceeding pursuant to Section ~~[78B-6-110]~~ 81-13-207;
- 3357 (b) intervene in the adoption; and
- 3358 (c) present evidence to the court relevant to the best interest of the ~~[child pursuant to~~
- 3359 ~~Subsection 78B-6-110(11)]~~ minor as described in Subsection 81-13-207(11).
- 3360 (7) If a minor for whom a guardian is appointed is adopted subsequent to the appointment,

3361 the guardianship shall terminate when the adoption is finalized.

3362 Section 36. Section **76-5-301.2** is amended to read:

3363 **76-5-301.2 . Parental kidnapping.**

3364 (1)(a) As used in this section:

3365 (i) "Child" means an individual under 18 years old.

3366 (ii) "Custody" means court-ordered physical custody of a child entered by a court.

3367 (iii) "Parent" means an individual:

3368 (A) recognized as a biological parent or adoptive parent; or

3369 (B) that has established a parent-child relationship under Section [~~78B-15-201~~]
3370 81-5-201.

3371 (iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.

3372 (b) Terms defined in Section 76-1-101.5 apply to this section.

3373 (2) A parent commits parental kidnapping of the parent's child if the parent:

3374 (a) takes, entices, conceals, detains, or withholds the child from an individual entitled to
3375 custody of the child;

3376 (b) intends to interfere with the custody of the child; and

3377 (c)(i) has never had a right to physical custody of the child;

3378 (ii) has never been granted parent-time with the child;

3379 (iii) has had all rights to physical custody of the child terminated by a court; or

3380 (iv) at the time of the parent's action under Subsection (2)(a), had parent-time with
3381 the child terminated or suspended by a court.

3382 (3)(a) A violation of Subsection (2) is a third degree felony.

3383 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
3384 felony if, during the course of parental kidnapping, the parent removes, causes the
3385 removal, or directs the removal of the child from the state.

3386 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative
3387 defense to the crime of parental kidnapping that:

3388 (a) the parent acted under a reasonable belief that the action described in Subsection
3389 (2)(a) was:

3390 (i) necessary to protect the child from imminent serious bodily injury, or death;

3391 (ii) authorized by law; or

3392 (iii) taken with the consent of:

3393 (A) the individual entitled to custody of the child; or

3394 (B) a custodian, guardian, caretaker, or other individual lawfully acting in place of

3395 the individual entitled to custody of the child; or
 3396 (b)(i) the parent acted under a reasonable belief that the action described in
 3397 Subsection (2)(a) was necessary to protect the child from abuse, including sexual
 3398 abuse; and
 3399 (ii) before taking the action described in Subsection (2)(a), the parent reports to law
 3400 enforcement the parent's intention to engage in the action and the basis for the
 3401 parent's belief described in Subsection (4)(b)(i).

3402 Section 37. Section **76-7-102** is amended to read:

3403 **76-7-102 . Incest -- Definitions -- Penalty.**

3404 (1) As used in this section:

3405 (a) "Provider" means a person who provides or makes available his seminal fluid or her
 3406 human egg.

3407 (b) "Related person" means a person related to the provider or actor as an ancestor,
 3408 descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:

3409 (i) blood relationships of the whole or half blood, regardless of whether the
 3410 relationship is legally recognized;

3411 (ii) the relationship of parent and child by adoption; and

3412 (iii) the relationship of stepparent and stepchild while the marriage creating the
 3413 relationship of a stepparent and stepchild exists.

3414 (2)(a) An actor is guilty of incest when, under circumstances not amounting to rape, rape
 3415 of a child, or aggravated sexual assault, the actor knowingly and intentionally:

3416 (i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or

3417 (ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).

3418 (b) Conduct referred to under Subsection (2)(a) is:

3419 (i) sexual intercourse between the actor and a person the actor knows has kinship to
 3420 the actor as a related person;

3421 (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix,
 3422 or uterus of a related person by means other than sexual intercourse;

3423 (iii) providing or making available his seminal fluid for the purpose of insertion or
 3424 placement of the fluid into the vagina, cervix, or uterus of a related person by
 3425 means other than sexual intercourse;

3426 (iv) a woman 18 years of age or older who:

3427 (A) knowingly allows the insertion of the seminal fluid of a provider into her
 3428 vagina, cervix, or uterus by means other than sexual intercourse; and

- 3429 (B) knows that the seminal fluid is that of a person with whom she has kinship as
3430 a related person; or
- 3431 (v) providing the actor's sperm or human egg that is used to conduct in vitro
3432 fertilization, or any other means of fertilization, with the human egg or sperm of a
3433 person who is a related person.
- 3434 (c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider
3435 of the fertilizing sperm is not a related person regarding the person providing the egg.
- 3436 (3) Incest is a third degree felony.
- 3437 (4) A provider under this section is not a donor under Section [~~78B-15-702~~] 81-5-702.
3438 Section 38. Section **77-38b-102** is amended to read:
- 3439 **77-38b-102 . Definitions.**
- 3440 As used in this chapter:
- 3441 (1) "Civil accounts receivable" means the same as that term is defined in Section
3442 77-32b-102.
- 3443 (2) "Civil judgment of restitution" means the same as that term is defined in Section
3444 77-32b-102.
- 3445 (3)(a) "Conviction" means:
- 3446 (i) a plea of:
- 3447 (A) guilty;
- 3448 (B) guilty with a mental condition; or
- 3449 (C) no contest; or
- 3450 (ii) a judgment of:
- 3451 (A) guilty; or
- 3452 (B) guilty with a mental condition.
- 3453 (b) "Conviction" does not include:
- 3454 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
- 3455 (ii) a diversion agreement; or
- 3456 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 3457 (4) "Criminal accounts receivable" means the same as that term is defined in Section
3458 77-32b-102.
- 3459 (5) "Criminal conduct" means:
- 3460 (a) any misdemeanor or felony offense of which the defendant is convicted; or
- 3461 (b) any other criminal behavior for which the defendant admits responsibility to the
3462 court with or without an admission of committing the criminal behavior.

- 3463 (6) "Deceased victim" means an individual whose death is proximately caused by the
3464 criminal conduct of the defendant.
- 3465 (7)(a) "Defendant" means an individual who has been convicted of, or entered into a
3466 plea disposition for, criminal conduct.
- 3467 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is
3468 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80,
3469 Chapter 6, Juvenile Justice.
- 3470 (8) "Department" means the Department of Corrections.
- 3471 (9)(a) "Dependent" means an individual for whom a deceased victim, or a permanently
3472 impaired victim, had a legal obligation to provide dependent support at the time of
3473 the criminal conduct by the defendant.
- 3474 (b) "Dependent" includes:
- 3475 (i) a child:
- 3476 (A) who is younger than 18 years old; and
- 3477 (B) for whom a deceased victim, or a permanently impaired victim, is the [
3478 ~~adoptive or biological parent or legal~~] legal parent or guardian;
- 3479 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a
3480 permanently impaired victim, in accordance with [~~Title 78B, Chapter 15, Utah~~
3481 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act; or
- 3482 (iii) an incapacitated individual for whom a deceased victim, or a permanently
3483 impaired victim, is the [~~adoptive or biological parent or the legal~~] legal parent or
3484 guardian.
- 3485 (10) "Dependent support" means the financial obligation of an individual to provide for the
3486 routine needs of a dependent, including food, clothing, health care, safety, or shelter.
- 3487 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney
3488 and the defendant that suspends criminal proceedings before conviction on the condition
3489 that a defendant agree to participate in a rehabilitation program, pay restitution to the
3490 victim, or fulfill some other condition.
- 3491 (12) "Incapacitated" or "incapacitation" means the individual is:
- 3492 (a) mentally or physically impaired to the extent that the individual is permanently
3493 unable to gain employment and provide basic necessities, including food, clothing,
3494 health care, safety, or shelter; and
- 3495 (b) reliant on a parent, legal guardian, or other relative or person to provide basic
3496 necessities for the individual.

- 3497 (13) "Incapacitated individual" means an individual who is incapacitated.
- 3498 (14) "Legal guardian" means an individual appointed by a court to make decisions
3499 regarding a child or an incapacitated individual.
- 3500 (15) "Life expectancy" means the number of months an individual is or was expected to
3501 live considering medical records and experiential data for the individual.
- 3502 (16) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- 3503 (17) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 3504 (18)(a) "Pecuniary damages" means all demonstrable economic injury, losses, and
3505 expenses regardless of whether the economic injury, losses, and expenses have yet
3506 been incurred.
- 3507 (b) "Pecuniary damages" does not include punitive damages or pain and suffering
3508 damages.
- 3509 (19) "Permanently impaired victim" means an incapacitated individual whose
3510 incapacitation is proximately caused by the criminal conduct of the defendant.
- 3511 (20) "Plea agreement" means an agreement entered between the prosecuting attorney and
3512 the defendant setting forth the special terms and conditions and criminal charges upon
3513 which the defendant will enter a plea of guilty or no contest.
- 3514 (21) "Plea disposition" means an agreement entered into between the prosecuting attorney
3515 and the defendant including a diversion agreement, a plea agreement, a plea in abeyance
3516 agreement, or any agreement by which the defendant may enter a plea in any other
3517 jurisdiction or where charges are dismissed without a plea.
- 3518 (22) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney
3519 and the defendant, accepting a plea of guilty or of no contest from the defendant but not,
3520 at that time, entering judgment of conviction against the defendant nor imposing
3521 sentence upon the defendant on condition that the defendant comply with specific
3522 conditions as set forth in a plea in abeyance agreement.
- 3523 (23) "Plea in abeyance agreement" means an agreement entered into between the
3524 prosecuting attorney and the defendant setting forth the specific terms and conditions
3525 upon which, following acceptance of the agreement by the court, a plea may be held in
3526 abeyance.
- 3527 (24) "Restitution" means the payment of pecuniary damages to a victim.
- 3528 (25) "Unborn child" means a human fetus or embryo in any stage of gestation from
3529 fertilization until birth.
- 3530 (26)(a) "Victim" means any person who has suffered pecuniary damages that are

3531 proximately caused by the criminal conduct of the defendant.

3532 (b) "Victim" includes:

3533 (i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime
3534 makes a payment to, or on behalf of, a victim under Section 63M-7-519;

3535 (ii) the estate of a deceased victim;

3536 (iii) a dependent; or

3537 (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or
3538 sibling of a victim.

3539 (c) "Victim" does not include a codefendant or accomplice.

3540 Section 39. Section **78A-5-102** is amended to read:

3541 **78A-5-102 . Jurisdiction of the district court -- Appeals.**

3542 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
3543 has original jurisdiction in all matters civil and criminal.

3544 (2) A district court judge may:

3545 (a) issue all extraordinary writs and other writs necessary to carry into effect the district
3546 court judge's orders, judgments, and decrees; and

3547 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:

3548 (i) the district court judge is designated by the presiding officer of the Judicial

3549 Council to preside over an action in the Business and Chancery Court as described
3550 in Section 78A-1-103.5; and

3551 (ii) a Business and Chancery Court judge is unable to preside over the action due to
3552 recusal or disqualification.

3553 (3) The district court has jurisdiction:

3554 (a) [-]over matters of lawyer discipline consistent with the rules of the Supreme Court;

3555 (b) over all matters properly filed in the circuit court prior to July 1, 1996;

3556 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);

3557 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;

3558 (e) over a petition seeking to terminate parental rights as described in Section [~~78B-6-112~~]
3559 81-13-205;

3560 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), an adoption
3561 proceeding; and

3562 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
3563 Declaratory Judgments.

3564 (4) The district court has appellate jurisdiction over judgments and orders of the justice

- 3565 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
3566 with Section 78A-8-106.
- 3567 (5) The district court has jurisdiction to review:
- 3568 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 3569 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
3570 Commission as described in Section 59-1-601;
- 3571 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
3572 informal adjudicative proceeding as described in Title 63G, Chapter 4,
3573 Administrative Procedures Act; and
- 3574 (d) by trial de novo, a final order of the Department of Transportation resulting from
3575 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
3576 Junkyard Control Act.
- 3577 (6) The district court has original and exclusive jurisdiction over an action brought under
3578 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 3579 (7) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
3580 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
3581 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 3582 (a) there is no justice court with territorial jurisdiction;
- 3583 (b) the offense occurred within the boundaries of the municipality in which the district
3584 courthouse is located and that municipality has not formed, or has formed and
3585 dissolved, a justice court; or
- 3586 (c) the offense is included in an indictment or information covering a single criminal
3587 episode alleging the commission of a felony or a class A misdemeanor by an
3588 individual who is 18 years old or older.
- 3589 (8) If a district court has jurisdiction in accordance with Subsection (4), (7)(a), or (7)(b), the
3590 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
3591 the offense is committed by an individual who is 16 or 17 years old.
- 3592 (9) The district court has subject matter jurisdiction over an action under Title 78B, Chapter
3593 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district
3594 court.
- 3595 (10)(a) The district court has subject matter jurisdiction over a criminal action that the
3596 justice court transfers to the district court.
- 3597 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction
3598 over any refiled case of a criminal action transferred to the district court if the district

3599 court dismissed the transferred case without prejudice.

3600 (11) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)
 3601 over a parentage action filed in the district court, the district court may transfer
 3602 jurisdiction over the parentage action to the juvenile court.

3603 [(H)] (12) The Supreme Court and Court of Appeals have jurisdiction over an appeal from
 3604 a final order, judgment, and decree of the district court as described in Sections
 3605 78A-3-102 and 78A-4-103.

3606 Section 40. Section **78A-5a-103** is amended to read:

3607 **78A-5a-103 . Concurrent jurisdiction of the Business and Chancery Court --**
 3608 **Exceptions.**

3609 (1) The Business and Chancery Court has jurisdiction, concurrent with the district court,
 3610 over an action:

3611 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and

3612 (b)(i) with a claim arising from:

3613 (A) a breach of a contract;

3614 (B) a breach of a fiduciary duty;

3615 (C) a dispute over the internal affairs or governance of a business organization;

3616 (D) the sale, merger, or dissolution of a business organization;

3617 (E) the sale of substantially all of the assets of a business organization;

3618 (F) the receivership or liquidation of a business organization;

3619 (G) a dispute over liability or indemnity between or among owners of the same
 3620 business organization;

3621 (H) a dispute over liability or indemnity of an officer or owner of a business
 3622 organization;

3623 (I) a tortious or unlawful act committed against a business organization, including
 3624 an act of unfair competition, tortious interference, or misrepresentation or fraud;

3625 (J) a dispute between a business organization and an insurer regarding a
 3626 commercial insurance policy;

3627 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

3628 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform
 3629 Trade Secrets Act;

3630 (M) the misappropriation of intellectual property;

3631 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or
 3632 confidentiality agreement, regardless of whether the agreement is oral or

- 3633 written;
- 3634 (O) a relationship between a franchisor and a franchisee;
- 3635 (P) the purchase or sale of a security or an allegation of security fraud;
- 3636 (Q) a dispute over a blockchain, blockchain technology, or a decentralized
3637 autonomous organization;
- 3638 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or
- 3639 (S) a contract with a forum selection clause for a chancery, business, or
3640 commercial court of this state or any other state;
- 3641 (ii) with a malpractice claim concerning services that a professional provided to a
3642 business organization;
- 3643 (iii) that is a shareholder derivative action; or
- 3644 (iv) seeking a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
3645 Declaratory Judgments.
- 3646 (2) Except as provided in Subsection (3), the Business and Chancery Court may exercise
3647 supplemental jurisdiction over any claim in an action that is within the jurisdiction of the
3648 Business and Chancery Court under Subsection (1) if the claim arises from the same set
3649 of facts or circumstances as the action.
- 3650 (3) The Business and Chancery Court may not exercise supplemental jurisdiction over:
- 3651 (a) any claim arising from:
- 3652 (i) a consumer contract;
- 3653 (ii) a personal injury, including a personal injury relating to or arising out of health
3654 care rendered or which should have been rendered by the health care provider;
- 3655 (iii) a violation of Title 13, Chapter 7, Civil Rights;
- 3656 (iv) Title 20A, Election Code;
- 3657 (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 3658 [~~(vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;~~]
- 3659 [~~(vii)~~ (vi) Title 78B, Chapter 6, Part 5, Eminent Domain;
- 3660 [~~(viii)~~ (vii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, unless the claim
3661 is brought against a commercial tenant;
- 3662 [~~(ix)~~ (viii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions; and
- 3663 [~~(x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
3664 Enforcement Act;~~]
- 3665 [~~(xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;~~]
- 3666 [~~(xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~]

- 3667 ~~[(xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act;]~~
 3668 ~~[(xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and~~
 3669 ~~Visitation Act;]~~
 3670 ~~[(xv)]~~ (ix) Title 81, Utah Domestic Relations Code; [or]
 3671 (b) any action in which a governmental entity is a party; or
 3672 (c) any criminal matter, unless the criminal matter is an act or omission of contempt that
 3673 occurs in an action before the Business and Chancery Court.
- 3674 (4) Notwithstanding Subsection (3), the Business and Chancery Court may exercise
 3675 supplemental jurisdiction over a claim that is barred under Subsection (3):
 3676 (a) if the claim is a compulsory counterclaim;
 3677 (b) if there would be a material risk of inconsistent outcomes if the claim were tried in a
 3678 separate action; or
 3679 (c) solely to resolve a request for a provisional remedy related to the claim before the
 3680 Business and Chancery Court transfers the claim as described in Subsection (5).
- 3681 (5) If an action contains a claim for which the Business and Chancery Court may not
 3682 exercise supplemental jurisdiction under this section, the Business and Chancery Court
 3683 shall bifurcate the action and transfer any claim for which the Business and Chancery
 3684 Court does not have jurisdiction to a court with jurisdiction under Title 78A, Judiciary
 3685 and Judicial Administration.
- 3686 (6) Before the Business and Chancery Court transfers a claim as described in Subsection
 3687 (5), the Business and Chancery Court may resolve:
 3688 (a) all claims for which the Business and Chancery Court has jurisdiction; and
 3689 (b) any request for a provisional remedy related to a claim that is being transferred.
- 3690 Section 41. Section **78A-6-103** is amended to read:
 3691 **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**
 3692 **Findings -- Transfer of a case from another court.**
- 3693 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
 3694 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
 3695 state, or federal law, that was committed by a child;
 3696 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
 3697 state, or federal law, that was committed by an individual:
 3698 (i) who is under 21 years old at the time of all court proceedings; and
 3699 (ii) who was under 18 years old at the time the offense was committed; and
 3700 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,

- 3701 that was committed:
- 3702 (i) by an individual:
- 3703 (A) who was 18 years old and enrolled in high school at the time of the offense;
- 3704 and
- 3705 (B) who is under 21 years old at the time of all court proceedings; and
- 3706 (ii) on school property where the individual was enrolled:
- 3707 (A) when school was in session; or
- 3708 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 3709 (2) The juvenile court has original jurisdiction over:
- 3710 (a) any proceeding concerning:
- 3711 (i) a child who is an abused child, neglected child, or dependent child;
- 3712 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
- 3713 Child Protective Orders;
- 3714 (iii) the appointment of a guardian of the individual or other guardian of a minor who
- 3715 comes within the court's jurisdiction under other provisions of this section;
- 3716 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
- 3717 Emancipation;
- 3718 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
- 3719 Termination and Restoration of Parental Rights, including termination of residual
- 3720 parental rights and duties;
- 3721 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 3722 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
- 3723 accordance with Section 81-2-304;
- 3724 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 3725 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 3726 (x) the treatment or commitment of a child with a mental illness;
- 3727 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
- 3728 Section 26B-5-204;
- 3729 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
- 3730 Part 4, Competency;
- 3731 (xiii) de novo review of final agency actions resulting from an informal adjudicative
- 3732 proceeding as provided in Section 63G-4-402;
- 3733 (xiv) ~~adoptions conducted in accordance with the procedures described in Title 78B,~~
- 3734 ~~Chapter 6, Part 1, Utah Adoption Act,~~ an adoption of a child under Title 81,

- 3735 Chapter 13, Adoption, if the juvenile court has previously entered an order
 3736 terminating the rights of a parent and finds that adoption is in the best interest of
 3737 the child;
- 3738 (xv) an adoption of an adult if the adoption arises from a case where the juvenile
 3739 court has continuing jurisdiction over the adult;
- 3740 [~~xv~~] (xvi) an ungovernable or runaway child who is referred to the juvenile court by
 3741 the Division of Juvenile Justice and Youth Services if, despite earnest and
 3742 persistent efforts by the Division of Juvenile Justice and Youth Services, the child
 3743 has demonstrated that the child:
- 3744 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
 3745 that the child's behavior or condition endangers the child's own welfare or the
 3746 welfare of others; or
- 3747 (B) has run away from home; and
- 3748 [~~xvi~~] (xvii) a criminal information filed under Part 4a, Adult Criminal Proceedings,
 3749 for an adult alleged to have committed an offense under Subsection 78A-6-352
 3750 (4)(b) for failure to comply with a promise to appear and bring a child to the
 3751 juvenile court;
- 3752 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
 3753 Expungement;
- 3754 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 3755 (d) a petition for special findings under Section 80-3-305; and
- 3756 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- 3757 (3) The juvenile court does not have original jurisdiction over an offense committed by a
 3758 minor as described in Subsection (1) if:
- 3759 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 3760 (b) the district court has original jurisdiction over the offense under Subsection
 3761 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense
 3762 under Section 78A-6-103.5; or
- 3763 (c) the justice court has original jurisdiction over the offense under Subsection
 3764 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense
 3765 under Section 78A-6-103.5.
- 3766 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law
 3767 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection [
 3768 ~~(2)(a)(xvi)~~] (2)(a)(xvii), (b), or (c).

3769 (5) This section does not restrict the right of access to the juvenile court by private agencies
3770 or other persons.

3771 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising
3772 under [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5,
3773 Minor Tried as an Adult.

3774 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,
3775 or without merit, in accordance with Section 80-3-404.

3776 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
3777 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.

3778 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in
3779 Subsection 78B-7-303(8).

3780 Section 42. Section **78A-6-104** is amended to read:

3781 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**
3782 **protective order.**

3783 (1)(a) The juvenile court has jurisdiction, concurrent with the district court:

3784 (i) to establish [~~paternity~~] parentage, or to order testing for purposes of establishing [~~paternity~~]
3785 parentage, for a child in accordance with [~~Title 78B, Chapter 15, Utah~~
3786 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act, when a
3787 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency
3788 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental
3789 Rights, that involves the child;

3790 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
3791 jurisdiction over the minor's case under Section 78A-6-103; and

3792 (iii) over questions of custody, support, and parent-time of a minor if the juvenile
3793 court has jurisdiction over the minor's case under Section 78A-6-103.

3794 (b) If the juvenile court obtains jurisdiction over a [~~paternity~~] parentage action under
3795 Subsection (1)(a)(i), the juvenile court may:

3796 (i) retain jurisdiction over the [~~paternity~~] parentage action until [~~paternity~~] parentage of
3797 the child is adjudicated; or

3798 (ii) transfer jurisdiction over the [~~paternity~~] parentage action to the district court.

3799 (2)(a) The juvenile court has jurisdiction, concurrent with the district court or the justice
3800 court otherwise having jurisdiction, over a criminal information filed under Part 4a,
3801 Adult Criminal Proceedings, for an adult alleged to have committed:

3802 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to

- 3803 a minor;
- 3804 (ii) an offense under Section 53G-6-202, failure to comply with compulsory
3805 education requirements;
- 3806 (iii) an offense under Section 80-2-609, failure to report;
- 3807 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
- 3808 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or
- 3809 (vi) an offense under Section 80-5-601, harboring a runaway.
- 3810 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law
3811 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
3812 Subsection (2)(a).
- 3813 (3)(a) When a support, custody, or parent-time award has been made by a district court
3814 in a divorce action or other proceeding, and the jurisdiction of the district court in the
3815 case is continuing, the juvenile court may acquire jurisdiction in a case involving the
3816 same child if the child comes within the jurisdiction of the juvenile court under
3817 Section 78A-6-103.
- 3818 (b)(i) The juvenile court may, by order, change the custody subject to Subsection [
3819 ~~81-9-204(5)~~] 81-9-204(4), support, parent-time, and visitation rights previously
3820 ordered in the district court as necessary to implement the order of the juvenile
3821 court for the safety and welfare of the child.
- 3822 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
3823 long as the juvenile court continues to exercise jurisdiction.
- 3824 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are
3825 filed with the district court, the findings and order of the juvenile court are binding on
3826 the parties to the divorce action as though entered in the district court.
- 3827 (4) This section does not deprive the district court of jurisdiction to:
- 3828 (a) appoint a guardian for a child;
- 3829 (b) determine the support, custody, and parent-time of a child upon writ of habeas
3830 corpus; or
- 3831 (c) determine a question of support, custody, and parent-time that is incidental to the
3832 determination of an action in the district court.
- 3833 (5) A juvenile court may transfer a petition for a protective order for a child to the district
3834 court if the juvenile court has entered an ex parte protective order and finds that:
- 3835 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
3836 parent of the child who is the object of the petition;

- 3837 (b) the district court has a petition pending or an order related to custody or parent-time
3838 entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, [
3839 ~~Title 78B, Chapter 15, Utah Uniform Parentage Act, or~~] Title 81, Chapter 4, Part 4,
3840 Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in which the petitioner and
3841 the respondent are parties; and
- 3842 (c) the best interests of the child will be better served in the district court.
- 3843 Section 43. Section **78A-6-356** is amended to read:
- 3844 **78A-6-356 . Child support obligation when custody of a child is vested in an**
3845 **individual or institution.**
- 3846 (1) As used in this section:
- 3847 (a) "Office" means the Office of Recovery Services.
- 3848 (b) "State custody" means that a child is in the custody of a state department, division, or
3849 agency, including secure care.
- 3850 (2) Under this section, a juvenile court may not issue a child support order against an
3851 individual unless:
- 3852 (a) the individual is served with notice that specifies the date and time of a hearing to
3853 determine the financial support of a specified child;
- 3854 (b) the individual makes a voluntary appearance; or
- 3855 (c) the individual submits a waiver of service.
- 3856 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
3857 custody or if the guardianship of the child has been granted to another party and an
3858 agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:
- 3859 (a) shall order the child's parent, guardian, or other obligated individual to pay child
3860 support for each month the child is in state custody or cared for under a grant of
3861 guardianship;
- 3862 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and
3863 in writing, of the requirement to pay child support in accordance with Title 81,
3864 Chapter 6, Child Support, and Title 81, Chapter 7, Payment and Enforcement of
3865 Spousal and Child Support; and
- 3866 (c) may refer the establishment of a child support order to the office.
- 3867 (4) When a juvenile court chooses to refer a case to the office to determine support
3868 obligation amounts in accordance with Title 81, Chapter 6, Child Support, the juvenile
3869 court shall:
- 3870 (a) make the referral within three working days after the day on which the juvenile court

- 3871 holds the hearing described in Subsection (2)(a); and
- 3872 (b) inform the child's parent, guardian, or other obligated individual of:
- 3873 (i) the requirement to contact the office within 30 days after the day on which the
- 3874 juvenile court holds the hearing described in Subsection (2)(a); and
- 3875 (ii) the penalty described in Subsection (6) for failure to contact the office.
- 3876 (5) Liability for child support ordered under Subsection (3) shall accrue:
- 3877 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
- 3878 the juvenile court holds the hearing described in Subsection (2)(a) if there is no
- 3879 existing child support order for the child; or
- 3880 (b) beginning on the day the child is removed from the child's home, including time
- 3881 spent in detention or sheltered care, if the child is removed after having been returned
- 3882 to the child's home from state custody.
- 3883 (6)(a) If the child's parent, guardian, or other obligated individual contacts the office
- 3884 within 30 days after the day on which the court holds the hearing described in
- 3885 Subsection (2)(a), the child support order may not include a judgment for past due
- 3886 support for more than two months.
- 3887 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability
- 3888 of support to begin to accrue from the date of the proceeding referenced in
- 3889 Subsection (3) if:
- 3890 (i) the court informs the child's parent, guardian, or other obligated individual, as
- 3891 described in Subsection (4)(b), and the parent, guardian, or other obligated
- 3892 individual fails to contact the office within 30 days after the day on which the
- 3893 court holds the hearing described in Subsection (2)(a); and
- 3894 (ii) the office took reasonable steps under the circumstances to contact the child's
- 3895 parent, guardian, or other obligated individual within 30 days after the last day on
- 3896 which the parent, guardian, or other obligated individual was required to contact
- 3897 the office to facilitate the establishment of a child support order.
- 3898 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable
- 3899 steps if the office:
- 3900 (i) has a signed, returned receipt for a certified letter mailed to the address of the
- 3901 child's parent, guardian, or other obligated individual regarding the requirement
- 3902 that a child support order be established; or
- 3903 (ii) has had a documented conversation, whether by telephone or in person, with the
- 3904 child's parent, guardian, or other obligated individual regarding the requirement

- 3905 that a child support order be established.
- 3906 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a
3907 payment schedule or demanding payment in full.
- 3908 (8)(a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
3909 individual shall pay the child support to the office.
- 3910 (b) The clerk of the juvenile court, the office, or the department and the department's
3911 divisions shall have authority to receive periodic payments for the care and
3912 maintenance of the child, such as social security payments or railroad retirement
3913 payments made in the name of or for the benefit of the child.
- 3914 (9) An existing child support order payable to a parent or other individual shall be assigned
3915 to the department as provided in Section 26B-9-111.
- 3916 (10)(a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
3917 the juvenile court in an individual.
- 3918 (b)(i) If legal custody of a child is vested by the juvenile court in an individual, the
3919 court may order the child's parent, guardian, or other obligated individual to pay
3920 child support to the individual in whom custody is vested.
- 3921 (ii) In the same proceeding, the juvenile court shall inform the child's parent,
3922 guardian, or other obligated individual, verbally and in writing, of the requirement
3923 to pay child support in accordance with Title 81, Chapter 6, Child Support, and
3924 Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support.
- 3925 (11) The juvenile court may not order an individual to pay child support for a child in state
3926 custody if:
- 3927 (a) the individual's only form of income is a government-issued disability benefit;
- 3928 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
3929 disability, and not the child's disability; and
- 3930 (c) the individual provides the juvenile court and the office evidence that the individual
3931 meets the requirements of Subsections (11)(a) and (b).
- 3932 (12)(a) The child's parent or another obligated individual is not responsible for child
3933 support for the period of time that the child is removed from the child's home by the
3934 Division of Child and Family Services if:
- 3935 (i) the juvenile court finds that there were insufficient grounds for the removal of the
3936 child; and
- 3937 (ii) the child is returned to the home of the child's parent or guardian based on the
3938 finding described in Subsection (12)(a)(i).

3939 (b) If the juvenile court finds insufficient grounds for the removal of the child under
 3940 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court
 3941 shall order that the child's parent or another obligated individual is responsible for
 3942 child support beginning on the day on which it became improper to return the child to
 3943 the home of the child's parent or guardian.

3944 (13) After the juvenile court or the office establishes an individual's child support obligation
 3945 ordered under Subsection (3), the office shall waive the obligation without further order
 3946 of the juvenile court if:

3947 (a) the individual's child support obligation is established in accordance with a low
 3948 income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or

3949 (b) the individual's only source of income is a means-tested, income replacement
 3950 payment of aid, including:

3951 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
 3952 Program; or

3953 (ii) cash benefits received under General Assistance, social security income, or social
 3954 security disability income.

3955 Section 44. Section **78A-6-358** is amended to read:

3956 **78A-6-358 . Period of effect for a judgment, decree, or order by a juvenile court.**

3957 (1) A judgment, order, or decree of the juvenile court is no longer in effect after a minor is
 3958 21 years old, except:

3959 (a) for an order of commitment to the Utah State Developmental Center or to the
 3960 custody of the Division of Substance Abuse and Mental Health;

3961 (b) for an adoption under Subsection 78A-6-103(2)(a)(xiv) or (xv);

3962 (c) for an order permanently terminating the rights of a parent, guardian, or custodian
 3963 under Title 80, Chapter 4, Termination and Restoration of Parental Rights;

3964 (d) for a permanent order of custody and guardianship under Subsection 80-3-405(2)(d);

3965 (e) an order establishing [~~paternity~~] parentage under Subsection 78A-6-104(1)(a)(i); and

3966 (f) as provided in Subsection (2).

3967 (2) If the juvenile court enters a judgment or order for a minor for whom the juvenile court
 3968 has extended continuing jurisdiction over the minor's case until the minor is 25 years old
 3969 under Section 80-6-605, the juvenile court's judgment or order is no longer in effect after
 3970 the minor is 25 years old.

3971 Section 45. Section **78A-6-359** is amended to read:

3972 **78A-6-359 . Appeals.**

- 3973 (1) An appeal to the Court of Appeals may be taken from any order, decree, or judgment of
3974 the juvenile court.
- 3975 (2)(a) An appeal of right from an order, decree, or judgment by a juvenile court related
3976 to a proceeding under [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act,~~] Title 80,
3977 Chapter 3, Abuse, Neglect, and Dependency Proceedings, [~~and~~] Title 80, Chapter 4,
3978 Termination and Restoration of Parental Rights, and Title 81, Chapter 13, Adoption,
3979 shall be filed within 15 days after the day on which the juvenile court enters the
3980 order, decree, or judgment.
- 3981 (b) A notice of appeal must be signed by appellant's counsel, if any, and by appellant,
3982 unless the appellant is a child or state agency.
- 3983 (c) If an appellant fails to timely sign a notice of appeal, the appeal shall be dismissed.
- 3984 (3) An order for a disposition from the juvenile court shall include the following
3985 information:
- 3986 (a) notice that the right to appeal described in Subsection (2)(a) is time sensitive and
3987 must be taken within 15 days after the day on which the juvenile court enters the
3988 order, decree, or judgment appealed from;
- 3989 (b) the right to appeal within the specified time limits;
- 3990 (c) the need for the signature of the parties on a notice of appeal in an appeal described
3991 in Subsection (2)(a); and
- 3992 (d) the need for each party to maintain regular contact with the [~~the~~] party's counsel and
3993 to keep the party's counsel informed of the party's whereabouts.
- 3994 (4) If a party is not present in the courtroom, the juvenile court shall provide a statement
3995 containing the information provided in Subsection (3) to the party at the party's last
3996 known address.
- 3997 (5) The juvenile court shall inform each party's counsel at the conclusion of the proceedings
3998 that, if an appeal is filed, appellate counsel must represent the party throughout the
3999 appellate process unless appellate counsel is not appointed under the Utah Rules of
4000 Appellate Procedure, Rule 55.
- 4001 (6) During the pendency of an appeal under Subsection (2)(a), a party shall maintain regular
4002 contact with the party's appellate counsel, if any, and keep the party's appellate counsel
4003 informed of the party's whereabouts.
- 4004 (7)(a) In all other appeals of right, the appeal shall be taken within 30 days after the day
4005 on which the juvenile court enters the order, decree, or judgment.
- 4006 (b) A notice of appeal under Subsection (7)(a) must be signed by appellant's counsel, if

4007 any, or by appellant.

4008 (8) The attorney general shall represent the state in all appeals under this chapter and Title
4009 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title 80, Chapter 4,
4010 Termination and Restoration of Parental Rights, and Title 80, Chapter 6, Juvenile Justice.

4011 (9) Unless the juvenile court stays the juvenile court's order, the pendency of an appeal does
4012 not stay the order or decree appealed from in a minor's case, unless otherwise ordered by
4013 the Court of Appeals, if suitable provision for the care and custody of the minor
4014 involved is made pending the appeal.

4015 (10) Access to the record on appeal is governed by Title 63G, Chapter 2, Government
4016 Records Access and Management Act.

4017 Section 46. Section **78B-3-205** is amended to read:

4018 **78B-3-205 . Acts submitting person to jurisdiction.**

4019 Notwithstanding Section 16-10a-1501, any person or personal representative of the
4020 person, whether or not a citizen or resident of this state, who, in person or through an agent,
4021 does any of the following enumerated acts is subject to the jurisdiction of the courts of this
4022 state as to any claim arising out of or related to:

4023 (1) the transaction of any business within this state;

4024 (2) contracting to supply services or goods in this state;

4025 (3) the causing of any injury within this state whether tortious or by breach of warranty;

4026 (4) the ownership, use, or possession of any real estate situated in this state;

4027 (5) contracting to insure any person, property, or risk located within this state at the time of
4028 contracting;

4029 (6) with respect to actions of divorce, separate maintenance, or child support, having
4030 resided, in the marital relationship, within this state notwithstanding subsequent
4031 departure from the state; or the commission in this state of the act giving rise to the
4032 claim, so long as that act is not a mere omission, failure to act, or occurrence over which
4033 the defendant had no control; or

4034 (7) the commission of sexual intercourse within this state which gives rise to a [~~paternity~~
4035 ~~suit under Title 78B, Chapter 15, Utah Uniform Parentage Act]~~ parentage action under
4036 Title 81, Chapter 5, Uniform Parentage Act, to determine [~~paternity~~] parentage for the
4037 purpose of establishing responsibility for child support.

4038 Section 47. Section **78B-3-416** is amended to read:

4039 **78B-3-416 . Division to provide panel -- Exemption -- Procedures -- Statute of**
4040 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**

4041 **fees.**

- 4042 (1)(a) The division shall provide a hearing panel in alleged medical liability cases
 4043 against health care providers as defined in Section 78B-3-403, except dentists or
 4044 dental care providers.
- 4045 (b)(i) The division shall establish procedures for prelitigation consideration of
 4046 medical liability claims for damages arising out of the provision of or alleged
 4047 failure to provide health care.
- 4048 (ii) The division may establish rules necessary to administer the process and
 4049 procedures related to prelitigation hearings and the conduct of prelitigation
 4050 hearings in accordance with Sections 78B-3-416 through 78B-3-420.
- 4051 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
 4052 4, Administrative Procedures Act, but are compulsory as a condition precedent to
 4053 commencing litigation.
- 4054 (d) Proceedings conducted under authority of this section are confidential, privileged,
 4055 and immune from civil process.
- 4056 (e) The division may not provide more than one hearing panel for each alleged medical
 4057 liability case against a health care provider.
- 4058 (2)(a) The party initiating a medical liability action shall file a request for prelitigation
 4059 panel review with the division within 60 days after the service of a statutory notice of
 4060 intent to commence action under Section 78B-3-412.
- 4061 (b) The request shall include a copy of the notice of intent to commence action. The
 4062 request shall be mailed to all health care providers named in the notice and request.
- 4063 (3)(a) As used in this Subsection (3):
- 4064 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
 4065 provide psychotherapeutic treatment to an individual, a couple, or a family in a
 4066 domestic case.
- 4067 (ii) "Domestic case" means a proceeding under:
- 4068 (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
 4069 [~~(B)~~ Title ~~78B~~, Chapter ~~13~~, ~~Utah Uniform Child Custody Jurisdiction and~~
 4070 ~~Enforcement Act;~~]
 4071 [~~(C)~~ Title ~~78B~~, Chapter ~~15~~, ~~Utah Uniform Parentage Act;~~]
 4072 [~~(D)~~] (B) Title 81, Chapter 4, Dissolution of Marriage; [~~or~~]
 4073 (C) Title 81, Chapter 5, Uniform Parentage Act;
 4074 [~~(E)~~] (D) Title 81, Chapter 9, Custody, Parent-time, and Visitation[-] ; or

4075 (E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement
4076 Act.

4077 (iii) "Mental health therapist" means the same as that term is defined in Section
4078 58-60-102.

4079 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
4080 domestic case may not file a request for a prelitigation panel review for a malpractice
4081 action against the court-appointed therapist during the pendency of the domestic case,
4082 unless:

4083 (i) the party has requested that the court release the court-appointed therapist from
4084 appointment; and

4085 (ii) the court finds good cause to release the court-appointed therapist from the
4086 appointment.

4087 (c) If a party is prohibited from filing a request for a prelitigation panel review under
4088 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:

4089 (i) the court releasing the court-appointed therapist from appointment as described in
4090 Subsection (3)(b); or

4091 (ii) the court entering a final order in the domestic case.

4092 (4)(a) The filing of a request for prelitigation panel review under this section tolls the
4093 applicable statute of limitations until the later of:

4094 (i) 60 days following the division's issuance of:

4095 (A) an opinion by the prelitigation panel; or

4096 (B) a certificate of compliance under Section 78B-3-418; or

4097 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).

4098 (b) The division shall:

4099 (i) send any opinion issued by the panel to all parties by regular mail; and

4100 (ii) complete a prelitigation hearing under this section within:

4101 (A) 180 days after the filing of the request for prelitigation panel review; or

4102 (B) any longer period as agreed upon in writing by all parties to the review.

4103 (c) If the prelitigation hearing has not been completed within the time limits established
4104 in Subsection (4)(b)(ii), the claimant shall:

4105 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or

4106 (ii) file an affidavit with the division within 180 days of the request for pre-litigation
4107 review, in accordance with Subsection (4)(d), alleging that the respondent has
4108 failed to reasonably cooperate in scheduling the hearing.

- 4109 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):
- 4110 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division
- 4111 shall determine whether either the respondent or the claimant failed to reasonably
- 4112 cooperate in the scheduling of a pre-litigation hearing; and
- 4113 (ii)(A) if the determination is that the respondent failed to reasonably cooperate in
- 4114 the scheduling of a hearing, and the claimant did not fail to reasonably
- 4115 cooperate, the division shall, issue a certificate of compliance for the claimant
- 4116 in accordance with Section 78B-3-418; or
- 4117 (B) if the division makes a determination other than the determination in
- 4118 Subsection (4)(d)(ii)(A), the claimant shall file an affidavit of merit in
- 4119 accordance with Section 78B-3-423, within 30 days of the determination of the
- 4120 division under this Subsection (4).
- 4121 (e)(i) The claimant and any respondent may agree by written stipulation that no
- 4122 useful purpose would be served by convening a prelitigation panel under this
- 4123 section.
- 4124 (ii) When the stipulation is filed with the division, the division shall within 10 days
- 4125 after receipt issue a certificate of compliance under Section 78B-3-418, as it
- 4126 concerns the stipulating respondent, and stating that the claimant has complied
- 4127 with all conditions precedent to the commencement of litigation regarding the
- 4128 claim.
- 4129 (5) The division shall provide for and appoint an appropriate panel or panels to hear
- 4130 complaints of medical liability and damages, made by or on behalf of any patient who is
- 4131 an alleged victim of medical liability. The panels are composed of:
- 4132 (a) one member who is a resident lawyer currently licensed and in good standing to
- 4133 practice law in this state and who shall serve as chairman of the panel, who is
- 4134 appointed by the division from among qualified individuals who have registered with
- 4135 the division indicating a willingness to serve as panel members, and a willingness to
- 4136 comply with the rules of professional conduct governing lawyers in the state, and
- 4137 who has completed division training regarding conduct of panel hearings;
- 4138 (b)(i) one or more members who are licensed health care providers listed under
- 4139 Section 78B-3-403, who are practicing and knowledgeable in the same specialty
- 4140 as the proposed defendant, and who are appointed by the division in accordance
- 4141 with Subsection (6); or
- 4142 (ii) in claims against only a health care facility or the facility's employees, one

- 4143 member who is an individual currently serving in a health care facility
4144 administration position directly related to health care facility operations or
4145 conduct that includes responsibility for the area of practice that is the subject of
4146 the liability claim, and who is appointed by the division; and
- 4147 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
4148 provider, and who is a responsible citizen of the state, selected and appointed by the
4149 division from among individuals who have completed division training with respect
4150 to panel hearings.
- 4151 (6)(a) Each person listed as a health care provider in Section 78B-3-403 and practicing
4152 under a license issued by the state, is obligated as a condition of holding that license
4153 to participate as a member of a medical liability prelitigation panel at reasonable
4154 times, places, and intervals, upon issuance, with advance notice given in a reasonable
4155 time frame, by the division of an Order to Participate as a Medical Liability
4156 Prelitigation Panel Member.
- 4157 (b) A licensee may be excused from appearance and participation as a panel member
4158 upon the division finding participation by the licensee will create an unreasonable
4159 burden or hardship upon the licensee.
- 4160 (c) A licensee whom the division finds failed to appear and participate as a panel
4161 member when so ordered, without adequate explanation or justification and without
4162 being excused for cause by the division, may be assessed an administrative fine not to
4163 exceed \$5,000.
- 4164 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
4165 participate as a panel member when so ordered, without adequate explanation or
4166 justification and without being excused for cause by the division, may be assessed an
4167 administrative fine not to exceed \$5,000, and is guilty of unprofessional conduct.
- 4168 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the
4169 Physicians Education Fund created in Section 58-67a-1.
- 4170 (f) The director of the division may collect a fine that is not paid by:
- 4171 (i) referring the matter to a collection agency; or
4172 (ii) bringing an action in the district court of the county where the person against
4173 whom the penalty is imposed resides or in the county where the office of the
4174 director is located.
- 4175 (g) A county attorney or the attorney general of the state shall provide legal assistance
4176 and advice to the director in an action to collect a fine.

- 4177 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
4178 action brought by the division to collect a fine.
- 4179 (7) Each person selected as a panel member shall certify, under oath, that [he] the person has
4180 no bias or conflict of interest with respect to any matter under consideration.
- 4181 (8) A member of the prelitigation hearing panel may not receive compensation or benefits
4182 for the member's service, but may receive per diem and travel expenses in accordance
4183 with:
- 4184 (a) Section 63A-3-106;
4185 (b) Section 63A-3-107; and
4186 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4187 63A-3-107.
- 4188 (9)(a) In addition to the actual cost of administering the licensure of health care
4189 providers, the division may set license fees of health care providers within the limits
4190 established by law equal to their proportionate costs of administering prelitigation
4191 panels.
- 4192 (b) The claimant bears none of the costs of administering the prelitigation panel except
4193 under Section 78B-3-420.
- 4194 Section 48. Section **78B-22-201** is amended to read:
4195 **78B-22-201 . Right to counsel.**
- 4196 (1) A court shall advise the following of the individual's right to counsel no later than the
4197 individual's first court appearance:
- 4198 (a) an adult charged with a criminal offense the penalty for which includes the
4199 possibility of incarceration regardless of whether actually imposed;
- 4200 (b) a parent or legal guardian facing an action initiated by the state under:
- 4201 (i) Title 78A, Chapter 6, Part 4a, Adult Criminal Proceedings;
4202 (ii) Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; or
4203 (iii) Title 80, Chapter 4, Termination and Restoration of Parental Rights;
- 4204 (c) a parent or legal guardian facing an action initiated by any party under:
- 4205 (i) Section [~~78B-6-112~~] 81-13-205; or
4206 (ii) Title 80, Chapter 4, Termination and Restoration of Parental Rights; or
4207 (d) an individual described in this Subsection (1), who is appealing a conviction or other
4208 final court action.
- 4209 (2) If an individual described in Subsection (1) does not knowingly and voluntarily waive
4210 the right to counsel, the court shall determine whether the individual is indigent under

4211 Section 78B-22-202.

4212 Section 49. Section **78B-22-901** is amended to read:

4213 **78B-22-901 . Definitions.**

4214 As used in this part:

4215 (1)(a) "Appellate defense services" means the representation of an indigent individual:

4216 (i) described in Subsection 78B-22-201(1)(d) or who is party to an appeal under

4217 Section 77-18a-1;

4218 (ii) in an action or on appeal for postconviction relief under Chapter 9,

4219 Postconviction Remedies Act; or

4220 (iii) in an appeal of right from an action for the termination or restoration of parental

4221 rights under [~~Chapter 6, Part 1, Utah Adoption Act,~~]Title 80, Chapter 3, Abuse,

4222 Neglect, and Dependency Proceedings, [~~or~~]Title 80, Chapter 4, Termination and

4223 Restoration of Parental Rights, or Title 81, Chapter 13, Adoption.

4224 (b) "Appellate defense services" does not include the representation of an indigent

4225 individual:

4226 (i) facing an appeal in a case where the indigent individual was prosecuted for

4227 aggravated murder; or

4228 (ii) in an action or appeal for postconviction relief under Chapter 9, Postconviction

4229 Remedies Act, if the indigent individual has been sentenced to death.

4230 (2) "Division" means the Indigent Appellate Defense Division created in Section

4231 78B-22-902.

4232 Section 50. Section **78B-22-903** is amended to read:

4233 **78B-22-903 . Powers and duties of the division.**

4234 (1) The division shall:

4235 (a) provide appellate defense services:

4236 (i) for an appeal under Section 77-18a-1, in counties of the third, fourth, fifth, and

4237 sixth class;

4238 (ii) for an action or an appeal for postconviction relief under Chapter 9,

4239 Postconviction Remedies Act, if the court appoints the division to represent the

4240 indigent individual; and

4241 (iii) for an appeal of right from an action for the termination or restoration of parental

4242 rights under [~~Chapter 6, Part 1, Utah Adoption Act,~~]Title 80, Chapter 3, Abuse,

4243 Neglect, and Dependency Proceedings, [~~or~~]Title 80, Chapter 4, Termination and

4244 Restoration of Parental Rights, or Title 81, Chapter 13, Adoption; and

- 4245 (b) provide appellate defense services in accordance with the core principles adopted by
 4246 the commission under Section 78B-22-404 and any other state and federal standards
 4247 for appellate defense services.
- 4248 (2) Upon consultation with the executive director and the commission, the division shall:
 4249 (a) adopt a budget for the division;
 4250 (b) adopt and publish on the commission's website:
 4251 (i) appellate performance standards;
 4252 (ii) case weighting standards; and
 4253 (iii) any other relevant measures or information to assist with appellate defense
 4254 services; and
 4255 (c) if requested by the commission, provide a report to the commission on:
 4256 (i) the provision of appellate defense services by the division;
 4257 (ii) the caseloads of appellate attorneys; and
 4258 (iii) any other information relevant to appellate defense services in the state.
- 4259 (3) If the division provides appellate defense services to an indigent individual in an
 4260 indigent defense system, the division shall provide notice to the district court and the
 4261 indigent defense system that the division intends to be appointed as counsel for the
 4262 indigent individual.
- 4263 (4) The office shall assist with providing training and continual legal education on appellate
 4264 defense to indigent defense service providers in counties of the third, fourth, fifth, and
 4265 sixth class.

4266 Section 51. Section **80-1-102** is amended to read:

4267 **80-1-102 . Juvenile Code definitions.**

4268 Except as provided in Section 80-6-1103, as used in this title:

- 4269 (1)(a) "Abuse" means:
 4270 (i)(A) nonaccidental harm of a child;
 4271 (B) threatened harm of a child;
 4272 (C) sexual exploitation;
 4273 (D) sexual abuse; or
 4274 (E) human trafficking of a child in violation of Section 76-5-308.5; or
 4275 (ii) that a child's [~~natural~~]parent:
 4276 (A) intentionally, knowingly, or recklessly causes the death of another parent of
 4277 the child;
 4278 (B) is identified by a law enforcement agency as the primary suspect in an

- 4279 investigation for intentionally, knowingly, or recklessly causing the death of
4280 another parent of the child; or
- 4281 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
4282 recklessly causing the death of another parent of the child.
- 4283 (b) "Abuse" does not include:
- 4284 (i) reasonable discipline or management of a child, including withholding privileges;
4285 (ii) conduct described in Section 76-2-401; or
4286 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 4287 (A) in self-defense;
4288 (B) in defense of others;
4289 (C) to protect the child; or
4290 (D) to remove a weapon in the possession of a child for any of the reasons
4291 described in Subsections (1)(b)(iii)(A) through (C).
- 4292 (2) "Abused child" means a child who has been subjected to abuse.
- 4293 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 4294 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
4295 Justice:
4296 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
4297 or criminal information alleging that a minor committed an offense have been
4298 proved;
4299 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
4300 or
4301 (C) a plea of no contest by minor in the juvenile court; or
4302 (ii) for all other proceedings under this title, a finding by the juvenile court that the
4303 facts alleged in the petition have been proved.
- 4304 (b) "Adjudication" does not include:
- 4305 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
4306 enters the minor's admission; or
4307 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 4308 (4)(a) "Adult" means an individual who is 18 years old or older.
- 4309 (b) "Adult" does not include an individual:
- 4310 (i) who is 18 years old or older; and
4311 (ii) who is a minor.
- 4312 (5) "Attorney guardian ad litem" means the same as that term is defined in Section

- 4313 78A-2-801.
- 4314 (6) "Board" means the Board of Juvenile Court Judges.
- 4315 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
4316 years old.
- 4317 (8) "Child and family plan" means a written agreement between a child's parents or
4318 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 4319 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 4320 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 4321 (11) "Child protection team" means a team consisting of:
- 4322 (a) the child welfare caseworker assigned to the case;
- 4323 (b) if applicable, the child welfare caseworker who made the decision to remove the
4324 child;
- 4325 (c) a representative of the school or school district where the child attends school;
- 4326 (d) if applicable, the law enforcement officer who removed the child from the home;
- 4327 (e) a representative of the appropriate Children's Justice Center, if one is established
4328 within the county where the child resides;
- 4329 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
4330 with the child's circumstances;
- 4331 (g) if appropriate, a representative of law enforcement selected by the chief of police or
4332 sheriff in the city or county where the child resides; and
- 4333 (h) any other individuals determined appropriate and necessary by the team coordinator
4334 and chair.
- 4335 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 4336 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 4337 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 4338 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 4339 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
4340 58-37d-3.
- 4341 (15) "Commit" or "committed" means, unless specified otherwise:
- 4342 (a) with respect to a child, to transfer legal custody; and
- 4343 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 4344 (16) "Community-based program" means a nonsecure residential or nonresidential program,
4345 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
4346 restrictive setting, consistent with public safety, and operated by or under contract with

- 4347 the Division of Juvenile Justice and Youth Services.
- 4348 (17) "Community placement" means placement of a minor in a community-based program
4349 described in Section 80-5-402.
- 4350 (18) "Correctional facility" means:
- 4351 (a) a county jail; or
- 4352 (b) a secure correctional facility as defined in Section 64-13-1.
- 4353 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
4354 minor's likelihood of reoffending.
- 4355 (20) "Department" means the Department of Health and Human Services created in Section
4356 26B-1-201.
- 4357 (21) "Dependent child" or "dependency" means a child who is without proper care through
4358 no fault of the child's parent, guardian, or custodian.
- 4359 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
4360 parent or a previous custodian to another person, agency, or institution.
- 4361 (23) "Detention" means home detention or secure detention.
- 4362 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
4363 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 4364 (25) "Detention risk assessment tool" means an evidence-based tool established under
4365 Section 80-5-203 that:
- 4366 (a) assesses a minor's risk of failing to appear in court or reoffending before
4367 adjudication; and
- 4368 (b) is designed to assist in making a determination of whether a minor shall be held in
4369 detention.
- 4370 (26) "Developmental immaturity" means incomplete development in one or more domains
4371 that manifests as a functional limitation in the minor's present ability to:
- 4372 (a) consult with counsel with a reasonable degree of rational understanding; and
- 4373 (b) have a rational as well as factual understanding of the proceedings.
- 4374 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
4375 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 4376 (28) "Educational neglect" means that, after receiving a notice of compulsory education
4377 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
4378 effort to ensure that the child receives an appropriate education.
- 4379 (29) "Educational series" means an evidence-based instructional series:
- 4380 (a) obtained at a substance abuse program that is approved by the Division of Integrated

- 4381 Healthcare in accordance with Section 26B-5-104; and
- 4382 (b) designed to prevent substance use or the onset of a mental health disorder.
- 4383 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 4384 (31) "Evidence-based" means a program or practice that has had multiple randomized
- 4385 control studies or a meta-analysis demonstrating that the program or practice is effective
- 4386 for a specific population or has been rated as effective by a standardized program
- 4387 evaluation tool.
- 4388 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 4389 (33) "Formal probation" means a minor is:
- 4390 (a) supervised in the community by, and reports to, a juvenile probation officer or an
- 4391 agency designated by the juvenile court; and
- 4392 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 4393 (34) "Group rehabilitation therapy" means psychological and social counseling of one or
- 4394 more individuals in the group, depending upon the recommendation of the therapist.
- 4395 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor,
- 4396 including the authority to consent to:
- 4397 (a) marriage;
- 4398 (b) enlistment in the armed forces;
- 4399 (c) major medical, surgical, or psychiatric treatment; or
- 4400 (d) legal custody, if legal custody is not vested in another individual, agency, or
- 4401 institution.
- 4402 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 4403 (37) "Harm" means:
- 4404 (a) physical or developmental injury or damage;
- 4405 (b) emotional damage that results in a serious impairment in the child's growth,
- 4406 development, behavior, or psychological functioning;
- 4407 (c) sexual abuse; or
- 4408 (d) sexual exploitation.
- 4409 (38) "Home detention" means placement of a minor:
- 4410 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 4411 of the minor's parent, guardian, or custodian, under terms and conditions established
- 4412 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 4413 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 4414 minor's home, or in a surrogate home with the consent of the minor's parent,

- 4415 guardian, or custodian, under terms and conditions established by the Division of
4416 Juvenile Justice and Youth Services or the juvenile court.
- 4417 (39)(a) "Incest" means engaging in sexual intercourse with an individual whom the
4418 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
4419 aunt, nephew, niece, or first cousin.
- 4420 (b) "Incest" includes:
- 4421 (i) blood relationships of the whole or half blood, regardless of whether the
4422 relationship is legally recognized;
- 4423 (ii) relationships of parent and child by adoption; and
- 4424 (iii) relationships of stepparent and stepchild while the marriage creating the
4425 relationship of a stepparent and stepchild exists.
- 4426 (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4427 (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4428 (42) "Indigent defense service provider" means the same as that term is defined in Section
4429 78B-22-102.
- 4430 (43) "Indigent defense services" means the same as that term is defined in Section
4431 78B-22-102.
- 4432 (44) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 4433 (45)(a) "Intake probation" means a minor is:
- 4434 (i) monitored by a juvenile probation officer; and
- 4435 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 4436 (b) "Intake probation" does not include formal probation.
- 4437 (46) "Intellectual disability" means a significant subaverage general intellectual functioning
4438 existing concurrently with deficits in adaptive behavior that constitutes a substantial
4439 limitation to the individual's ability to function in society.
- 4440 (47) "Juvenile offender" means:
- 4441 (a) a serious youth offender; or
- 4442 (b) a youth offender.
- 4443 (48) "Juvenile probation officer" means a probation officer appointed under Section
4444 78A-6-205.
- 4445 (49) "Juvenile receiving center" means a nonsecure, nonresidential program established by
4446 the Division of Juvenile Justice and Youth Services, or under contract with the Division
4447 of Juvenile Justice and Youth Services, that is responsible for minors taken into
4448 temporary custody under Section 80-6-201.

- 4449 (50) "Legal custody" means a relationship embodying:
- 4450 (a) the right to physical custody of the minor;
- 4451 (b) the right and duty to protect, train, and discipline the minor;
- 4452 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
- 4453 medical care;
- 4454 (d) the right to determine where and with whom the minor shall live; and
- 4455 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 4456 (51) "Licensing Information System" means the Licensing Information System maintained
- 4457 by the Division of Child and Family Services under Section 80-2-1002.
- 4458 (52) "Management Information System" means the Management Information System
- 4459 developed by the Division of Child and Family Services under Section 80-2-1001.
- 4460 (53) "Mental illness" means:
- 4461 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
- 4462 behavioral, or related functioning; or
- 4463 (b) the same as that term is defined in:
- 4464 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
- 4465 published by the American Psychiatric Association; or
- 4466 (ii) the current edition of the International Statistical Classification of Diseases and
- 4467 Related Health Problems.
- 4468 (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 4469 (a) a child; or
- 4470 (b) an individual:
- 4471 (i)(A) who is at least 18 years old and younger than 21 years old; and
- 4472 (B) for whom the Division of Child and Family Services has been specifically
- 4473 ordered by the juvenile court to provide services because the individual was an
- 4474 abused, neglected, or dependent child or because the individual was
- 4475 adjudicated for an offense;
- 4476 (ii)(A) who is at least 18 years old and younger than 25 years old; and
- 4477 (B) whose case is under the jurisdiction of the juvenile court in accordance with
- 4478 Subsection 78A-6-103(1)(b); or
- 4479 (iii)(A) who is at least 18 years old and younger than 21 years old; and
- 4480 (B) whose case is under the jurisdiction of the juvenile court in accordance with
- 4481 Subsection 78A-6-103(1)(c).
- 4482 (55) "Mobile crisis outreach team" means the same as that term is defined in Section

4483 26B-5-101.

4484 (56) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
4485 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
4486 or the breast of a female child, or takes indecent liberties with a child as defined in
4487 Section 76-5-401.1.

4488 [~~(57)(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's~~
4489 ~~biological or adoptive parent.~~]

4490 [~~(b) "Natural parent" includes the minor's noncustodial parent.~~]

4491 [~~(58)~~ (57)(a) "Neglect" means action or inaction causing:

- 4492 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
4493 Relinquishment of a Newborn Child;
- 4494 (ii) lack of proper parental care of a child by reason of the fault or habits of the
4495 parent, guardian, or custodian;
- 4496 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
4497 necessary subsistence or medical care, or any other care necessary for the child's
4498 health, safety, morals, or well-being;
- 4499 (iv) a child to be at risk of being neglected or abused because another child in the
4500 same home is neglected or abused;
- 4501 (v) abandonment of a child through an unregulated child custody transfer under
4502 Section [~~78B-24-203~~] 81-14-203; or
- 4503 (vi) educational neglect.

4504 (b) "Neglect" does not include:

- 4505 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
4506 reason, does not provide specified medical treatment for a child;
- 4507 (ii) a health care decision made for a child by the child's parent or guardian, unless
4508 the state or other party to a proceeding shows, by clear and convincing evidence,
4509 that the health care decision is not reasonable and informed;
- 4510 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 4511 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
4512 maturity to avoid harm or unreasonable risk of harm, to engage in independent
4513 activities, including:
- 4514 (A) traveling to and from school, including by walking, running, or bicycling;
- 4515 (B) traveling to and from nearby commercial or recreational facilities;
- 4516 (C) engaging in outdoor play;

- 4517 (D) remaining in a vehicle unattended, except under the conditions described in
4518 Subsection 76-10-2202(2);
- 4519 (E) remaining at home unattended; or
- 4520 (F) engaging in a similar independent activity.
- 4521 [~~(59)~~] (58) "Neglected child" means a child who has been subjected to neglect.
- 4522 [~~(60)~~] (59) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
4523 probation officer, without an adjudication of the minor's case under Section 80-6-701,
4524 upon the consent in writing of:
- 4525 (a) the assigned juvenile probation officer; and
- 4526 (b)(i) the minor; or
- 4527 (ii) the minor and the minor's parent, guardian, or custodian.
- 4528 [~~(61)~~] (60) "Not competent to proceed" means that a minor, due to a mental illness,
4529 intellectual disability or related condition, or developmental immaturity, lacks the ability
4530 to:
- 4531 (a) understand the nature of the proceedings against the minor or of the potential
4532 disposition for the offense charged; or
- 4533 (b) consult with counsel and participate in the proceedings against the minor with a
4534 reasonable degree of rational understanding.
- 4535 (61)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
4536 parent-child relationship to a minor under Section 81-5-201.
- 4537 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 4538 (62) "Parole" means a conditional release of a juvenile offender from residency in secure
4539 care to live outside of secure care under the supervision of the Division of Juvenile
4540 Justice and Youth Services, or another person designated by the Division of Juvenile
4541 Justice and Youth Services.
- 4542 (63) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 4543 (64)(a) "Probation" means a legal status created by court order, following an
4544 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
4545 minor's home under prescribed conditions.
- 4546 (b) "Probation" includes intake probation or formal probation.
- 4547 (65) "Prosecuting attorney" means:
- 4548 (a) the attorney general and any assistant attorney general;
- 4549 (b) any district attorney or deputy district attorney;
- 4550 (c) any county attorney or assistant county attorney; and

- 4551 (d) any other attorney authorized to commence an action on behalf of the state.
- 4552 (66) "Protective custody" means the shelter of a child by the Division of Child and Family
4553 Services from the time the child is removed from the home until the earlier of:
- 4554 (a) the day on which the shelter hearing is held under Section 80-3-301; or
4555 (b) the day on which the child is returned home.
- 4556 (67) "Protective services" means expedited services that are provided:
- 4557 (a) in response to evidence of neglect, abuse, or dependency of a child;
4558 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 4559 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
4560 causes of neglect or abuse; and
- 4561 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 4562 (c) in cases where the child's welfare is endangered:
- 4563 (i) to bring the situation to the attention of the appropriate juvenile court and law
4564 enforcement agency;
- 4565 (ii) to cause a protective order to be issued for the protection of the child, when
4566 appropriate; and
- 4567 (iii) to protect the child from the circumstances that endanger the child's welfare
4568 including, when appropriate:
- 4569 (A) removal from the child's home;
4570 (B) placement in substitute care; and
4571 (C) petitioning the court for termination of parental rights.
- 4572 (68) "Protective supervision" means a legal status created by court order, following an
4573 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 4574 (a) the minor is permitted to remain in the minor's home; and
4575 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
4576 by an agency designated by the juvenile court.
- 4577 (69)(a) "Related condition" means a condition that:
- 4578 (i) is found to be closely related to intellectual disability;
4579 (ii) results in impairment of general intellectual functioning or adaptive behavior
4580 similar to that of an intellectually disabled individual;
4581 (iii) is likely to continue indefinitely; and
4582 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 4583 (b) "Related condition" does not include mental illness, psychiatric impairment, or
4584 serious emotional or behavioral disturbance.

- 4585 (70)(a) "Residual parental rights and duties" means the rights and duties remaining with
4586 a parent after legal custody or guardianship, or both, have been vested in another
4587 person or agency, including:
- 4588 (i) the responsibility for support;
 - 4589 (ii) the right to consent to adoption;
 - 4590 (iii) the right to determine the child's religious affiliation; and
 - 4591 (iv) the right to reasonable parent-time unless restricted by the court.
- 4592 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
4593 right to consent to:
- 4594 (i) marriage;
 - 4595 (ii) enlistment; and
 - 4596 (iii) major medical, surgical, or psychiatric treatment.
- 4597 (71) "Runaway" means a child, other than an emancipated child, who willfully leaves the
4598 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
4599 without permission.
- 4600 (72) "Secure care" means placement of a minor, who is committed to the Division of
4601 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
4602 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
4603 supervision and confinement of the minor.
- 4604 (73) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
4605 for juvenile offenders in secure care.
- 4606 (74) "Secure detention" means temporary care of a minor who requires secure custody in a
4607 physically restricting facility operated by, or under contract with, the Division of
4608 Juvenile Justice and Youth Services:
- 4609 (a) before disposition of an offense that is alleged to have been committed by the minor;
 - 4610 or
 - 4611 (b) under Section 80-6-704.
- 4612 (75) "Serious youth offender" means an individual who:
- 4613 (a) is at least 14 years old, but under 25 years old;
 - 4614 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
4615 of the juvenile court was extended over the individual's case until the individual was
4616 25 years old in accordance with Section 80-6-605; and
 - 4617 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
4618 Services for secure care under Sections 80-6-703 and 80-6-705.

- 4619 (76) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 4620 (77) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
4621 child.
- 4622 (78)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
4623 (78)(b):
- 4624 (i) if committed by an individual who is 18 years old or older:
- 4625 (A) chronic abuse;
- 4626 (B) severe abuse;
- 4627 (C) sexual abuse;
- 4628 (D) sexual exploitation;
- 4629 (E) abandonment;
- 4630 (F) chronic neglect; or
- 4631 (G) severe neglect; or
- 4632 (ii) if committed by an individual who is under 18 years old:
- 4633 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to
4634 another child that indicates a significant risk to other children; or
- 4635 (B) sexual behavior with or upon another child that indicates a significant risk to
4636 other children.
- 4637 (b) "Severe type of child abuse or neglect" does not include:
- 4638 (i) the use of reasonable and necessary physical restraint by an educator in
4639 accordance with Subsection 53G-8-302(2) or Section 76-2-401;
- 4640 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
4641 use of reasonable and necessary physical restraint or force in self-defense or
4642 otherwise appropriate to the circumstances to obtain possession of a weapon or
4643 other dangerous object in the possession or under the control of a child or to
4644 protect the child or another individual from physical injury; or
- 4645 (iii) a health care decision made for a child by a child's parent or guardian, unless,
4646 subject to Subsection (78)(c), the state or other party to the proceeding shows, by
4647 clear and convincing evidence, that the health care decision is not reasonable and
4648 informed.
- 4649 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
4650 right to obtain a second health care opinion.
- 4651 (79) "Sexual abuse" means:
- 4652 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an

- 4653 adult directed towards a child;
- 4654 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
4655 committed by a child towards another child if:
- 4656 (i) there is an indication of force or coercion;
- 4657 (ii) the children are related, as described in Subsection (39), including siblings by
4658 marriage while the marriage exists or by adoption;
- 4659 (iii) there have been repeated incidents of sexual contact between the two children,
4660 unless the children are 14 years old or older; or
- 4661 (iv) there is a disparity in chronological age of four or more years between the two
4662 children;
- 4663 (c) engaging in any conduct with a child that would constitute an offense under any of
4664 the following, regardless of whether the individual who engages in the conduct is
4665 actually charged with, or convicted of, the offense:
- 4666 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
4667 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
- 4668 (ii) child bigamy, Section 76-7-101.5;
- 4669 (iii) incest, Section 76-7-102;
- 4670 (iv) lewdness, Section 76-9-702;
- 4671 (v) sexual battery, Section 76-9-702.1;
- 4672 (vi) lewdness involving a child, Section 76-9-702.5; or
- 4673 (vii) voyeurism, Section 76-9-702.7; or
- 4674 (d) subjecting a child to participate in or threatening to subject a child to participate in a
4675 sexual relationship, regardless of whether that sexual relationship is part of a legal or
4676 cultural marriage.
- 4677 (80) "Sexual exploitation" means knowingly:
- 4678 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 4679 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 4680 (ii) engage in any sexual or simulated sexual conduct for the purpose of
4681 photographing, filming, recording, or displaying in any way the sexual or
4682 simulated sexual conduct;
- 4683 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
4684 depicting a child:
- 4685 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 4686 (ii) engaging in sexual or simulated sexual conduct; or

- 4687 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
4688 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
4689 exploitation of a minor, regardless of whether the individual who engages in the
4690 conduct is actually charged with, or convicted of, the offense.
- 4691 (81) "Shelter" means the temporary care of a child in a physically unrestricted facility
4692 pending a disposition or transfer to another jurisdiction.
- 4693 (82) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 4694 (83) "Significant risk" means a risk of harm that is determined to be significant in
4695 accordance with risk assessment tools and rules established by the Division of Child and
4696 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
4697 Rulemaking Act, that focus on:
- 4698 (a) age;
4699 (b) social factors;
4700 (c) emotional factors;
4701 (d) sexual factors;
4702 (e) intellectual factors;
4703 (f) family risk factors; and
4704 (g) other related considerations.
- 4705 (84) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 4706 (85) "Status offense" means an offense that would not be an offense but for the age of the
4707 offender.
- 4708 (86) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
4709 excessive use of alcohol or other drugs or substances.
- 4710 (87) "Substantiated" or "substantiation" means a judicial finding based on a preponderance
4711 of the evidence, and separate consideration of each allegation made or identified in the
4712 case, that abuse, neglect, or dependency occurred[-].
- 4713 (88) "Substitute care" means:
- 4714 (a) the placement of a minor in a family home, group care facility, or other placement
4715 outside the minor's own home, either at the request of a parent or other responsible
4716 relative, or upon court order, when it is determined that continuation of care in the
4717 minor's own home would be contrary to the minor's welfare;
- 4718 (b) services provided for a minor in the protective custody of the Division of Child and
4719 Family Services, or a minor in the temporary custody or custody of the Division of
4720 Child and Family Services, as those terms are defined in Section 80-2-102; or

- 4721 (c) the licensing and supervision of a substitute care facility.
- 4722 (89) "Supported" means a finding by the Division of Child and Family Services based on
4723 the evidence available at the completion of an investigation, and separate consideration
4724 of each allegation made or identified during the investigation, that there is a reasonable
4725 basis to conclude that abuse, neglect, or dependency occurred.
- 4726 (90) "Termination of parental rights" means the permanent elimination of all parental rights
4727 and duties, including residual parental rights and duties, by court order.
- 4728 (91) "Therapist" means:
- 4729 (a) an individual employed by a state division or agency for the purpose of conducting
4730 psychological treatment and counseling of a minor in the division's or agency's
4731 custody; or
- 4732 (b) any other individual licensed or approved by the state for the purpose of conducting
4733 psychological treatment and counseling.
- 4734 (92) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
4735 the child is at an unreasonable risk of harm or neglect.
- 4736 (93) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 4737 (a) results in behavior that is beyond the control or ability of the child, or the parent or
4738 guardian, to manage effectively;
- 4739 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
4740 (c) results in the situations described in Subsections (93)(a) and (b).
- 4741 (94) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
4742 conclude that abuse, neglect, or dependency occurred.
- 4743 (95) "Unsupported" means a finding by the Division of Child and Family Services at the
4744 completion of an investigation, after the day on which the Division of Child and Family
4745 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
4746 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 4747 (96) "Validated risk and needs assessment" means an evidence-based tool that assesses a
4748 minor's risk of reoffending and a minor's criminogenic needs.
- 4749 (97) "Without merit" means a finding at the completion of an investigation by the Division
4750 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
4751 dependency did not occur, or that the alleged perpetrator was not responsible for the
4752 abuse, neglect, or dependency.
- 4753 (98) "Youth offender" means an individual who is:
- 4754 (a) at least 12 years old, but under 21 years old; and

- 4755 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
4756 Services for secure care under Sections 80-6-703 and 80-6-705.
- 4757 Section 52. Section **80-2-503.5** is amended to read:
- 4758 **80-2-503.5 . Psychotropic medication oversight program -- Behavioral health**
4759 **service rates.**
- 4760 (1) As used in this section:
- 4761 (a) "Advanced practice registered nurse" means an individual licensed to practice as an
4762 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse
4763 Practice Act.
- 4764 (b) "Division" means the Division of Integrated Healthcare created in Section 26B-1-204.
- 4765 (c) "HIPAA" means 45 C.F.R. Parts 160, 162, and 164, Health Insurance Portability and
4766 Accountability Act of 1996, as amended.
- 4767 (d) "Physician assistant" means an individual licensed to practice as a physician assistant
4768 in this state under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 4769 (e) "Psychotropic medication" means medication prescribed to affect or alter thought
4770 processes, mood, or behavior, including antipsychotic, antidepressant, anxiolytic, or
4771 behavior medication.
- 4772 (f) "Qualifying minor" means a minor committed to the Division of Juvenile Justice and
4773 Youth Services under Section 80-6-703.
- 4774 (2) The division shall, through contract with the University of Utah or another qualified
4775 third party, operate a psychotropic medication oversight program for children in foster
4776 care and qualifying minors to ensure that each foster child and qualifying minor is
4777 prescribed psychotropic medication consistent with the foster child's or qualifying
4778 minor's needs and consistent with clinical best practices.
- 4779 (3) The division shall operate an oversight team to manage the psychotropic medication
4780 oversight program, composed of at least the following individuals:
- 4781 (a) a physician assistant with pediatric mental health experience, or an advanced practice
4782 registered nurse with pediatric mental health experience, contracted with the division;
- 4783 (b) a child psychiatrist contracted with the division;
- 4784 (c) a data analyst contracted with the division; and
- 4785 (d) an individual with care coordination experience.
- 4786 (4) The oversight team shall monitor foster children and qualifying minors:
- 4787 (a) six years old or younger who are being prescribed one or more psychotropic
4788 medications;

- 4789 (b) seven years old or older who are being prescribed two or more psychotropic
4790 medications; and
- 4791 (c) who are prescribed one or more antipsychotic medications.
- 4792 (5) The division shall establish a business associate agreement with the oversight team by
4793 which the oversight team shall, upon request, be given information or records related to
4794 the foster child's or qualifying minor's health care history, including psychotropic
4795 medication history and mental and behavioral health history, from:
- 4796 (a) the division's Medicaid pharmacy program;
- 4797 (b) the department's written and electronic records and databases;
- 4798 (c) the foster child's current or past caseworker, or the qualifying minor's current or past
4799 case manager;
- 4800 (d) the foster child or qualifying minor; or
- 4801 (e) the foster child's or qualifying minor's:
- 4802 (i) current or past health care provider;
- 4803 (ii) ~~natural~~ parents; or
- 4804 (iii) foster parents.
- 4805 (6) The oversight team may review and monitor the following information about a foster
4806 child or qualifying minor:
- 4807 (a) the foster child's or qualifying minor's history;
- 4808 (b) the foster child's or qualifying minor's health care, including psychotropic
4809 medication history and mental or behavioral health history;
- 4810 (c) whether there are less invasive treatment options available to meet the foster child's
4811 or qualifying minor's needs;
- 4812 (d) the dosage or dosage range and appropriateness of the foster child's or qualifying
4813 minor's psychotropic medication;
- 4814 (e) the short-term or long-term risks associated with the use of the foster child's or
4815 qualifying minor's psychotropic medication; or
- 4816 (f) the reported benefits of the foster child's or qualifying minor's psychotropic
4817 medication.
- 4818 (7)(a) On at least a quarterly basis, the oversight team shall:
- 4819 (i) review the medical and mental or behavioral health history for each foster child
4820 and qualifying minor overseen by the program;
- 4821 (ii) based on the review under Subsection (7)(a)(i), document the oversight team's
4822 findings and recommendations; and

- 4823 (iii) make written recommendations concerning the foster child's or qualifying
4824 minor's psychotropic medication and the foster child's or qualifying minor's
4825 mental or behavioral health, including any recommendation for psychotherapy
4826 treatment.
- 4827 (b) The oversight team's recommendations described in Subsection (7)(a) shall be
4828 provided to the foster child's current caseworker or the qualifying minor's current
4829 case manager, the foster child's or qualifying minor's parent or guardian, and the
4830 foster child's or qualifying minor's current health care providers, in accordance with
4831 rules adopted pursuant to Subsection (8) and in compliance with HIPAA and other
4832 relevant state and federal privacy laws.
- 4833 (c) The member of the oversight team described in Subsection (3)(d) shall:
4834 (i) provide the recommendations described in Subsection (7)(a) in writing and
4835 verbally, or as otherwise provided in rules adopted pursuant to Subsection (8), to
4836 the foster child's or qualifying minor's current health care providers; and
4837 (ii) on at least a semiannual basis, follow up with the foster child's or qualifying
4838 minor's current health care providers to document whether recommendations
4839 made by the oversight team have been implemented.
- 4840 (d) A foster child's caseworker or qualifying minor's case manager shall maintain a
4841 confidential record of recommendations provided under Subsection (7)(b).
- 4842 (8) The division may adopt administrative rules in accordance with Title 63G, Chapter 3,
4843 Utah Administrative Rulemaking Act, necessary to administer this section, including the
4844 rules described in Subsection (7)(b).
- 4845 (9) The division shall report regarding the psychotropic medication oversight program:
4846 (a) to the Child Welfare Legislative Oversight Panel by October 1 of each even
4847 numbered year; and
4848 (b) orally to the Health and Human Services Interim Committee, at least once every two
4849 years at or before the October interim meeting.
- 4850 (10) The oversight team shall report:
4851 (a) quarterly to the division regarding the number of foster children and qualifying
4852 minors reviewed and the number of recommendations made; and
4853 (b) annually to the division regarding outcomes for foster children and qualifying minors
4854 overseen by the program.
- 4855 (11) Beginning on July 1, 2024, the department shall pay for outpatient behavioral health
4856 services for children in foster care and qualifying minors at a rate no lower than the

4857 standard Medicaid fee schedule.

4858 Section 53. Section **80-2-702** is amended to read:

4859 **80-2-702 . Division post-removal investigation -- Supported or unsupported**
4860 **reports -- Convening of child protection team -- Cooperation with law enforcement --**
4861 **Close of investigation.**

4862 (1) If a child is taken into protective custody in accordance with Section 80-2a-202 or
4863 80-3-204 or the division takes any other action that requires a shelter hearing under
4864 Subsection 80-3-301(1), the division shall immediately initiate an investigation of:

4865 (a) the circumstances of the child; and

4866 (b) the grounds upon which the decision to place the child into protective custody was
4867 made.

4868 (2) The division's investigation under Subsection (1) shall conform to reasonable
4869 professional standards and include:

4870 (a) a search for and review of any records of past reports of abuse or neglect involving:

4871 (i) the same child;

4872 (ii) any sibling or other child residing in the same household as the child; and

4873 (iii) the alleged perpetrator;

4874 (b) with regard to a child who is five years old or older, a personal interview with the
4875 child:

4876 (i) outside of the presence of the alleged perpetrator; and

4877 (ii) conducted in accordance with the requirements of Section 80-2-704;

4878 (c) if a parent or guardian is located, an interview with at least one of the child's parents
4879 or guardian;

4880 (d) an interview with the person who reported the abuse, unless the report was made
4881 anonymously;

4882 (e) if possible and appropriate, interviews with other third parties who have had direct
4883 contact with the child, including:

4884 (i) school personnel; and

4885 (ii) the child's health care provider;

4886 (f) an unscheduled visit to the child's home, unless:

4887 (i) there is a reasonable basis to believe that the reported abuse was committed by a
4888 person who:

4889 (A) is not the child's parent; and

4890 (B) does not live in the child's home or otherwise have access to the child in the

- 4891 child's home; or
- 4892 (ii) an unscheduled visit is not necessary to obtain evidence for the investigation; and
- 4893 (g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or
- 4894 failure to meet the child's medical needs, a medical examination, obtained no later
- 4895 than 24 hours after the child is placed in protective custody.
- 4896 (3) The division may rely on a written report of a prior interview rather than conducting an
- 4897 additional interview under Subsection (2), if:
- 4898 (a) law enforcement:
- 4899 (i) previously conducted a timely and thorough investigation regarding the alleged
- 4900 abuse, neglect, or dependency; and
- 4901 (ii) produced a written report;
- 4902 (b) the investigation described in Subsection (3)(a)(i) included one or more of the
- 4903 interviews described in Subsection (2); and
- 4904 (c) the division finds that an additional interview is not in the best interest of the child.
- 4905 (4)(a)(i) The division shall:
- 4906 (A) make a determination after the division's investigation under Subsection (1)
- 4907 regarding whether the report is supported, unsupported, or without merit; and
- 4908 (B) base the determination on the facts of the case at the time the report is made.
- 4909 (ii) The division's determination of whether a report is supported or unsupported may
- 4910 be based on the child's statements alone.
- 4911 (b) The division may not:
- 4912 (i) use the inability to identify or locate the perpetrator as a basis for:
- 4913 (A) determining that a report is unsupported; or
- 4914 (B) closing the case; or
- 4915 (ii) determine a case is unsupported or identify a case as unsupported solely because
- 4916 the perpetrator is an out-of-home perpetrator.
- 4917 (5) The division shall maintain protective custody of the child if the division finds that one
- 4918 or more of the following conditions exist:
- 4919 (a) the child does not have a ~~natural~~ parent, guardian, or responsible relative who is
- 4920 able and willing to provide safe and appropriate care for the child;
- 4921 (b)(i) shelter of the child is a matter of necessity for the protection of the child; and
- 4922 (ii) there are no reasonable means by which the child can be protected in:
- 4923 (A) the child's home; or
- 4924 (B) the home of a responsible relative;

- 4925 (c) there is substantial evidence that the parent or guardian is likely to flee the
 4926 jurisdiction of the juvenile court; or
 4927 (d) the child has left a previously court ordered placement.
- 4928 (6) Within 24 hours after receipt of a child into protective custody, excluding weekends and
 4929 holidays, the division shall:
- 4930 (a) convene a child protection team in accordance with Section 80-2-706; and
 4931 (b) prepare the testimony and evidence that will be required of the division at the shelter
 4932 hearing, in accordance with Section 80-3-301.
- 4933 (7) The division shall cooperate with a law enforcement investigation and with the
 4934 members of a child protection team, if applicable, regarding the alleged perpetrator.
- 4935 (8) The division may not close an investigation solely on the grounds that the division is
 4936 unable to locate the child until all reasonable efforts have been made to locate the child
 4937 and family members including:
- 4938 (a) visiting the home at times other than normal work hours;
 4939 (b) contacting local schools;
 4940 (c) contacting local, county, and state law enforcement agencies; and
 4941 (d) checking public assistance records.

4942 Section 54. Section **80-2-802** is amended to read:

4943 **80-2-802 . Division child placing and adoption services -- Restrictions on**
 4944 **placement of a child.**

- 4945 (1) Except as provided in Subsection (3), the division may provide adoption services and,
 4946 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services
 4947 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter
 4948 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and
 4949 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.
- 4950 (2) The division shall base the division's decision for placement of an adoptable child for
 4951 adoption on the best interest of the adoptable child.
- 4952 (3) The division may not:
- 4953 (a) in accordance with Subsection 26B-2-127(6), place a child for adoption, either
 4954 temporarily or permanently, with an individual who does not qualify for adoptive
 4955 placement under Sections [~~78B-6-102, 78B-6-117, and 78B-6-137~~] 81-13-202,
 4956 81-13-203, and 81-13-402;
 4957 (b) consider a potential adoptive parent's willingness or unwillingness to enter a
 4958 postadoption contact agreement under Section [~~78B-6-146~~] 81-13-216 as a condition

- 4959 of placing a child with a potential adoptive parent; or
- 4960 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through
- 4961 1963, base the division's decision for placement of an adoptable child on the race,
- 4962 color, ethnicity, or national origin of either the child or the potential adoptive parent.
- 4963 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah
- 4964 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section [
- 4965 ~~78B-6-117~~] 81-13-402, priority of placement shall be provided to a family in which a
- 4966 couple is legally married under the laws of the state.
- 4967 (5) Subsections (3) and (4) do not limit the placement of a child with the child's [~~biological~~
- 4968 ~~or adoptive parent, a relative,~~] parent or relative or in accordance with the Indian Child
- 4969 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

4970 Section 55. Section **80-2-803** is amended to read:

4971 **80-2-803 . Division promotion of adoption -- Adoption research and**

4972 **informational pamphlet.**

4973 The division shall:

- 4974 (1) actively promote the adoption of all children in the division's custody who have a final
- 4975 plan for termination of parental rights under Section 80-3-409 or a primary permanency
- 4976 plan of adoption;
- 4977 (2) develop plans for the effective use of cross-jurisdictional resources to facilitate timely
- 4978 adoptive or permanent placements for waiting children;
- 4979 (3) obtain information or conduct research regarding prior adoptive families to determine
- 4980 what families may do to be successful with an adoptive child;
- 4981 (4) make the information or research described in Subsection (3) available to potential
- 4982 adoptive parents;
- 4983 (5) prepare a pamphlet that explains the information that a child-placing agency is required
- 4984 to provide a potential adoptive parent under Section [~~78B-24-303~~] 81-14-303;
- 4985 (6) regularly distribute copies of the pamphlet described in Subsection (5) to child-placing
- 4986 agencies; and
- 4987 (7) respond to an inquiry made as a result of the notice provided by a child-placing agency
- 4988 under Section [~~78B-24-303~~] 81-14-303.

4989 Section 56. Section **80-2-906** is amended to read:

4990 **80-2-906 . Financial responsibility for child placed under Interstate Compact.**

- 4991 (1) Financial responsibility for a child placed under the provisions of the Interstate Compact
- 4992 on the Placement of Children shall, in the first instance, be determined in accordance

4993 with the provisions of Article V of the compact.

4994 (2) In the event of partial or complete default of performance under the compact, the
 4995 provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and
 4996 Enforcement of Spousal and Child Support, may also be invoked.

4997 Section 57. Section **80-2-909** is amended to read:

4998 **80-2-909 . Existing authority for child placement continues.**

4999 Any person who, under any law of this state other than this part or the Interstate
 5000 Compact on the Placement of Children established under Section 80-2-905, has authority to
 5001 make or assist in making the placement of a child, shall continue to have the ability lawfully to
 5002 make or assist in making that placement, and the provisions of Sections 26B-2-127, 26B-2-131,
 5003 26B-2-132, and 26B-2-708, Subsections 80-2-802(3)(a) and (4) and 80-2-803(1), (2), and (5)
 5004 through (7), and [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Title 81, Chapter 13,
 5005 Adoption, continue to apply.

5006 *The following section is affected by a coordination clause at the end of this bill.*

5007 Section 58. Section **80-2-1005** is amended to read:

5008 **80-2-1005 . Classification of reports of alleged abuse or neglect -- Confidential**
 5009 **identity of a person who reports -- Access -- Admitting reports into evidence -- Unlawful**
 5010 **release and use -- Penalty.**

5011 (1) Except as otherwise provided in this chapter or Chapter 2a, Removal and Protective
 5012 Custody of a Child, a report made under Part 6, Child Abuse and Neglect Reports, and
 5013 any other information in the possession of the division obtained as a result of the report
 5014 is a private, protected, or controlled record under Title 63G, Chapter 2, Government
 5015 Records Access and Management Act, and may only be made available to:
 5016 (a) a police or law enforcement agency investigating a report of known or suspected
 5017 abuse or neglect, including members of a child protection team;
 5018 (b) a physician who reasonably believes that a child may be the subject of abuse or
 5019 neglect;
 5020 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
 5021 who is the subject of a report;
 5022 (d) a contract provider that has a written contract with the division to render services to a
 5023 minor who is the subject of a report;
 5024 (e) the subject of the report, the [~~natural~~]parents of the child, and the guardian ad litem;
 5025 (f) a court, upon a finding that access to the records may be necessary for the
 5026 determination of an issue before the court, provided that in a divorce, custody, or

- 5027 related proceeding between private parties, the record alone is:
- 5028 (i) limited to objective or undisputed facts that were verified at the time of the
- 5029 investigation; and
- 5030 (ii) devoid of conclusions drawn by the division or any of the division's workers on
- 5031 the ultimate issue of whether or not an individual's acts or omissions constituted
- 5032 any level of abuse or neglect of another individual;
- 5033 (g) an office of the public prosecutor or the public prosecutor's deputies in performing an
- 5034 official duty;
- 5035 (h) a person authorized by a Children's Justice Center, for the purposes described in
- 5036 Section 67-5b-102;
- 5037 (i) a person engaged in bona fide research, when approved by the director of the
- 5038 division, if the information does not include names and addresses;
- 5039 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
- 5040 education agency, as defined in Section 63J-5-102, for the purpose of evaluating
- 5041 whether an individual should be permitted to obtain or retain a license as an educator
- 5042 or serve as an employee or volunteer in a school, limited to information with
- 5043 substantiated or supported findings involving an alleged sexual offense, an alleged
- 5044 felony or class A misdemeanor drug offense, or any alleged offense against the
- 5045 person under Title 76, Chapter 5, Offenses Against the Individual, and with the
- 5046 understanding that the office must provide the subject of a report received under
- 5047 Subsection (1)(k) with an opportunity to respond to the report before making a
- 5048 decision concerning licensure or employment;
- 5049 (k) any individual identified in the report as a perpetrator or possible perpetrator of
- 5050 abuse or neglect, after being advised of the screening prohibition in Subsection (2);
- 5051 (l) a person filing a petition for a child protective order on behalf of a child who is the
- 5052 subject of the report;
- 5053 (m) a licensed child-placing agency or person who is performing a preplacement
- 5054 adoptive evaluation in accordance with the requirements of Sections [~~78B-6-128 and~~
- 5055 ~~78B-6-130~~] 81-13-403 and 81-13-405;
- 5056 (n) an Indian tribe to:
- 5057 (i) certify or license a foster home;
- 5058 (ii) render services to a subject of a report; or
- 5059 (iii) investigate an allegation of abuse, neglect, or dependency; or
- 5060 (o) the department or a local substance abuse authority, described in Section 17-43-201,

5061 for the purpose of providing substance abuse treatment to a pregnant woman or a
5062 parent of a newborn child, or the services described in Subsection [~~26B-5-211(2)(p)~~]
5063 26B-5-102(2)(p).

5064 (2) In accordance with Section 80-2-608 and except as provided in Section 80-2-611, the
5065 division and a law enforcement agency shall ensure the anonymity of the person who
5066 makes the initial report under Part 6, Child Abuse and Neglect Reports, and any other
5067 person involved in the division's or law enforcement agency's subsequent investigation
5068 of the report.

5069 (3) Notwithstanding any other provision of law, excluding Section 80-3-107, but including
5070 this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Title 63G,
5071 Chapter 2, Government Records Access and Management Act, if the division makes a
5072 report or other information in the division's possession available under Subsection (1)(e)
5073 to a subject of the report or a parent of a child, the division shall remove from the report
5074 or other information only the names, addresses, and telephone numbers of individuals or
5075 specific information that could:

- 5076 (a) identify the referent;
- 5077 (b) impede a criminal investigation; or
- 5078 (c) endanger an individual's safety.

5079 (4) A child-placing agency or person who receives a report from the division under
5080 Subsection (1)(m) may provide the report to:

- 5081 (a) the subject of the report;
- 5082 (b) a person who is performing a preplacement adoptive evaluation in accordance with
5083 Sections [~~78B-6-128 and 78B-6-130~~] 81-13-403 and 81-13-405;
- 5084 (c) to a licensed child-placing agency; or
- 5085 (d) an attorney seeking to facilitate an adoption.

5086 (5) A member of a child protection team may, before the day on which the child is
5087 removed, share case-specific information obtained from the division under this section
5088 with other members of the child protection team.

5089 (6)(a) Except as provided in Subsection (6)(b), in a divorce, custody, or related
5090 proceeding between private parties, a court may not receive into evidence a report
5091 that:

- 5092 (i) is provided to the court:
 - 5093 (A) under Subsection (1)(f); or
 - 5094 (B) by a parent of the child after the record is made available to the parent under

- 5095 Subsection (1)(e);
- 5096 (ii) describes a parent of the child as the alleged perpetrator; and
- 5097 (iii) is found to be unsubstantiated, unsupported, or without merit.
- 5098 (b)(i) After a motion to admit the report described in Subsection (6)(a) is made, the
- 5099 court shall allow sufficient time for all subjects of the record to respond before
- 5100 making a finding on the motion.
- 5101 (ii) After considering the motion described in Subsection (6)(b)(i), the court may
- 5102 receive the report into evidence upon a finding on the record of good cause.
- 5103 (7)(a) A person may not:
- 5104 (i) willfully permit, or aid and abet, the release of data or information in the
- 5105 possession of the division or contained in the Management Information System in
- 5106 violation of this part or Part 6, Child Abuse and Neglect Reports; or
- 5107 (ii) if the person is not listed in Subsection (1), request another person to obtain or
- 5108 release a report or other information that the other person obtained under
- 5109 Subsection (1)(k) to screen for potential perpetrators of abuse or neglect.
- 5110 (b) A person who violates Subsection (7)(a)(i), or violates Subsection (7)(a)(ii) knowing
- 5111 the person's actions are a violation of Subsection (7)(a)(ii), is guilty of a class C
- 5112 misdemeanor.
- 5113 Section 59. Section **80-2a-101** is amended to read:
- 5114 **80-2a-101 . Definitions.**
- 5115 (1) "Custody" means the same as that term is defined in Section 80-2-102.
- 5116 (2) "Division" means the Division of Child and Family Services created in Section 80-2-201.
- 5117 (3) "Friend" means an adult who:
- 5118 (a) has an established relationship with the child or a family member of the child; and
- 5119 (b) is not the natural parent of the child.
- 5120 (4) "Nonrelative" means an individual who is not a noncustodial parent or relative.
- 5121 (5) "Relative" means an adult who:
- 5122 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
- 5123 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
- 5124 (b) is the first cousin of the child's parent;
- 5125 (c) is a permanent guardian or ~~natural~~parent of the child's sibling; or
- 5126 (d) in the case of a child who is an Indian child, is an extended family member as
- 5127 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 5128 (6) "Sibling" means the same as that term is defined in Section 80-2-102.

5129 (7) "Temporary custody" means the same as that term is defined in Section 80-2-102.

5130 Section 60. Section **80-2a-201** is amended to read:

5131 **80-2a-201 . Rights of parents -- Children's rights -- Interest and responsibility of**
5132 **state.**

5133 (1)(a) Under both the United States Constitution and the constitution of this state, a
5134 parent possesses a fundamental liberty interest in the care, custody, and management
5135 of the parent's children. A fundamentally fair process must be provided to parents if
5136 the state moves to challenge or interfere with parental rights. A governmental entity
5137 must support any actions or allegations made in opposition to the rights and desires
5138 of a parent regarding the parent's child by sufficient evidence to satisfy a parent's
5139 constitutional entitlement to heightened protection against government interference
5140 with the parent's fundamental rights and liberty interests and, concomitantly, the right
5141 of the child to be reared by the child's ~~natural~~ parent.

5142 (b) The fundamental liberty interest of a parent concerning the care, custody, and
5143 management of the parent's child is recognized, protected, and does not cease to exist
5144 simply because a parent may fail to be a model parent or because the parent's child is
5145 placed in the temporary custody of the state. At all times, a parent retains a vital
5146 interest in preventing the irretrievable destruction of family life. Before an
5147 adjudication of unfitness, government action in relation to a parent and the parent's
5148 child may not exceed the least restrictive means or alternatives available to
5149 accomplish a compelling state interest. Until the state proves parental unfitness, and
5150 the child suffers, or is substantially likely to suffer, serious detriment as a result, the
5151 child and the child's parent share a vital interest in preventing erroneous termination
5152 of their natural relationship and the state cannot presume that a child and the child's
5153 parent are adversaries.

5154 (c) It is in the best interest and welfare of a child to be raised under the care and
5155 supervision of the child's ~~natural~~ parents. A child's need for a normal family life in a
5156 permanent home, and for positive, nurturing family relationships is usually best met
5157 by the child's ~~natural~~ parents. Additionally, the integrity of the family unit and the
5158 right of a parent to conceive and raise the parent's child are constitutionally protected.
5159 The right of a fit, competent parent to raise the parent's child without undue
5160 government interference is a fundamental liberty interest that has long been protected
5161 by the laws and Constitution and is a fundamental public policy of this state.

5162 (d) The state recognizes that:

- 5163 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,
5164 train, educate, provide and care for, and reasonably discipline the parent's child;
5165 and
- 5166 (ii) the state's role is secondary and supportive to the primary role of a parent.
- 5167 (e) It is the public policy of this state that:
- 5168 (i) a parent retains the fundamental right and duty to exercise primary control over
5169 the care, supervision, upbringing, and education of the parent's child;
- 5170 (ii) a parent retains the right to have contact with the parent's child when the child is
5171 placed outside of the parent's home, and parent-time should be ordered by a court
5172 so long as the contact is not contrary to the best interest of the child; and
- 5173 (iii) a child has the right to have contact with the child's sibling when the child is
5174 placed outside of the home and apart from the child's sibling, and sibling visits
5175 should be ordered by a court unless the contact would be contrary to the safety or
5176 well-being of the child.
- 5177 (f) Subsections (2) through (7) shall be interpreted and applied consistent with this
5178 Subsection (1).
- 5179 (2) It is also the public policy of this state that children have the right to protection from
5180 abuse and neglect, and that the state retains a compelling interest in investigating,
5181 prosecuting, and punishing abuse and neglect. Therefore, the state, as *parens patriae*, has
5182 an interest in and responsibility to protect a child whose parent abuses the child or does
5183 not adequately provide for the child's welfare. There may be circumstances where a
5184 parent's conduct or condition is a substantial departure from the norm and the parent is
5185 unable or unwilling to render safe and proper parental care and protection. Under those
5186 circumstances, the state may take action for the welfare and protection of the parent's
5187 child.
- 5188 (3) When the division intervenes on behalf of an abused, neglected, or dependent child, the
5189 division shall take into account the child's need for protection from immediate harm and
5190 the extent to which the child's extended family may provide needed protection.
5191 Throughout the division's involvement, the division shall utilize the least intrusive and
5192 least restrictive means available to protect a child, in an effort to ensure that children are
5193 brought up in stable, permanent families, rather than in temporary foster placements
5194 under the supervision of the state.
- 5195 (4) If circumstances within the family pose a threat to the child's immediate safety or
5196 welfare, the division may seek custody of the child for a planned, temporary period and

5197 place the child in a safe environment, subject to the requirements of this section and in
5198 accordance with Chapter 3, Abuse, Neglect, and Dependency Proceedings, and when
5199 safe and appropriate, return the child to the child's parent or as a last resort, pursue
5200 another permanency plan.

5201 (5) In determining and making reasonable efforts with regard to a child, under Section
5202 80-2a-302, both the division's and the juvenile court's paramount concern shall be the
5203 child's health, safety, and welfare. The desires of a parent for the parent's child, and the
5204 constitutionally protected rights of a parent, as described in this section, shall be given
5205 full and serious consideration by the division and the juvenile court.

5206 (6) In accordance with Subsections 80-2a-302(4) and 80-3-301(12), in cases where sexual
5207 abuse, sexual exploitation, abandonment, severe abuse, or severe neglect are involved,
5208 the state has no duty to make reasonable efforts or to, in any other way, attempt to
5209 maintain a child in the child's home, provide reunification services, or rehabilitate the
5210 offending parent or parents. This Subsection (6) does not exempt the division from
5211 providing court-ordered services.

5212 (7)(a) In accordance with Subsection (1), the division shall strive to achieve appropriate
5213 permanency for children who are abused, neglected, or dependent. The division shall
5214 provide in-home services, if appropriate and safe, in an effort to help a parent to
5215 correct the behavior that resulted in abuse, neglect, or dependency of the parent's
5216 child. The division may pursue a foster placement only if in-home services fail or are
5217 otherwise insufficient or inappropriate, kinship placement is not safe or appropriate,
5218 or in-home services and kinship placement fail and cannot be corrected. The division
5219 shall also seek qualified extended family support or a kinship placement to maintain a
5220 sense of security and stability for the child.

5221 (b) If the use or continuation of reasonable efforts, as described in Subsections (5) and
5222 (6), is determined to be inconsistent with the permanency plan for a child, then
5223 measures shall be taken, in a timely manner, to place the child in accordance with the
5224 permanency plan, and to complete whatever steps are necessary to finalize the
5225 permanent placement of the child.

5226 (c) Subject to the parental rights recognized and protected under this section, if, because
5227 of a parent's conduct or condition, the parent is determined to be unfit or incompetent
5228 based on the grounds for termination of parental rights described in Chapter 4,
5229 Termination and Restoration of Parental Rights, the continuing welfare and best
5230 interest of the child is of paramount importance, and shall be protected in

5231 determining whether that parent's rights should be terminated.

5232 (8) The state's right to direct or intervene in the provision of medical or mental health care
5233 for a child is subject to Subsections [~~80-1-102(58)(b)(i)~~] 80-1-102(57)(b)(i) through (iii)
5234 and Sections 80-3-109 and 80-3-304.

5235 Section 61. Section **80-2a-304** is amended to read:

5236 **80-2a-304 . Removal of a child from foster family placement -- Procedural due**
5237 **process.**

5238 (1)(a) The Legislature finds that, except with regard to a child's [~~natural~~]parent or
5239 guardian, a foster family has a very limited but recognized interest in the foster
5240 family's familial relationship with a foster child who has been in the care and custody
5241 of the foster family and in making determinations regarding removal of a child from
5242 a foster home, the division may not dismiss the foster family as a mere collection of
5243 unrelated individuals.

5244 (b) The Legislature finds that children in the temporary custody and custody of the
5245 division are experiencing multiple changes in foster care placements with little or no
5246 documentation, and that numerous studies of child growth and development
5247 emphasize the importance of stability in foster care living arrangements.

5248 (c) For the reasons described in Subsections (1)(a) and (b), the division shall provide
5249 procedural due process for a foster family before removal of a foster child from the
5250 foster family's home, regardless of the length of time the child has been in the foster
5251 family's home, unless removal is for the purpose of:

5252 (i) returning the child to the child's [~~natural~~]parent or guardian;

5253 (ii) immediately placing the child in an approved adoptive home;

5254 (iii) placing the child with a relative who obtained custody or asserted an interest in
5255 the child within the preference period described in Subsection 80-3-302(7); or

5256 (iv) placing an Indian child in accordance with placement preferences and other
5257 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

5258 (2)(a) The division shall maintain and utilize due process procedures for removal of a
5259 foster child from a foster home, in accordance with the procedures and requirements
5260 of Title 63G, Chapter 4, Administrative Procedures Act.

5261 (b) The procedures described in Subsection (2)(a) shall include requirements for:

5262 (i) personal communication with, and a written explanation of the reasons for the
5263 removal to, the foster parents before removal of the child; and

5264 (ii) an opportunity for foster parents to:

- 5265 (A) present the foster parents' information and concerns to the division; and
5266 (B) request a review, to be held before removal of the child, by a third party
5267 neutral fact finder or if the child is placed with the foster parents for a period of
5268 at least two years, request a review, to be held before removal of the child, by
5269 the juvenile court judge currently assigned to the child's case or, if the juvenile
5270 court judge currently assigned to the child's case is not available, another
5271 juvenile court judge.
- 5272 (c) If the division determines that there is a reasonable basis to believe that the child is in
5273 danger or that there is a substantial threat of danger to the health or welfare of the
5274 child, the division shall place the child in emergency foster care during the pendency
5275 of the procedures described in this Subsection (2), instead of making another foster
5276 care placement.
- 5277 (3)(a) If the division removes a child from a foster home based on the child's statement
5278 alone, the division shall initiate and expedite the processes described in Subsection (2).
- 5279 (b) The division may not take formal action with regard to the foster parent's license
5280 until after the processes described in Subsection (2), in addition to any other
5281 procedure or hearing required by law, are completed.
- 5282 (4) If a complaint is made to the division by a foster child against a foster parent, the
5283 division shall, within 30 business days after the day on which the complaint is received,
5284 provide the foster parent with information regarding the specific nature of the complaint,
5285 the time and place of the alleged incident, and who was alleged to have been involved.
- 5286 (5) If the division places a child in a foster home, the division shall provide the foster
5287 parents with:
- 5288 (a) notification of the requirements of this section;
5289 (b) a written description of the procedures enacted by the division under Subsection (2)
5290 and how to access the procedures; and
5291 (c) written notification of the foster parents' ability to petition the juvenile court directly
5292 for review of a decision to remove a foster child who, subject to Section 80-3-502,
5293 has been in the foster parents' custody for 12 months or longer.
- 5294 (6) This section does not apply to the removal of a child based on a foster parent's request
5295 for the removal.
- 5296 (7) It is unlawful for a person, with the intent to avoid compliance with the requirements of
5297 this section, to:
- 5298 (a) take action, or encourage another to take action, against the license of a foster parent;

- 5299 or
- 5300 (b) remove a child from a foster home before the child is placed with the foster parents
- 5301 for two years.
- 5302 (8) The division may not remove a foster child from a foster parent who is a relative of the
- 5303 child on the basis of the age or health of the foster parent without determining:
- 5304 (a) by clear and convincing evidence that the foster parent is incapable of caring for the
- 5305 foster child, if the alternative foster parent would not be another relative of the child;
- 5306 or
- 5307 (b) by a preponderance of the evidence that the foster parent is incapable of caring for
- 5308 the foster child, if the alternative foster parent would be another relative of the child.
- 5309 Section 62. Section **80-3-102** is amended to read:
- 5310 **80-3-102 . Definitions.**
- 5311 As used in this chapter:
- 5312 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with this
- 5313 chapter to commence proceedings in a juvenile court alleging that a child is:
- 5314 (a) abused;
- 5315 (b) neglected; or
- 5316 (c) dependent.
- 5317 (2) "Custody" means the same as that term is defined in Section 80-2-102.
- 5318 (3) "Division" means the Division of Child and Family Services created in Section 80-2-201.
- 5319 (4) "Friend" means an adult who:
- 5320 (a) has an established relationship with the child or a family member of the child; and
- 5321 (b) is not the [~~natural~~]parent of the child.
- 5322 (5) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
- 5323 grandchild.
- 5324 (6) "Relative" means an adult who:
- 5325 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
- 5326 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
- 5327 (b) is a first cousin of the child's parent;
- 5328 (c) is a permanent guardian or [~~natural~~]parent of the child's sibling; or
- 5329 (d) in the case of a child who is an Indian child, is an extended family member as
- 5330 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 5331 (7) "Sibling" means the same as that term is defined in Section 80-2-102.
- 5332 (8) "Sibling visitation" means the same as that term is defined in Section 80-2-102.

- 5333 (9) "Temporary custody" means the same as that term is defined in Section 80-2-102.
5334 Section 63. Section **80-3-107** is amended to read:
5335 **80-3-107 . Disclosure of records -- Record sharing.**
- 5336 (1)(a) Except as provided in Subsections (1)(c) through (e), in an abuse, neglect, or
5337 dependency proceeding occurring after the commencement of a shelter hearing under
5338 Section 80-3-301, or the filing of an abuse, neglect, or dependency petition, each
5339 party to the proceeding shall provide in writing to any other party or the other party's
5340 counsel any information that the party:
- 5341 (i) plans to report to the juvenile court at the proceeding; or
 - 5342 (ii) could reasonably expect would be requested of the party by the juvenile court at
5343 the proceeding.
- 5344 (b) A party providing the disclosure required under Subsection (1)(a) shall make the
5345 disclosure:
- 5346 (i) for a dispositional hearing under Part 4, Adjudication, Disposition, and
5347 Permanency, no less than five days before the day on which the dispositional
5348 hearing is held; and
 - 5349 (ii) for all other proceedings, no less than five days before the day on which the
5350 proceeding is held.
- 5351 (c) The division is not required to provide a court report or a child and family plan
5352 described in Section 80-3-307 to each party to the proceeding if:
- 5353 (i) the information is electronically filed with the juvenile court; and
 - 5354 (ii) each party to the proceeding has access to the electronically filed information.
- 5355 (d) If a party to a proceeding obtains information after the deadline described in
5356 Subsection (1)(b), the information is exempt from the disclosure required under
5357 Subsection (1)(a) if the party certifies to the juvenile court that the information was
5358 obtained after the deadline.
- 5359 (e) Subsection (1)(a) does not apply to:
- 5360 (i) pretrial hearings; and
 - 5361 (ii) the frequent, periodic review hearings held in a dependency drug court case to
5362 assess and promote the parent's progress in substance use disorder treatment.
- 5363 (2)(a) Except as provided in Subsection (2)(b), and notwithstanding any other provision
5364 of law:
- 5365 (i) counsel for all parties to the action shall be given access to all records, maintained
5366 by the division or any other state or local public agency, that are relevant to the

- 5367 abuse, neglect, or dependency proceeding under this chapter; and
- 5368 (ii) if the ~~[natural]~~parent of a child is not represented by counsel, the ~~[natural]~~parent
- 5369 shall have access to the records described in Subsection (2)(a)(i).
- 5370 (b) The disclosures described in Subsection (2)(a) are not required if:
- 5371 (i) subject to Subsection (2)(c), the division or other state or local public agency did
- 5372 not originally create the record being requested;
- 5373 (ii) disclosure of the record would jeopardize the life or physical safety of a child
- 5374 who has been a victim of abuse or neglect, or any individual who provided
- 5375 substitute care for the child;
- 5376 (iii) disclosure of the record would jeopardize the anonymity of the individual
- 5377 making the initial report of abuse or neglect or any others involved in the
- 5378 subsequent investigation;
- 5379 (iv) disclosure of the record would jeopardize the life or physical safety of an
- 5380 individual who has been a victim of domestic violence; or
- 5381 (v) the record is a Children's Justice Center interview, including a video or audio
- 5382 recording, and a transcript of the recording, the release of which is governed by
- 5383 Section 77-37-4.
- 5384 (c) If a disclosure is denied under Subsection (2)(b)(i), the division shall inform the
- 5385 individual making the request:
- 5386 (i) of the existence of all records in the possession of the division or any other state or
- 5387 local public agency;
- 5388 (ii) of the name and address of the individual or agency that originally created the
- 5389 record; and
- 5390 (iii) that the individual making the request must seek access to the record from the
- 5391 individual or agency that originally created the record.
- 5392 Section 64. Section **80-3-204** is amended to read:
- 5393 **80-3-204 . Protective custody of a child after a petition is filed -- Grounds.**
- 5394 (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply,
- 5395 in addressing the petition, the least restrictive means and alternatives available to
- 5396 accomplish a compelling state interest and to prevent irretrievable destruction of family
- 5397 life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.
- 5398 (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of
- 5399 the petition is not in protective custody, a juvenile court may order that the child be
- 5400 removed from the child's home or otherwise taken into protective custody if the juvenile

- 5401 court finds, by a preponderance of the evidence, that any one or more of the following
5402 circumstances exist:
- 5403 (a)(i) there is an imminent danger to the physical health or safety of the child; and
5404 (ii) the child's physical health or safety may not be protected without removing the
5405 child from the custody of the child's parent or guardian;
- 5406 (b)(i) a parent or guardian engages in or threatens the child with unreasonable
5407 conduct that causes the child to suffer harm; and
5408 (ii) there are no less restrictive means available by which the child's emotional health
5409 may be protected without removing the child from the custody of the child's
5410 parent or guardian;
- 5411 (c) the child or another child residing in the same household has been, or is considered
5412 to be at substantial risk of being, physically abused, sexually abused, or sexually
5413 exploited, by a parent or guardian, a member of the parent's or guardian's household,
5414 or other individual known to the parent or guardian;
- 5415 (d) the parent or guardian is unwilling to have physical custody of the child;
- 5416 (e) the child is abandoned or left without any provision for the child's support;
- 5417 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged
5418 or cannot arrange for safe and appropriate care for the child;
- 5419 (g)(i) a relative or other adult custodian with whom the child is left by the parent or
5420 guardian is unwilling or unable to provide care or support for the child;
5421 (ii) the whereabouts of the parent or guardian are unknown; and
5422 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
- 5423 (h) subject to Subsection [~~80-1-102(58)(b)~~] 80-1-102(57)(b) and Sections 80-3-109 and
5424 80-3-304, the child is in immediate need of medical care;
- 5425 (i)(i) a parent's or guardian's actions, omissions, or habitual action create an
5426 environment that poses a serious risk to the child's health or safety for which
5427 immediate remedial or preventive action is necessary; or
5428 (ii) a parent's or guardian's action in leaving a child unattended would reasonably
5429 pose a threat to the child's health or safety;
- 5430 (j) the child or another child residing in the same household has been neglected;
- 5431 (k) the child's [~~natural~~]parent:
- 5432 (i) intentionally, knowingly, or recklessly causes the death of another parent of the
5433 child;
- 5434 (ii) is identified by a law enforcement agency as the primary suspect in an

- 5435 investigation for intentionally, knowingly, or recklessly causing the death of
5436 another parent of the child; or
- 5437 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or
5438 recklessly causing the death of another parent of the child;
- 5439 (l) an infant is an abandoned infant, as defined in Section 80-4-203;
- 5440 (m)(i) the parent or guardian, or an adult residing in the same household as the parent
5441 or guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine
5442 Drug Lab Act; and
- 5443 (ii) any clandestine laboratory operation was located in the residence or on the
5444 property where the child resided; or
- 5445 (n) the child's welfare is otherwise endangered.
- 5446 (3)(a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as
5447 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or
5448 dependency occurs involving the same substantiated abuser or under similar
5449 circumstance as the previous abuse, that fact is prima facie evidence that the child
5450 cannot safely remain in the custody of the child's parent.
- 5451 (b) For purposes of Subsection (2)(c):
- 5452 (i) another child residing in the same household may not be removed from the home
5453 unless that child is considered to be at substantial risk of being physically abused,
5454 sexually abused, or sexually exploited as described in Subsection (2)(c) or
5455 Subsection (3)(b)(ii); and
- 5456 (ii) if a parent or guardian has received actual notice that physical abuse, sexual
5457 abuse, or sexual exploitation by an individual known to the parent has occurred,
5458 and there is evidence that the parent or guardian failed to protect the child, after
5459 having received the notice, by allowing the child to be in the physical presence of
5460 the alleged abuser, that fact is prima facie evidence that the child is at substantial
5461 risk of being physically abused, sexually abused, or sexually exploited.
- 5462 (4)(a) For purposes of Subsection (2), if the division files an abuse, neglect, or
5463 dependency petition, the juvenile court shall consider the division's safety and risk
5464 assessments described in Section 80-2-403 to determine whether a child should be
5465 removed from the custody of the child's parent or guardian or should otherwise be
5466 taken into protective custody.
- 5467 (b) The division shall make a diligent effort to provide the safety and risk assessments
5468 described in Section 80-2-403 to the juvenile court, guardian ad litem, and counsel

5469 for the parent or guardian, as soon as practicable before the shelter hearing described
5470 in Section 80-3-301.

5471 (5) In the absence of one of the factors described in Subsection (2), a juvenile court may not
5472 remove a child from the parent's or guardian's custody on the basis of:

5473 (a) educational neglect, truancy, or failure to comply with a court order to attend school;

5474 (b) mental illness or poverty of the parent or guardian;

5475 (c) disability of the parent or guardian, as defined in Section 57-21-2; or

5476 (d) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
5477 Research and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis
5478 product in a medicinal dosage form, or a medical cannabis device, as those terms are
5479 defined in Section 26B-4-201.

5480 (6) A child removed from the custody of the child's parent or guardian under this section
5481 may not be placed or kept in detention, unless the child may be admitted to detention
5482 under Chapter 6, Part 2, Custody and Detention.

5483 (7) This section does not preclude removal of a child from the child's home without a
5484 warrant or court order under Section 80-2a-202.

5485 (8)(a) Except as provided in Subsection (8)(b), a juvenile court and the division may not
5486 remove a child from the custody of the child's parent or guardian on the sole or
5487 primary basis that the parent or guardian refuses to consent to:

5488 (i) the administration of a psychotropic medication to a child;

5489 (ii) a psychiatric, psychological, or behavioral treatment for a child; or

5490 (iii) a psychiatric or behavioral health evaluation of a child.

5491 (b) Notwithstanding Subsection (8)(a), a juvenile court or the division may remove a
5492 child under conditions that would otherwise be prohibited under Subsection (8)(a) if
5493 failure to take an action described under Subsection (8)(a) would present a serious,
5494 imminent risk to the child's physical safety or the physical safety of others.

5495 Section 65. Section **80-3-301** is amended to read:

5496 **80-3-301 . Shelter hearing -- Court considerations.**

5497 (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of a
5498 child within 72 hours, excluding weekends and holidays, after any one or all of the
5499 following occur:

5500 (a) removal of the child from the child's home by the division;

5501 (b) placement of the child in protective custody;

5502 (c) emergency placement under Subsection 80-2a-202(5);

- 5503 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter
5504 at the request of the division; or
- 5505 (e) a motion for expedited placement in temporary custody is filed under Section
5506 80-3-203.
- 5507 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
5508 division shall issue a notice that contains all of the following:
- 5509 (a) the name and address of the individual to whom the notice is directed;
- 5510 (b) the date, time, and place of the shelter hearing;
- 5511 (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is
5512 brought;
- 5513 (d) a concise statement regarding:
- 5514 (i) the reasons for removal or other action of the division under Subsection (1); and
5515 (ii) the allegations and code sections under which the proceeding is instituted;
- 5516 (e) a statement that the parent or guardian to whom notice is given, and the child, are
5517 entitled to have an attorney present at the shelter hearing, and that if the parent or
5518 guardian is an indigent individual and cannot afford an attorney, and desires to be
5519 represented by an attorney, one will be provided in accordance with Title 78B,
5520 Chapter 22, Indigent Defense Act; and
- 5521 (f) a statement that the parent or guardian is liable for the cost of support of the child in
5522 the protective custody, temporary custody, and custody of the division, and the cost
5523 for legal counsel appointed for the parent or guardian under Subsection (2)(e),
5524 according to the financial ability of the parent or guardian.
- 5525 (3) The notice described in Subsection (2) shall be personally served as soon as possible,
5526 but no later than one business day after the day on which the child is removed from the
5527 child's home, or the day on which a motion for expedited placement in temporary
5528 custody under Section 80-3-203 is filed, on:
- 5529 (a) the appropriate guardian ad litem; and
- 5530 (b) both parents and any guardian of the child, unless the parents or guardians cannot be
5531 located.
- 5532 (4) Notwithstanding Section 80-3-104, the following individuals shall be present at the
5533 shelter hearing:
- 5534 (a) the child, unless it would be detrimental for the child;
- 5535 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or
5536 fail to appear in response to the notice;

- 5537 (c) counsel for the parents, if one is requested;
- 5538 (d) the child's guardian ad litem;
- 5539 (e) the child welfare caseworker from the division who is assigned to the case; and
- 5540 (f) the attorney from the attorney general's office who is representing the division.
- 5541 (5)(a) At the shelter hearing, the juvenile court shall:
- 5542 (i) provide an opportunity to provide relevant testimony to:
- 5543 (A) the child's parent or guardian, if present; and
- 5544 (B) any other individual with relevant knowledge;
- 5545 (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
- 5546 (iii) in accordance with Subsections 80-3-302(7)(c) and (d), grant preferential
- 5547 consideration to a relative or friend for the temporary placement of the child.
- 5548 (b) The juvenile court:
- 5549 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
- 5550 Procedure;
- 5551 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
- 5552 the requesting party, or the requesting party's counsel; and
- 5553 (iii) may in the juvenile court's discretion limit testimony and evidence to only that
- 5554 which goes to the issues of removal and the child's need for continued protection.
- 5555 (6) If the child is in protective custody, the division shall report to the juvenile court:
- 5556 (a) the reason why the child was removed from the parent's or guardian's custody;
- 5557 (b) any services provided to the child and the child's family in an effort to prevent
- 5558 removal;
- 5559 (c) the need, if any, for continued shelter;
- 5560 (d) the available services that could facilitate the return of the child to the custody of the
- 5561 child's parent or guardian; and
- 5562 (e) subject to Subsections 80-3-302(7)(c) and (d), whether any relatives of the child or
- 5563 friends of the child's parents may be able and willing to accept temporary placement
- 5564 of the child.
- 5565 (7) The juvenile court shall consider all relevant evidence provided by an individual or
- 5566 entity authorized to present relevant evidence under this section.
- 5567 (8)(a) If necessary to protect the child, preserve the rights of a party, or for other good
- 5568 cause shown, the juvenile court may grant no more than one continuance, not to
- 5569 exceed five judicial days.
- 5570 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or

- 5571 guardian for a continuance under Subsection (8)(a).
- 5572 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
5573 described in Subsection (2) within the time described in Subsection (3), the juvenile
5574 court may grant the request of a parent or guardian for a continuance, not to exceed
5575 five judicial days.
- 5576 (9)(a) If the child is in protective custody, the juvenile court shall order that the child be
5577 returned to the custody of the parent or guardian unless the juvenile court finds, by a
5578 preponderance of the evidence, consistent with the protections and requirements
5579 provided in Subsection 80-2a-201(1), that any one of the following exists:
- 5580 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
5581 safety of the child and the child's physical health or safety may not be protected
5582 without removing the child from the custody of the child's parent;
- 5583 (ii)(A) the child is suffering emotional damage that results in a serious impairment
5584 in the child's growth, development, behavior, or psychological functioning;
5585 (B) the parent or guardian is unwilling or unable to make reasonable changes that
5586 would sufficiently prevent future damage; and
5587 (C) there are no reasonable means available by which the child's emotional health
5588 may be protected without removing the child from the custody of the child's
5589 parent or guardian;
- 5590 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
5591 not removed from the custody of the child's parent or guardian;
- 5592 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
5593 household has been, or is considered to be at substantial risk of being, physically
5594 abused, sexually abused, or sexually exploited by:
- 5595 (A) a parent or guardian;
5596 (B) a member of the parent's household or the guardian's household; or
5597 (C) an individual known to the parent or guardian;
- 5598 (v) the parent or guardian is unwilling to have physical custody of the child;
- 5599 (vi) the parent or guardian is unable to have physical custody of the child;
- 5600 (vii) the child is without any provision for the child's support;
- 5601 (viii) a parent who is incarcerated or institutionalized has not or cannot arrange for
5602 safe and appropriate care for the child;
- 5603 (ix)(A) a relative or other adult custodian with whom the child is left by the parent
5604 or guardian is unwilling or unable to provide care or support for the child;

- 5605 (B) the whereabouts of the parent or guardian are unknown; and
- 5606 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
- 5607 (x) subject to Subsection [~~80-1-102(58)(b)(i)~~] 80-1-102(57)(b)(i) and Sections
- 5608 80-3-109 and 80-3-304, the child is in immediate need of medical care;
- 5609 (xi)(A) the physical environment or the fact that the child is left unattended
- 5610 beyond a reasonable period of time poses a threat to the child's health or safety;
- 5611 and
- 5612 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 5613 would remove the threat;
- 5614 (xii)(A) the child or a minor residing in the same household has been neglected;
- 5615 and
- 5616 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 5617 would prevent the neglect;
- 5618 (xiii) the parent, guardian, or an adult residing in the same household as the parent or
- 5619 guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine
- 5620 Drug Lab Act, and any clandestine laboratory operation was located in the
- 5621 residence or on the property where the child resided;
- 5622 (xiv)(A) the child's welfare is substantially endangered; and
- 5623 (B) the parent or guardian is unwilling or unable to make reasonable changes that
- 5624 would remove the danger; or
- 5625 (xv) the child's [~~natural~~]parent:
- 5626 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 5627 the child;
- 5628 (B) is identified by a law enforcement agency as the primary suspect in an
- 5629 investigation for intentionally, knowingly, or recklessly causing the death of
- 5630 another parent of the child; or
- 5631 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 5632 recklessly causing the death of another parent of the child.
- 5633 (b)(i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
- 5634 established if:
- 5635 (A) a court previously adjudicated that the child suffered abuse, neglect, or
- 5636 dependency involving the parent; and
- 5637 (B) a subsequent incident of abuse, neglect, or dependency involving the parent
- 5638 occurs.

- 5639 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent
5640 knowingly allowed the child to be in the physical care of an individual after the
5641 parent received actual notice that the individual physically abused, sexually
5642 abused, or sexually exploited the child, that fact is prima facie evidence that there
5643 is a substantial risk that the child will be physically abused, sexually abused, or
5644 sexually exploited.
- 5645 (10)(a)(i) The juvenile court shall make a determination on the record as to whether
5646 reasonable efforts were made to prevent or eliminate the need for removal of the
5647 child from the child's home and whether there are available services that would
5648 prevent the need for continued removal.
- 5649 (ii) If the juvenile court finds that the child can be safely returned to the custody of
5650 the child's parent or guardian through the provision of the services described in
5651 Subsection (10)(a)(i), the juvenile court shall place the child with the child's
5652 parent or guardian and order that the services be provided by the division.
- 5653 (b) In accordance with federal law, the juvenile court shall consider the child's health,
5654 safety, and welfare as the paramount concern when making the determination
5655 described in Subsection (10)(a), and in ordering and providing the services described
5656 in Subsection (10)(a).
- 5657 (11) If the division's first contact with the family occurred during an emergency situation in
5658 which the child could not safely remain at home, the juvenile court shall make a finding
5659 that any lack of preplacement preventive efforts, as described in Section 80-2a-302, was
5660 appropriate.
- 5661 (12) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe
5662 neglect are involved, the juvenile court and the division do not have any duty to make
5663 reasonable efforts or to, in any other way, attempt to maintain a child in the child's
5664 home, return a child to the child's home, provide reunification services, or attempt to
5665 rehabilitate the offending parent or parents.
- 5666 (13) The juvenile court may not order continued removal of a child solely on the basis of
5667 educational neglect, truancy, or failure to comply with a court order to attend school.
- 5668 (14)(a) If a juvenile court orders continued removal of a child under this section, the
5669 juvenile court shall state the facts on which the decision is based.
- 5670 (b) If no continued removal is ordered and the child is returned home, the juvenile court
5671 shall state the facts on which the decision is based.
- 5672 (15) If the juvenile court finds that continued removal and temporary custody are necessary

5673 for the protection of a child under Subsection (9)(a), the juvenile court shall order
5674 continued removal regardless of:

- 5675 (a) any error in the initial removal of the child;
5676 (b) the failure of a party to comply with notice provisions; or
5677 (c) any other procedural requirement of this chapter, Chapter 2, Child Welfare Services,
5678 or Chapter 2a, Removal and Protective Custody of a Child.

5679 Section 66. Section **80-3-302** is amended to read:

5680 **80-3-302 . Shelter hearing -- Placement of a child.**

5681 (1) As used in this section:

- 5682 (a) "Asserted an interest" means to communicate, verbally or in writing, to the division
5683 or the court, that the relative or friend is interested in becoming a placement for the
5684 child.

5685 [~~(b)(i) "Natural parent," notwithstanding Section 80-1-102, means:]~~

5686 [~~(A) a biological or adoptive mother of the child;]~~

5687 [~~(B) an adoptive father of the child; or]~~

5688 [~~(C) a biological father of the child who:]~~

5689 [~~(I) was married to the child's biological mother at the time the child was~~
5690 ~~conceived or born; or]~~

5691 [~~(H) has strictly complied with Sections 78B-6-120 through 78B-6-122, before~~
5692 ~~removal of the child or voluntary surrender of the child by the custodial~~
5693 ~~parent.]~~

5694 (b)(i) "Parent" does not include an unmarried biological father, as defined in Section
5695 81-13-101, who has not strictly complied with Sections 81-13-212 and 81-13-213
5696 before the removal of the child or voluntary surrender of the child by the custodial
5697 parent.

5698 (ii) [~~"Natural parent" includes the individuals described in Subsection (1)(b)] "Parent"
5699 includes, except as provided in Subsection (1)(b)(i), an individual with a
5700 parent-child relationship to the child under Section 81-5-201 regardless of whether
5701 the child has been or will be placed with adoptive parents or whether adoption has
5702 been or will be considered as a long-term goal for the child.~~

5703 (2)(a) At the shelter hearing, if the juvenile court orders that a child be removed from the
5704 custody of the child's parent in accordance with Section 80-3-301, the juvenile court
5705 shall first determine whether there is another [~~natural~~]parent with whom the child
5706 was not residing at the time the events or conditions that brought the child within the

- 5707 juvenile court's jurisdiction occurred, who desires to assume custody of the child.
- 5708 (b) Subject to Subsection (7), if another ~~[natural]~~parent requests custody under
- 5709 Subsection (2)(a), the juvenile court shall place the child with that parent unless the
- 5710 juvenile court finds that the placement would be unsafe or otherwise detrimental to
- 5711 the child.
- 5712 (c) The juvenile court:
- 5713 (i) shall make a specific finding regarding the fitness of the parent described in
- 5714 Subsection (2)(b) to assume custody, and the safety and appropriateness of the
- 5715 placement;
- 5716 (ii) shall, at a minimum, order the division to visit the parent's home, comply with the
- 5717 criminal background check provisions described in Section 80-3-305, and check
- 5718 the Management Information System for any previous reports of abuse or neglect
- 5719 received by the division regarding the parent at issue;
- 5720 (iii) may order the division to conduct any further investigation regarding the safety
- 5721 and appropriateness of the placement; and
- 5722 (iv) may place the child in the temporary custody of the division, pending the
- 5723 juvenile court's determination regarding the placement.
- 5724 (d) The division shall report the division's findings from an investigation under
- 5725 Subsection (2)(c), regarding the child in writing to the juvenile court.
- 5726 (3) If the juvenile court orders placement with a parent under Subsection (2):
- 5727 (a) the child and the parent are under the continuing jurisdiction of the juvenile court;
- 5728 (b) the juvenile court may order:
- 5729 (i) that the parent take custody subject to the supervision of the juvenile court; and
- 5730 (ii) that services be provided to the parent from whose custody the child was
- 5731 removed, the parent who has assumed custody, or both; and
- 5732 (c) the juvenile court shall order reasonable parent-time with the parent from whose
- 5733 custody the child was removed, unless parent-time is not in the best interest of the
- 5734 child.
- 5735 (4) The juvenile court shall periodically review an order described in Subsection (3) to
- 5736 determine whether:
- 5737 (a) placement with the parent continues to be in the child's best interest;
- 5738 (b) the child should be returned to the original custodial parent;
- 5739 (c) the child should be placed with a relative under Subsections (6) through (9); or
- 5740 (d) the child should be placed in the temporary custody of the division.

- 5741 (5)(a) Legal custody of the child is not affected by an order entered under Subsection (2)
5742 or (3).
- 5743 (b) To affect a previous court order regarding legal custody, the party shall petition the
5744 court for modification of legal custody.
- 5745 (6) Subject to Subsection (7), if, at the time of the shelter hearing, a child is removed from
5746 the custody of the child's parent and is not placed in the custody of the child's other
5747 parent, the juvenile court:
- 5748 (a) shall, at that time, determine whether there is a relative or a friend who is able and
5749 willing to care for the child, which may include asking a child, who is of sufficient
5750 maturity to articulate the child's wishes in relation to a placement, if there is a relative
5751 or friend with whom the child would prefer to reside;
- 5752 (b) may order the division to conduct a reasonable search to determine whether there are
5753 relatives or friends who are willing and appropriate, in accordance with the
5754 requirements of this chapter, Chapter 2, Child Welfare Services, and Chapter 2a,
5755 Removal and Protective Custody of a Child, for placement of the child;
- 5756 (c) shall order the parents to cooperate with the division, within five working days, to
5757 provide information regarding relatives or friends who may be able and willing to
5758 care for the child; and
- 5759 (d) may order that the child be placed in the temporary custody of the division pending
5760 the determination under Subsection (6)(a).
- 5761 (7)(a)(i) Subject to Subsection (7)(b), and if the provisions of this section are
5762 satisfied, the division and the juvenile court shall give preferential consideration to
5763 a relative's or a friend's request for placement of the child, if the placement is in
5764 the best interest of the child.
- 5765 (ii) If a relative or friend verbally communicates to the division or court that the
5766 relative or friend is interested in becoming a placement for the child, the division
5767 or court shall make a written record of the communication and include that written
5768 record in the report the division submits at the initial dispositional hearing, a
5769 report the division submits under Section 80-3-408, or the court's legal file.
- 5770 (b)(i)(A) The preferential consideration that the juvenile court or division initially
5771 grants a friend under Subsection (7)(a)(i) expires 120 days after the day on
5772 which the shelter hearing occurs.
- 5773 (B) After the day on which the time period described in Subsection (7)(b)(i)(A)
5774 expires, the division or the juvenile court may not grant preferential

5775 consideration to a friend, who has not obtained custody or asserted an interest
5776 in the child.

5777 (ii)(A) Until eight months after the day on which the shelter hearing occurs, the
5778 preferential consideration that the juvenile court or division grants a relative
5779 under Subsection (7)(a)(i) is a rebuttable presumption that placement of the
5780 child with a relative is in the best interest of the child.

5781 (B) After the rebuttable presumption described in Subsection (7)(b)(ii)(A) expires,
5782 the juvenile court or division shall give preferential consideration to a relative's
5783 request for placement of the child, if the placement is in the best interest of the
5784 child considering the totality of the circumstances.

5785 (C) If a relative asserts an interest in becoming a placement for the child more
5786 than one year after the day on which the shelter hearing occurs, the juvenile
5787 court may not give the relative the preferential consideration described in
5788 Subsection (7)(b)(ii)(B).

5789 (c) The following order of preference shall be applied when determining the individual
5790 with whom a child will be placed, provided that the individual is willing and able to
5791 care for the child:

5792 (i) a noncustodial parent of the child;

5793 (ii) a relative of the child;

5794 (iii) subject to Subsection (7)(d), a friend if the friend is a licensed foster parent; and

5795 (iv) other placements that are consistent with the requirements of law.

5796 (d) In determining whether a friend is a willing, able, and appropriate placement for a
5797 child, the juvenile court or the division:

5798 (i) subject to Subsections (7)(d)(ii) through (iv), shall consider the child's preferences
5799 or level of comfort with the friend;

5800 (ii) is required to consider no more than one friend designated by each parent of the
5801 child and one friend designated by the child if the child is of sufficient maturity to
5802 articulate the child's wishes in relation to a placement;

5803 (iii) may limit the number of designated friends to two, one of whom shall be a friend
5804 designated by the child if the child is of sufficient maturity to articulate the child's
5805 wishes in relation to a placement; and

5806 (iv) shall give preference to a friend designated by the child if:

5807 (A) the child is of sufficient maturity to articulate the child's wishes; and

5808 (B) the basis for removing the child under Section 80-3-301 is sexual abuse of the

- 5809 child.
- 5810 (e)(i) If a parent of the child or the child, if the child is of sufficient maturity to
- 5811 articulate the child's wishes in relation to a placement, is not able to designate a
- 5812 friend who is a licensed foster parent for placement of the child, but is able to
- 5813 identify a friend who is willing to become licensed as a foster parent, the
- 5814 department shall fully cooperate to expedite the licensing process for the friend.
- 5815 (ii) If the friend described in Subsection (7)(e)(i) becomes licensed as a foster parent
- 5816 within the time frame described in Subsection (7)(b)(i), the juvenile court shall
- 5817 determine whether it is in the best interest of the child to place the child with the
- 5818 friend.
- 5819 (8)(a) If a relative or friend who is willing to cooperate with the child's permanency goal
- 5820 is identified under Subsection (6)(a), the juvenile court:
- 5821 (i) shall make a specific finding regarding:
- 5822 (A) the fitness of that relative or friend as a placement for the child; and
- 5823 (B) the safety and appropriateness of placement with the relative or friend; and
- 5824 (ii) may not consider a request for guardianship or adoption of the child by an
- 5825 individual who is not a relative of the child, or prevent the division from placing
- 5826 the child in the custody of a relative of the child in accordance with this part, until
- 5827 after the day on which the juvenile court makes the findings under Subsection
- 5828 (8)(a)(i).
- 5829 (b) In making the finding described in Subsection (8)(a), the juvenile court shall, at a
- 5830 minimum, order the division to:
- 5831 (i) if the child may be placed with a relative, conduct a background check that
- 5832 includes:
- 5833 (A) completion of a nonfingerprint-based, Utah Bureau of Criminal Identification
- 5834 background check of the relative;
- 5835 (B) a completed search, relating to the relative, of the Management Information
- 5836 System; and
- 5837 (C) a background check that complies with the criminal background check
- 5838 provisions described in Section 80-3-305, of each nonrelative of the child who
- 5839 resides in the household where the child may be placed;
- 5840 (ii) if the child will be placed with a noncustodial parent, complete a background
- 5841 check that includes:
- 5842 (A) the background check requirements applicable to an emergency placement

- 5843 with a noncustodial parent that are described in Subsections 80-2a-301(4) and
5844 (6);
- 5845 (B) a completed search, relating to the noncustodial parent of the child, of the
5846 Management Information System; and
- 5847 (C) a background check that complies with the criminal background check
5848 provisions described in Section 80-3-305, of each nonrelative of the child who
5849 resides in the household where the child may be placed;
- 5850 (iii) if the child may be placed with an individual other than a noncustodial parent or
5851 a relative, conduct a criminal background check of the individual, and each adult
5852 that resides in the household where the child may be placed, that complies with
5853 the criminal background check provisions described in Section 80-3-305;
- 5854 (iv) visit the relative's or friend's home;
- 5855 (v) check the Management Information System for any previous reports of abuse or
5856 neglect regarding the relative or friend at issue;
- 5857 (vi) report the division's findings in writing to the juvenile court; and
- 5858 (vii) provide sufficient information so that the juvenile court may determine whether:
- 5859 (A) the relative or friend has any history of abusive or neglectful behavior toward
5860 other children that may indicate or present a danger to this child;
- 5861 (B) the child is comfortable with the relative or friend;
- 5862 (C) the relative or friend recognizes the parent's history of abuse and is committed
5863 to protect the child;
- 5864 (D) the relative or friend is strong enough to resist inappropriate requests by the
5865 parent for access to the child, in accordance with court orders;
- 5866 (E) the relative or friend is committed to caring for the child as long as necessary;
5867 and
- 5868 (F) the relative or friend can provide a secure and stable environment for the child.
- 5869 (c) The division may determine to conduct, or the juvenile court may order the division
5870 to conduct, any further investigation regarding the safety and appropriateness of the
5871 placement described in Subsection (8)(a).
- 5872 (d) The division shall complete and file the division's assessment regarding placement
5873 with a relative or friend under Subsections (8)(a) and (b) as soon as practicable, in an
5874 effort to facilitate placement of the child with a relative or friend.
- 5875 (9)(a) The juvenile court may place a child described in Subsection (2)(a) in the
5876 temporary custody of the division, pending the division's investigation under

- 5877 Subsection (8), and the juvenile court's determination regarding the appropriateness
5878 of the placement.
- 5879 (b) The juvenile court shall ultimately base the juvenile court's determination regarding
5880 the appropriateness of a placement with a relative or friend on the best interest of the
5881 child.
- 5882 (10) If a juvenile court places a child described in Subsection (6) with the child's relative or
5883 friend:
- 5884 (a) the juvenile court shall:
- 5885 (i) order the relative or friend take custody, subject to the continuing supervision of
5886 the juvenile court;
- 5887 (ii) provide for reasonable parent-time with the parent or parents from whose custody
5888 the child is removed, unless parent-time is not in the best interest of the child; and
5889 (iii) conduct a periodic review no less often than every six months, to determine
5890 whether:
- 5891 (A) placement with a relative or friend continues to be in the child's best interest;
5892 (B) the child should be returned home; or
5893 (C) the child should be placed in the custody of the division;
- 5894 (b) the juvenile court may enter an order:
- 5895 (i) requiring the division to provide necessary services to the child and the child's
5896 relative or friend, including the monitoring of the child's safety and well-being; or
5897 (ii) that the juvenile court considers necessary for the protection and best interest of
5898 the child; and
- 5899 (c) the child and the relative or friend in whose custody the child is placed are under the
5900 continuing jurisdiction of the juvenile court.
- 5901 (11) No later than 12 months after the day on which the child is removed from the home,
5902 the juvenile court shall schedule a hearing for the purpose of entering a permanent order
5903 in accordance with the best interest of the child.
- 5904 (12) The time limitations described in Section 80-3-406, with regard to reunification
5905 efforts, apply to a child placed with a previously noncustodial parent under Subsection
5906 (2) or with a relative or friend under Subsection (6).
- 5907 (13)(a) If the juvenile court awards temporary custody of a child to the division, and the
5908 division places the child with a relative, the division shall:
- 5909 (i) conduct a criminal background check of the relative that complies with the
5910 criminal background check provisions described in Section 80-3-305; and

- 5911 (ii) if the results of the criminal background check described in Subsection (13)(a)(i)
5912 would prohibit the relative from having direct access to the child under Section
5913 26B-2-120, the division shall:
- 5914 (A) take the child into physical custody; and
5915 (B) within three days, excluding weekends and holidays, after the day on which
5916 the child is taken into physical custody under Subsection (13)(a)(ii)(A), give
5917 written notice to the juvenile court, and all parties to the proceedings, of the
5918 division's action.
- 5919 (b) Subsection (13)(a) does not prohibit the division from placing a child with a relative,
5920 pending the results of the background check described in Subsection (13)(a) on the
5921 relative.
- 5922 (14) If the juvenile court orders that a child be removed from the custody of the child's
5923 parent and does not award custody and guardianship to another parent, relative, or friend
5924 under this section, the juvenile court shall order that the child be placed in the temporary
5925 custody of the division, to proceed to adjudication and disposition and to be provided
5926 with care and services in accordance with this chapter, Chapter 2, Child Welfare Services,
5927 and Chapter 2a, Removal and Protective Custody of a Child.
- 5928 (15)(a) If a child reenters the temporary custody or the custody of the division and the
5929 child is not placed with an individual who is a parent, relative, or friend, the division
5930 shall:
- 5931 (i) notify the child's former foster parents; and
5932 (ii) upon a determination of the former foster parents' willingness and ability to safely
5933 and appropriately care for the child, give the former foster parents preference for
5934 placement of the child.
- 5935 (b) If, after the shelter hearing, the child is placed with an individual who is not a parent,
5936 a relative, a friend, or a former foster parent of the child, priority shall be given to a
5937 foster placement with a married couple, unless it is in the best interests of the child to
5938 place the child with a single foster parent.
- 5939 (16) In determining the placement of a child, the juvenile court and the division may not
5940 take into account, or discriminate against, the religion of an individual with whom the
5941 child may be placed, unless the purpose of taking religion into account is to place the
5942 child with an individual or family of the same religion as the child.
- 5943 (17) If the juvenile court's decision differs from a child's express wishes if the child is of
5944 sufficient maturity to articulate the wishes in relation to the child's placement, the

5945 juvenile court shall make findings explaining why the juvenile court's decision differs
5946 from the child's wishes.

5947 (18) This section does not guarantee that an identified relative or friend will receive custody
5948 of the child.

5949 (19)(a) If, for a relative placement, an interstate placement requested under the Interstate
5950 Compact on the Placement of Children has been initiated by the division or is ordered
5951 by or pending before the juvenile court, the court may not finalize a non-relative
5952 placement unless the court gives due weight to:

5953 (i) the preferential consideration granted to a relative in Section 80-3-302;

5954 (ii) the rebuttable presumption in Section 80-3-302; and

5955 (iii) the division's placement authority under Subsections 80-1-102(50) and
5956 80-3-303(1).

5957 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
5958 court under Subsection 80-3-502(3).

5959 Section 67. Section **80-3-307** is amended to read:

5960 **80-3-307 . Child and family plan developed by division -- Parent-time and**
5961 **relative visitation.**

5962 (1) The division shall develop and finalize a child's child and family plan no more than 45
5963 days after the day on which the child enters the temporary custody of the division.

5964 (2)(a) The division may use an interdisciplinary team approach in developing a child and
5965 family plan.

5966 (b) The interdisciplinary team described in Subsection (2)(a) may include
5967 representatives from the following fields:

5968 (i) mental health;

5969 (ii) education; or

5970 (iii) if appropriate, law enforcement.

5971 (3)(a) The division shall involve all of the following in the development of a child's
5972 child and family plan:

5973 (i) both of the child's [~~natural~~]parents, unless the whereabouts of a parent are
5974 unknown;

5975 (ii) the child;

5976 (iii) the child's foster parents; and

5977 (iv) if appropriate, the child's stepparent.

5978 (b) Subsection (3)(a) does not prohibit any other party not listed in Subsection (3)(a) or a

- 5979 party's counsel from being involved in the development of a child's child and family
5980 plan if the party or counsel's participation is otherwise permitted by law.
- 5981 (c) In relation to all information considered by the division in developing a child and
5982 family plan, the division shall give additional weight and attention to the input of the
5983 child's natural and foster parents upon the involvement of the child's natural and
5984 foster parents under Subsections (3)(a)(i) and (iii).
- 5985 (d)(i) The division shall make a substantial effort to develop a child and family plan
5986 with which the child's parents agree.
- 5987 (ii) If a parent does not agree with a child and family plan:
- 5988 (A) the division shall strive to resolve the disagreement between the division and
5989 the parent; and
- 5990 (B) if the disagreement is not resolved, the division shall inform the court of the
5991 disagreement.
- 5992 (4) A copy of the child and family plan shall, immediately upon completion, or as soon as
5993 reasonably possible thereafter, be provided to:
- 5994 (a) the guardian ad litem;
- 5995 (b) the child's [~~natural~~]parents; and
- 5996 (c) the child's foster parents.
- 5997 (5) A child and family plan shall:
- 5998 (a) specifically provide for the safety of the child, in accordance with federal law;
- 5999 (b) clearly define what actions or precautions will, or may be, necessary to provide for
6000 the health, safety, protection, and welfare of the child;
- 6001 (c) be specific to each child and the child's family, rather than general;
- 6002 (d) include individualized expectations and contain specific time frames;
- 6003 (e) except as provided in Subsection (6), address problems that:
- 6004 (i) keep a child in the child's placement; and
- 6005 (ii) keep a child from achieving permanence in the child's life;
- 6006 (f) be designed to:
- 6007 (i) minimize disruption to the normal activities of the child's family, including
6008 employment and school; and
- 6009 (ii) as much as practicable, help the child's parent maintain or obtain employment; and
- 6010 (g) set forth, with specificity, at least the following:
- 6011 (i) the reason the child entered into protective custody or the division's temporary
6012 custody or custody;

- 6013 (ii) documentation of:
- 6014 (A) the reasonable efforts made to prevent placement of the child in protective
- 6015 custody or the division's temporary custody or custody; or
- 6016 (B) the emergency situation that existed and that prevented the reasonable efforts
- 6017 described in Subsection (5)(g)(ii)(A), from being made;
- 6018 (iii) the primary permanency plan for the child, as described in Section 80-3-406, and
- 6019 the reason for selection of the plan;
- 6020 (iv) the concurrent permanency plan for the child, as described in Section 80-3-406,
- 6021 and the reason for the selection of the plan;
- 6022 (v) if the plan is for the child to return to the child's family:
- 6023 (A) specifically what the parents must do in order to enable the child to be
- 6024 returned home;
- 6025 (B) specifically how the requirements described in Subsection (5)(g)(v)(A) may
- 6026 be accomplished; and
- 6027 (C) how the requirements described in Subsection (5)(g)(v)(A) will be measured;
- 6028 (vi) the specific services needed to reduce the problems that necessitated placing the
- 6029 child in protective custody or the division's temporary custody or custody;
- 6030 (vii) the name of the individual who will provide for and be responsible for case
- 6031 management for the division;
- 6032 (viii) subject to Subsection (10), a parent-time schedule between the ~~[natural]~~parent
- 6033 and the child;
- 6034 (ix) subject to Subsection (7), the health and mental health care to be provided to
- 6035 address any known or diagnosed mental health needs of the child;
- 6036 (x) if residential treatment rather than a foster home is the proposed placement, a
- 6037 requirement for a specialized assessment of the child's health needs including an
- 6038 assessment of mental illness and behavior and conduct disorders;
- 6039 (xi) social summaries that include case history information pertinent to case planning;
- 6040 and
- 6041 (xii) subject to Subsection (12), a sibling visitation schedule.
- 6042 (6) For purposes of Subsection (5)(e), a child and family plan may only include
- 6043 requirements that:
- 6044 (a) address findings made by the court; or
- 6045 (b)(i) are requested or consented to by a parent or guardian of the child; and
- 6046 (ii) are agreed to by the division and the guardian ad litem.

- 6047 (7)(a) Subject to Subsection (7)(b), in addition to the information required under
6048 Subsection (5)(g)(ix), a child and family plan shall include a specialized assessment
6049 of the medical and mental health needs of a child, if the child:
- 6050 (i) is placed in residential treatment; and
 - 6051 (ii) has medical or mental health issues that need to be addressed.
- 6052 (b) Notwithstanding Subsection (7)(a), a parent shall retain the right to seek a separate
6053 medical or mental health diagnosis of the parent's child from a licensed practitioner
6054 of the parent's choice.
- 6055 (8)(a) The division shall train the division's employees to develop child and family plans
6056 that comply with:
- 6057 (i) federal mandates; and
 - 6058 (ii) the specific needs of the particular child and the child's family.
- 6059 (b) The child's natural parents, foster parents, and if appropriate, stepparents, shall be
6060 kept informed of and supported to participate in important meetings and procedures
6061 related to the child's placement.
- 6062 (9) If the division documents to the court that there is a compelling reason that adoption,
6063 reunification, guardianship, and a placement described in Subsection 80-3-301(6)(e) are
6064 not in the child's best interest, the court may order another planned permanent living
6065 arrangement in accordance with federal law.
- 6066 (10)(a) Except as provided in Subsection (10)(b), parent-time may only be denied by a
6067 court order issued in accordance with Subsection 80-3-406(9).
- 6068 (b) Notwithstanding Subsection (10)(a), the person designated by the division or a court
6069 to supervise a parent-time session may deny parent-time for the session if the
6070 supervising person determines that, based on the parent's condition, it is necessary to
6071 deny parent-time to:
- 6072 (i) protect the physical safety of the child;
 - 6073 (ii) protect the life of the child; or
 - 6074 (iii) consistent with Subsection (10)(c), prevent the child from being traumatized by
6075 contact with the parent.
- 6076 (c) In determining whether the condition of the parent described in Subsection (10)(b)
6077 will traumatize a child, the person supervising the parent-time session shall consider
6078 the impact that the parent's condition will have on the child in light of:
- 6079 (i) the child's fear of the parent; and
 - 6080 (ii) the nature of the alleged abuse or neglect.

- 6081 (11) If a child is in the division's temporary custody or custody, the division shall consider
6082 visitation with the child's grandparent if:
- 6083 (a) the division determines the visitation to be in the best interest of the child;
 - 6084 (b) there are no safety concerns regarding the behavior or criminal background of the
6085 grandparent;
 - 6086 (c) allowing the grandparent visitation would not compete with or undermine the child's
6087 reunification plan;
 - 6088 (d) there is a substantial relationship between the grandparent and child; and
 - 6089 (e) the grandparent visitation will not unduly burden the foster parents.

- 6090 (12)(a) The division shall incorporate into the child and family plan reasonable efforts to
6091 provide sibling visitation if:
- 6092 (i) siblings are separated due to foster care or adoptive placement;
 - 6093 (ii) the sibling visitation is in the best interest of the child for whom the child and
6094 family plan is developed; and
 - 6095 (iii) the division has consent for sibling visitation from the guardian of the sibling.
- 6096 (b) The division shall obtain consent for sibling visitation from the sibling's guardian if
6097 the criteria of Subsections (12)(a)(i) and (ii) are met.

6098 Section 68. Section **80-3-405** is amended to read:

6099 **80-3-405 . Dispositions after adjudication.**

- 6100 (1) Upon adjudication under Subsection 80-3-402(1), the juvenile court may make the
6101 dispositions described in Subsection (2) at the dispositional hearing.
- 6102 (2)(a)(i) The juvenile court may vest custody of an abused, neglected, or dependent
6103 minor in the division or any other appropriate person, with or without
6104 court-specified child welfare services, in accordance with the requirements and
6105 procedures of this chapter.
- 6106 (ii) When placing a minor in the custody of the division or any other appropriate
6107 person, the juvenile court:
 - 6108 (A) shall give primary consideration to the welfare of the minor;
 - 6109 (B) shall give due consideration to the rights of the parent or parents concerning
6110 the minor; and
 - 6111 (C) when practicable, may take into consideration the religious preferences of the
6112 minor and of the minor's parents or guardian.
- 6113 (b)(i) The juvenile court may appoint a guardian for the minor if it appears necessary
6114 in the interest of the minor.

- 6115 (ii) A guardian appointed under Subsection (2)(b)(i) may be a public or private
6116 institution or agency, but not a nonsecure residential placement provider, in which
6117 legal custody of the minor is vested.
- 6118 (iii) When placing a minor under the guardianship of an individual or of a private
6119 agency or institution, the juvenile court:
- 6120 (A) shall give primary consideration to the welfare of the minor; and
6121 (B) when practicable, may take into consideration the religious preferences of the
6122 minor and of the minor's parents or guardian.
- 6123 (c) The juvenile court may order:
- 6124 (i) protective supervision;
6125 (ii) family preservation;
6126 (iii) sibling visitation; or
6127 (iv) other services.
- 6128 (d)(i) If a minor has been placed with an individual or relative as a result of an
6129 adjudication under this chapter, the juvenile court may enter an order of
6130 permanent legal custody and guardianship with the individual or relative of the
6131 minor.
- 6132 (ii) If a juvenile court enters an order of permanent custody and guardianship with an
6133 individual or relative of a minor under Subsection (2)(d)(i), the juvenile court
6134 may, in accordance with Section 78A-6-356, enter an order for child support on
6135 behalf of the minor against the ~~natural~~ parents of the minor.
- 6136 (iii) An order under this Subsection (2)(d):
- 6137 (A) shall remain in effect until the minor is 18 years old;
6138 (B) is not subject to review under Section 78A-6-358; and
6139 (C) may be modified by petition or motion as provided in Section 78A-6-357.
- 6140 (e) The juvenile court may order a child be committed to the physical custody, as
6141 defined in Section 26B-5-401, of a local mental health authority, in accordance with
6142 the procedures and requirements of Title 26B, Chapter 5, Part 4, Commitment of
6143 Persons Under Age 18.
- 6144 (f)(i) If the child has an intellectual disability, the juvenile court may make an order
6145 committing a minor to the Utah State Developmental Center in accordance with
6146 Title 26B, Chapter 6, Part 6, Admission to an Intermediate Care Facility for
6147 People with an Intellectual Disability.
- 6148 (ii) The juvenile court shall follow the procedure applicable in the district court with

- 6149 respect to judicial commitments to the Utah State Developmental Center when
6150 ordering a commitment under Subsection (2)(f)(i).
- 6151 (g)(i) Subject to Subsection [~~80-1-102(58)(b)~~] 80-1-102(57)(b) and Section 80-3-304,
6152 the juvenile court may order that a minor:
- 6153 (A) be examined or treated by a mental health therapist, as described in Section
6154 80-3-109; or
- 6155 (B) receive other special care.
- 6156 (ii) For purposes of receiving the examination, treatment, or care described in
6157 Subsection (2)(g)(i), the juvenile court may place the minor in a hospital or other
6158 suitable facility that is not secure care or secure detention.
- 6159 (iii) In determining whether to order the examination, treatment, or care described in
6160 Subsection (2)(g)(i), the juvenile court shall consider:
- 6161 (A) the desires of the minor;
- 6162 (B) the desires of the parent or guardian of the minor if the minor is younger than
6163 18 years old; and
- 6164 (C) whether the potential benefits of the examination, treatment, or care outweigh
6165 the potential risks and side-effects, including behavioral disturbances, suicidal
6166 ideation, brain function impairment, or emotional or physical harm resulting
6167 from the compulsory nature of the examination, treatment, or care.
- 6168 (h) The juvenile court may make other reasonable orders for the best interest of the
6169 minor.
- 6170 (3)(a) At the dispositional hearing described in Subsection 80-3-402(3), if a child
6171 remains in an out-of-home placement, the juvenile court shall:
- 6172 (i) make specific findings regarding the conditions of parent-time that are in the
6173 child's best interest; and
- 6174 (ii) if parent-time is denied, state the facts that justify the denial.
- 6175 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 6176 (i) protect the physical safety of the child; or
- 6177 (ii) prevent the child from being traumatized by contact with the parent due to the
6178 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 6179 (c)(i) The division or the person designated by the division or a court to supervise a
6180 parent-time session may deny parent-time for the session if the division or the
6181 supervising person determines that, based on the parent's condition, it is necessary
6182 to deny parent-time to:

- 6183 (A) protect the physical safety of the child;
 6184 (B) protect the life of the child; or
 6185 (C) consistent with Subsection (3)(c)(ii), prevent the child from being traumatized
 6186 by contact with the parent.
- 6187 (ii) In determining whether the condition of the parent described in Subsection
 6188 (3)(c)(i) will traumatize a child, the division or the person supervising the
 6189 parent-time session shall consider the impact that the parent's condition will have
 6190 on the child in light of:
 6191 (A) the child's fear of the parent; and
 6192 (B) the nature of the alleged abuse or neglect.
- 6193 (4) Upon an adjudication under this chapter, the juvenile court may not:
 6194 (a) commit a minor solely on the ground of abuse, neglect, or dependency to the
 6195 Division of Juvenile Justice and Youth Services;
 6196 (b) assume the function of developing foster home services; or
 6197 (c) vest legal custody of an abused, neglected, or dependent minor in the division to
 6198 primarily address the minor's ungovernable or other behavior, mental health, or
 6199 disability, unless the division:
 6200 (i) engages other relevant divisions within the department that are conducting an
 6201 assessment of the minor and the minor's family's needs;
 6202 (ii) based on the assessment described in Subsection (4)(c)(i), determines that vesting
 6203 custody of the minor in the division is the least restrictive intervention for the
 6204 minor that meets the minor's needs; and
 6205 (iii) consents to legal custody of the minor being vested in the division.
- 6206 (5) The juvenile court may combine the dispositions listed in Subsection (2) if combining
 6207 the dispositions is permissible and the dispositions are compatible.
- 6208 (6)(a) If, for a relative placement, an interstate placement requested under the Interstate
 6209 Compact on the Placement of Children has been initiated by the division or is ordered
 6210 by or pending before the juvenile court, the court may not finalize a non-relative
 6211 placement unless the court gives due weight to:
 6212 (i) the preferential consideration granted to a relative in Section 80-3-302;
 6213 (ii) the rebuttable presumption in Section 80-3-302; and
 6214 (iii) the division's placement authority under Subsections 80-1-102(50) and
 6215 80-3-303(1).
- 6216 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile

6217 court under Subsection 80-3-502(3).

6218 Section 69. Section **80-3-409** is amended to read:

6219 **80-3-409 . Permanency hearing -- Final plan -- Petition for termination of**
6220 **parental rights filed -- Hearing on termination of parental rights.**

6221 (1)(a) If reunification services are ordered under Section 80-3-406, with regard to a
6222 minor who is in the custody of the division, the juvenile court shall hold a
6223 permanency hearing no later than 12 months after the day on which the minor is
6224 initially removed from the minor's home.

6225 (b) If reunification services are not ordered at the dispositional hearing, the juvenile
6226 court shall hold a permanency hearing within 30 days after the day on which the
6227 dispositional hearing ends.

6228 (2)(a) If reunification services are ordered in accordance with Section 80-3-406, the
6229 juvenile court shall, at the permanency hearing, determine, consistent with
6230 Subsection (3), whether the minor may safely be returned to the custody of the
6231 minor's parent.

6232 (b) If the juvenile court finds, by a preponderance of the evidence, that return of the
6233 minor to the minor's parent would create a substantial risk of detriment to the minor's
6234 physical or emotional well-being, the minor may not be returned to the custody of the
6235 minor's parent.

6236 (c) Prima facie evidence that return of the minor to a parent or guardian would create a
6237 substantial risk of detriment to the minor is established if:

6238 (i) the parent or guardian fails to:

6239 (A) participate in a court approved child and family plan;

6240 (B) comply with a court approved child and family plan in whole or in part; or

6241 (C) meet the goals of a court approved child and family plan; or

6242 (ii) the minor's [~~natural~~]parent:

6243 (A) intentionally, knowingly, or recklessly causes the death of another parent of
6244 the minor;

6245 (B) is identified by a law enforcement agency as the primary suspect in an
6246 investigation for intentionally, knowingly, or recklessly causing the death of
6247 another parent of the minor; or

6248 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
6249 recklessly causing the death of another parent of the minor.

6250 (3) In making a determination under Subsection (2)(a), the juvenile court shall:

- 6251 (a) review and consider:
- 6252 (i) the report prepared by the division;
- 6253 (ii) in accordance with the Utah Rules of Evidence, any admissible evidence offered
- 6254 by the minor's attorney guardian ad litem;
- 6255 (iii) any report submitted by the division under Subsection 80-3-408(3)(a)(i);
- 6256 (iv) any evidence regarding the efforts or progress demonstrated by the parent; and
- 6257 (v) the extent to which the parent cooperated and used the services provided; and
- 6258 (b) attempt to keep the minor's sibling group together if keeping the sibling group
- 6259 together is:
- 6260 (i) practicable; and
- 6261 (ii) in accordance with the best interest of the minor.
- 6262 (4) With regard to a case where reunification services are ordered by the juvenile court, if a
- 6263 minor is not returned to the minor's parent or guardian at the permanency hearing, the
- 6264 juvenile court shall, unless the time for the provision of reunification services is
- 6265 extended under Subsection (7):
- 6266 (a) order termination of reunification services to the parent;
- 6267 (b) make a final determination regarding whether termination of parental rights,
- 6268 adoption, or permanent custody and guardianship is the most appropriate final plan
- 6269 for the minor, taking into account the minor's primary permanency plan established
- 6270 by the juvenile court under Section 80-3-406; and
- 6271 (c) in accordance with Subsection 80-3-406(2), establish a concurrent permanency plan
- 6272 that identifies the second most appropriate final plan for the minor, if appropriate.
- 6273 (5) The juvenile court may order another planned permanent living arrangement other than
- 6274 reunification for a minor who is 16 years old or older upon entering the following
- 6275 findings:
- 6276 (a) the division has documented intensive, ongoing, and unsuccessful efforts to reunify
- 6277 the minor with the minor's parent or parents, or to secure a placement for the minor
- 6278 with a guardian, an adoptive parent, or an individual described in Subsection 80-3-301
- 6279 (6)(e);
- 6280 (b) the division has demonstrated that the division has made efforts to normalize the life
- 6281 of the minor while in the division's custody, in accordance with Section 80-2-308;
- 6282 (c) the minor prefers another planned permanent living arrangement; and
- 6283 (d) there is a compelling reason why reunification or a placement described in
- 6284 Subsection (5)(a) is not in the minor's best interest.

- 6285 (6) Except as provided in Subsection (7), the juvenile court may not extend reunification
6286 services beyond 12 months after the day on which the minor is initially removed from
6287 the minor's home, in accordance with the provisions of Section 80-3-406.
- 6288 (7)(a) Subject to Subsection (7)(b), the juvenile court may extend reunification services
6289 for no more than 90 days if the juvenile court finds, by a preponderance of the
6290 evidence, that:
- 6291 (i) there has been substantial compliance with the child and family plan;
 - 6292 (ii) reunification is probable within that 90-day period; and
 - 6293 (iii) the extension is in the best interest of the minor.
- 6294 (b)(i) Except as provided in Subsection (7)(c), the juvenile court may not extend any
6295 reunification services beyond 15 months after the day on which the minor is
6296 initially removed from the minor's home.
- 6297 (ii) Delay or failure of a parent to establish paternity or seek custody does not provide
6298 a basis for the juvenile court to extend services for the parent beyond the
6299 12-month period described in Subsection (6).
- 6300 (c) In accordance with Subsection (7)(d), the juvenile court may extend reunification
6301 services for one additional 90-day period, beyond the 90-day period described in
6302 Subsection (7)(a), if:
- 6303 (i) the juvenile court finds, by clear and convincing evidence, that:
 - 6304 (A) the parent has substantially complied with the child and family plan;
 - 6305 (B) it is likely that reunification will occur within the additional 90-day period; and
 - 6306 (C) the extension is in the best interest of the minor;
 - 6307 (ii) the juvenile court specifies the facts upon which the findings described in
6308 Subsection (7)(c)(i) are based; and
 - 6309 (iii) the juvenile court specifies the time period in which it is likely that reunification
6310 will occur.
- 6311 (d) A juvenile court may not extend the time period for reunification services without
6312 complying with the requirements of this Subsection (7) before the extension.
- 6313 (e) In determining whether to extend reunification services for a minor, a juvenile court
6314 shall take into consideration the status of the minor siblings of the minor.
- 6315 (8)(a) At the permanency hearing, if a child remains in an out-of-home placement, the
6316 juvenile court shall:
- 6317 (i) make specific findings regarding the conditions of parent-time that are in the
6318 child's best interest; and

- 6319 (ii) if parent-time is denied, state the facts that justify the denial.
- 6320 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 6321 (i) protect the physical safety of the child; or
- 6322 (ii) prevent the child from being traumatized by contact with the parent due to the
- 6323 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 6324 (c)(i) The division or the person designated by the division or a court to supervise a
- 6325 parent-time session may deny parent-time for the session if the division or the
- 6326 supervising person determines that, based on the parent's condition, it is necessary
- 6327 to deny parent-time to:
- 6328 (A) protect the physical safety of the child;
- 6329 (B) protect the life of the child; or
- 6330 (C) consistent with Subsection (8)(c)(ii), prevent the child from being traumatized
- 6331 by contact with the parent.
- 6332 (ii) In determining whether the condition of the parent described in Subsection
- 6333 (8)(c)(i) will traumatize a child, the division or the person supervising the
- 6334 parent-time session shall consider the impact that the parent's condition will have
- 6335 on the child in light of:
- 6336 (A) the child's fear of the parent; and
- 6337 (B) the nature of the alleged abuse or neglect.
- 6338 (9) The juvenile court may, in the juvenile court's discretion:
- 6339 (a) enter any additional order that the juvenile court determines to be in the best interest
- 6340 of the minor, so long as that order does not conflict with the requirements and
- 6341 provisions of Subsections (4) through (8); or
- 6342 (b) order the division to provide protective supervision or other services to a minor and
- 6343 the minor's family after the division's custody of a minor is terminated.
- 6344 (10)(a) If the final plan for the minor is to proceed toward termination of parental rights,
- 6345 the petition for termination of parental rights shall be filed, and a pretrial held, within
- 6346 45 calendar days after the day on which the permanency hearing is held.
- 6347 (b) If the division opposes the plan to terminate parental rights, the juvenile court may
- 6348 not require the division to file a petition for the termination of parental rights, except
- 6349 as required under Subsection 80-4-203(2).
- 6350 (11)(a) Any party to an action may, at any time, petition the juvenile court for an
- 6351 expedited permanency hearing on the basis that continuation of reunification efforts
- 6352 are inconsistent with the permanency needs of the minor.

- 6353 (b) If the juvenile court so determines, the juvenile court shall order, in accordance with
6354 federal law, that:
- 6355 (i) the minor be placed in accordance with the permanency plan; and
6356 (ii) whatever steps are necessary to finalize the permanent placement of the minor be
6357 completed as quickly as possible.
- 6358 (12) Nothing in this section may be construed to:
- 6359 (a) entitle any parent to reunification services for any specified period of time;
6360 (b) limit a juvenile court's ability to terminate reunification services at any time before a
6361 permanency hearing; or
6362 (c) limit or prohibit the filing of a petition for termination of parental rights by any party,
6363 or a hearing on termination of parental rights, at any time before a permanency
6364 hearing provided that relative placement and custody options have been fairly
6365 considered in accordance with Sections 80-2a-201 and 80-4-104.
- 6366 (13)(a) Subject to Subsection (13)(b), if a petition for termination of parental rights is
6367 filed before the date scheduled for a permanency hearing, the juvenile court may
6368 consolidate the hearing on termination of parental rights with the permanency hearing.
- 6369 (b) For purposes of Subsection (13)(a), if the juvenile court consolidates the hearing on
6370 termination of parental rights with the permanency hearing:
- 6371 (i) the juvenile court shall first make a finding regarding whether reasonable efforts
6372 have been made by the division to finalize the permanency plan for the minor; and
6373 (ii) any reunification services shall be terminated in accordance with the time lines
6374 described in Section 80-3-406.
- 6375 (c) The juvenile court shall make a decision on a petition for termination of parental
6376 rights within 18 months after the day on which the minor is initially removed from
6377 the minor's home.
- 6378 (14)(a) If a juvenile court determines that a minor will not be returned to a parent of the
6379 minor, the juvenile court shall consider appropriate placement options inside and
6380 outside of the state.
- 6381 (b) In considering appropriate placement options under Subsection (14)(a), the juvenile
6382 court shall provide preferential consideration to a relative's request for placement of
6383 the minor.
- 6384 (15)(a) In accordance with Section 80-3-108, if a minor 14 years old or older desires an
6385 opportunity to address the juvenile court or testify regarding permanency or
6386 placement, the juvenile court shall give the minor's wishes added weight, but may not

- 6387 treat the minor's wishes as the single controlling factor under this section.
- 6388 (b) If the juvenile court's decision under this section differs from a minor's express
6389 wishes if the minor is of sufficient maturity to articulate the wishes in relation to
6390 permanency or the minor's placement, the juvenile court shall make findings
6391 explaining why the juvenile court's decision differs from the minor's wishes.
- 6392 (16)(a) If, for a relative placement, an interstate placement requested under the Interstate
6393 Compact on the Placement of Children has been initiated by the division or is ordered
6394 by or pending before the juvenile court, the court may not finalize a non-relative
6395 placement unless the court gives due weight to:
- 6396 (i) the preferential consideration granted to a relative in Section 80-3-302;
6397 (ii) the rebuttable presumption in Section 80-3-302; and
6398 (iii) the division's placement authority under Subsections 80-1-102(50) and 80-3-303
6399 (1).
- 6400 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
6401 court under Subsection 80-3-502(3).
- 6402 Section 70. Section **80-3-502** is amended to read:
- 6403 **80-3-502 . Review of foster care removal -- Foster parent's standing.**
- 6404 (1) With regard to a minor in the custody of the division who is the subject of a petition
6405 alleging abuse, neglect, or dependency, and who has been placed in foster care with a
6406 foster family, the Legislature finds that:
- 6407 (a) except with regard to the minor's [~~natural~~]parents, a foster family has a very limited
6408 but recognized interest in its familial relationship with the minor; and
6409 (b) minors in the custody of the division are experiencing multiple changes in foster care
6410 placements with little or no documentation, and that numerous studies of child
6411 growth and development emphasize the importance of stability in foster care living
6412 arrangements.
- 6413 (2) For the reasons described in Subsection (1), the Legislature finds that, except with
6414 regard to the minor's [~~natural~~]parents, procedural due process protections must be
6415 provided to a foster family prior to removal of a foster minor from the foster home.
- 6416 (3)(a) A foster parent who has had a foster minor in the foster parent's home for 12
6417 months or longer may petition the juvenile court for a review and determination of
6418 the appropriateness of a decision by the division to remove the minor from the foster
6419 home, unless the removal was for the purpose of:
- 6420 (i) returning the minor to the minor's [~~natural~~]parent or legal guardian;

- 6421 (ii) immediately placing the minor in an approved adoptive home;
- 6422 (iii) placing the minor with a relative who obtained custody or asserted an interest in
- 6423 the minor within the preference period described in Subsection 80-3-302(8); or
- 6424 (iv) placing an Indian child in accordance with placement preferences and other
- 6425 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.
- 6426 (b) The foster parent may petition the juvenile court under this section without
- 6427 exhausting administrative remedies within the division.
- 6428 (c) The juvenile court may order the division to place the minor in a specified home, and
- 6429 shall base the juvenile court's determination on the best interest of the minor.
- 6430 (4) The requirements of this section do not apply to the removal of a minor based on a
- 6431 foster parent's request for that removal.

6432 Section 71. Section **80-4-104** is amended to read:

6433 **80-4-104 . Judicial process for termination -- Parent unfit or incompetent -- Best**

6434 **interest of child.**

- 6435 (1) Under both the United States Constitution and the constitution of this state, a parent
- 6436 possesses a fundamental liberty interest in the care, custody, and management of the
- 6437 parent's child. For this reason, the termination of family ties by the state may only be
- 6438 done for compelling reasons.
- 6439 (2) The juvenile court shall provide a fundamentally fair process to a parent if a party
- 6440 moves to terminate the parent's parental rights.
- 6441 (3) If the party moving to terminate parental rights is a governmental entity, the juvenile
- 6442 court shall find that any actions or allegations made in opposition to the rights and
- 6443 desires of a parent regarding the parent's child are supported by sufficient evidence to
- 6444 satisfy a parent's constitutional entitlement to heightened protection against government
- 6445 interference with the parent's fundamental rights and liberty interests.
- 6446 (4)(a) The fundamental liberty interest of a parent concerning the care, custody, and
- 6447 management of the parent's child is recognized, protected, and does not cease to exist
- 6448 simply because:
- 6449 (i) a parent may fail to be a model parent; or
- 6450 (ii) the parent's child is placed in the temporary custody of the state.
- 6451 (b) The juvenile court should give serious consideration to the fundamental right of a
- 6452 parent to rear the parent's child, and concomitantly, of the right of the child to be
- 6453 reared by the child's [~~natural~~]parent.
- 6454 (5) At all times, a parent retains a vital interest in preventing the irretrievable destruction of

6455 family life.

6456 (6) Before an adjudication of unfitness, government action in relation to a parent and a
6457 parent's child may not exceed the least restrictive means or alternatives available to
6458 accomplish a compelling state interest.

6459 (7) Until parental unfitness is established and the children suffer, or are substantially likely
6460 to suffer, serious detriment as a result, the child and the child's parent share a vital
6461 interest in preventing erroneous termination of their relationship and the juvenile court
6462 may not presume that a child and the child's parents are adversaries.

6463 (8)(a) It is in the best interest and welfare of a child to be raised under the care and
6464 supervision of the child's ~~natural~~ parents.

6465 (b) A child's need for a normal family life in a permanent home, and for positive,
6466 nurturing family relationships is usually best met by the child's ~~natural~~ parents.

6467 (c) Additionally, the integrity of the family unit and the right of parents to conceive and
6468 raise their children are constitutionally protected.

6469 (d) For these reasons, the juvenile court should only transfer custody of a child from the
6470 child's ~~natural~~ parent for compelling reasons and when there is a jurisdictional basis
6471 to do so.

6472 (9) The right of a fit, competent parent to raise the parent's child without undue government
6473 interference is a fundamental liberty interest that has long been protected by the laws
6474 and Constitution of this state and of the United States, and is a fundamental public
6475 policy of this state.

6476 (10)(a) The state recognizes that:

6477 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,
6478 train, educate, provide for, and reasonably discipline the parent's child; and

6479 (ii) the state's role is secondary and supportive to the primary role of a parent.

6480 (b) It is the public policy of this state that a parent retain the fundamental right and duty
6481 to exercise primary control over the care, supervision, upbringing, and education of
6482 the parent's child.

6483 (c) The interests of the state favor preservation and not severance of natural familial
6484 bonds in situations where a positive, nurturing parent-child relationship can exist,
6485 including extended family association and support.

6486 (11) This chapter provides a judicial process for voluntary and involuntary severance of the
6487 parent-child relationship, designed to safeguard the rights and interests of all parties
6488 concerned and promote their welfare and that of the state.

6489 (12)(a) Wherever possible, family life should be strengthened and preserved, but if a
 6490 parent is found, by reason of the parent's conduct or condition, to be unfit or
 6491 incompetent based upon any of the grounds for termination described in this part, the
 6492 juvenile court shall then consider the welfare and best interest of the child of
 6493 paramount importance in determining whether termination of parental rights shall be
 6494 ordered.

6495 (b) In determining whether termination is in the best interest of the child, and in finding,
 6496 based on the totality of the circumstances, that termination of parental rights, from
 6497 the child's point of view, is strictly necessary to promote the child's best interest, the
 6498 juvenile court shall consider, among other relevant factors, whether:

6499 (i) sufficient efforts were dedicated to reunification in accordance with Section
 6500 80-4-301; and

6501 (ii) pursuant to Section 80-3-302, the efforts to place the child with a relative who has,
 6502 or is willing to come forward to care for the child, were given due weight.

6503 Section 72. Section **80-4-106** is amended to read:

6504 **80-4-106 . Individuals entitled to be present at proceedings -- Legal**
 6505 **representation -- Attorney general responsibilities.**

6506 (1)(a) The parties shall be advised of the parties' right to counsel, including the
 6507 appointment of counsel for a parent or guardian facing any action initiated by a
 6508 private party under this chapter or under Section [~~78B-6-112~~] 81-13-205 for
 6509 termination of parental rights.

6510 (b) If a parent or guardian is the subject of a petition for the termination of parental
 6511 rights, the juvenile court shall:

6512 (i) appoint an indigent defense service provider for a parent or guardian determined
 6513 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2,
 6514 Appointment of Counsel; and

6515 (ii) order indigent defense services for the parent or guardian who is determined to be
 6516 an indigent individual in accordance with Title 78B, Chapter 22, Part 2,
 6517 Appointment of Counsel.

6518 (c) In any action under this chapter, a guardian ad litem, as defined in Section 78A-2-801,
 6519 shall represent the child in accordance with Sections 78A-2-803 and 80-3-104.

6520 (2) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion in civil
 6521 enforcement actions, the attorney general shall, in accordance with Section 80-2-303,
 6522 enforce this chapter, Chapter 2, Child Welfare Services, and Chapter 2a, Removal and

- 6523 Protective Custody of a Child, relating to the termination of parental rights.
- 6524 (3)(a) The juvenile court shall admit any individual to a hearing unless the juvenile court
6525 makes a finding upon the record that the individual's presence at the hearing would:
- 6526 (i) be detrimental to the best interest of a child who is a party to the proceeding;
- 6527 (ii) impair the fact-finding process; or
- 6528 (iii) be otherwise contrary to the interests of justice.
- 6529 (b) The juvenile court may exclude an individual from a hearing under Subsection (3)(a)
6530 on the juvenile court's own motion or by motion of a party to the proceeding.
- 6531 Section 73. Section **80-4-203** is amended to read:
- 6532 **80-4-203 . Mandatory petition for termination of parental rights.**
- 6533 (1) For purposes of this section, "abandoned infant" means a child who is 12 months old or
6534 younger and whose parent or parents:
- 6535 (a) although having legal custody of the child, fail to maintain physical custody of the
6536 child without making arrangements for the care of the child;
- 6537 (b) have failed to:
- 6538 (i) maintain physical custody; and
- 6539 (ii) exhibit the normal interest of a [~~natural~~]parent without just cause; or
- 6540 (c) are unwilling to have physical custody of the child.
- 6541 (2) Except as provided in Subsection (3), notwithstanding any other provision of this
6542 chapter, Chapter 2, Child Welfare Services, or Chapter 2a, Removal and Protective
6543 Custody of a Child, the division shall file a petition for termination of parental rights
6544 with regard to:
- 6545 (a) an abandoned infant; or
- 6546 (b) the child of a parent, whenever a court has determined that the parent has:
- 6547 (i) committed murder or child abuse homicide of another child of that parent;
- 6548 (ii) committed manslaughter of another child of that parent;
- 6549 (iii) aided, abetted, attempted, conspired, or solicited to commit murder, child abuse
6550 homicide, or manslaughter against another child of that parent; or
- 6551 (iv) committed a felony assault or abuse that results in serious physical injury to:
- 6552 (A) another child of that parent; or
- 6553 (B) the other parent of the child.
- 6554 (3) The division is not required to file a petition for termination of parental rights under
6555 Subsection (2) if:
- 6556 (a) the child is being cared for by a relative;

- 6557 (b) the division has:
- 6558 (i) documented in the child's child and family plan a compelling reason for
- 6559 determining that filing a petition for termination of parental rights is not in the
- 6560 child's best interest; and
- 6561 (ii) made that child and family plan available to the juvenile court for the juvenile
- 6562 court's review; or
- 6563 (c)(i) the juvenile court has previously determined, in accordance with the provisions
- 6564 and limitations of Sections 80-2a-201, 80-2a-302, 80-3-301, and 80-3-406, that
- 6565 reasonable efforts to reunify the child with the child's parent or parents were
- 6566 required; and
- 6567 (ii) the division has not provided, within the time period specified in the child and
- 6568 family plan, services that had been determined to be necessary for the safe return
- 6569 of the child.

6570 Section 74. Section **80-4-302** is amended to read:

6571 **80-4-302 . Evidence of grounds for termination.**

- 6572 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
- 6573 evidence of abandonment that the parent or parents:
- 6574 (a) although having legal custody of the child, have surrendered physical custody of the
- 6575 child, and for a period of six months following the surrender have not manifested to
- 6576 the child or to the person having the physical custody of the child a firm intention to
- 6577 resume physical custody or to make arrangements for the care of the child;
- 6578 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
- 6579 months;
- 6580 (c) failed to have shown the normal interest of a [natural]parent, without just cause; or
- 6581 (d) have abandoned an infant, as described in Section 80-4-203.
- 6582 (2) In determining whether a parent or parents are unfit or have neglected a child the
- 6583 juvenile court shall consider:
- 6584 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
- 6585 parent unable to care for the immediate and continuing physical or emotional needs
- 6586 of the child for extended periods of time;
- 6587 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
- 6588 nature;
- 6589 (c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous
- 6590 drugs that render the parent unable to care for the child;

- 6591 (d) repeated or continuous failure to provide the child with adequate food, clothing,
6592 shelter, education, or other care necessary for the child's physical, mental, and
6593 emotional health and development by a parent or parents who are capable of
6594 providing that care;
- 6595 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
6596 sentence is of such length that the child will be deprived of a normal home for more
6597 than one year;
- 6598 (f) a history of violent behavior;
- 6599 (g) whether the parent has intentionally exposed the child to pornography or material
6600 harmful to a minor, as defined in Section 76-10-1201; or
- 6601 (h) any other circumstance, conduct, or condition that the court considers relevant in the
6602 determination of whether a parent or parents are unfit or have neglected the child.
- 6603 (3) Notwithstanding Subsection (2)(c), the juvenile court may not discriminate against a
6604 parent because of or otherwise consider the parent's lawful possession or consumption of
6605 cannabis in a medicinal dosage form, a cannabis product, as those terms are defined in
6606 Section 26B-4-201 or a medical cannabis device, in accordance with Title 26B, Chapter
6607 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 6608 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
6609 specified medical treatment for a child is not, for that reason alone, a negligent or unfit
6610 parent.
- 6611 (5)(a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
6612 unfit because of a health care decision made for a child by the child's parent unless
6613 the state or other party to the proceeding shows, by clear and convincing evidence,
6614 that the health care decision is not reasonable and informed.
- 6615 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
6616 obtain a second health care opinion.
- 6617 (6) If a child has been placed in the custody of the division and the parent or parents fail to
6618 comply substantially with the terms and conditions of a plan within six months after the
6619 date on which the child was placed or the plan was commenced, whichever occurs later,
6620 that failure to comply is evidence of failure of parental adjustment.
- 6621 (7) The following circumstances are prima facie evidence of unfitness:
- 6622 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
6623 child, due to known or substantiated abuse or neglect by the parent or parents;
- 6624 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to

- 6625 indicate the unfitness of the parent to provide adequate care to the extent necessary
6626 for the child's physical, mental, or emotional health and development;
- 6627 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement of
6628 the child;
- 6629 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
6630 commit murder or manslaughter of a child or child abuse homicide; or
- 6631 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
6632 of the child, without legal justification.

6633 Section 75. Section **80-4-307** is amended to read:

6634 **80-4-307 . Voluntary relinquishment -- Irrevocable.**

- 6635 (1) The individual consenting to termination of parental rights or voluntarily relinquishing
6636 parental rights shall sign the consent or relinquishment, or confirm a consent or
6637 relinquishment previously signed by the individual, under oath before:
- 6638 (a) a judge of any court that has jurisdiction over proceedings for termination of parental
6639 rights in this state or any other state, or a public officer appointed by that court for the
6640 purpose of taking consents or relinquishments; or
- 6641 (b) except as provided in Subsection (2), any person authorized to take consents or
6642 relinquishments under Subsections [78B-6-124(1)] 81-13-214(1) and (2).
- 6643 (2) Only the juvenile court is authorized to take consents or relinquishments from a parent
6644 who has any child who is in the custody of a state agency or who has a child who is
6645 otherwise under the jurisdiction of the juvenile court.
- 6646 (3)(a) The court, appointed officer, or other authorized person shall certify to the best of
6647 that person's information and belief that the individual executing the consent or
6648 relinquishment, or confirming a consent or relinquishment previously signed by the
6649 individual, has read and understands the consent or relinquishment and has signed the
6650 consent or relinquishment freely and voluntarily.
- 6651 (b) A consent or relinquishment is not effective until the consent or relinquishment is
6652 certified pursuant to Subsection (3)(a).
- 6653 (4) A consent or relinquishment that has been certified pursuant to Subsection (3)(a) is
6654 effective against the consenting or relinquishing individual and may not be revoked.
- 6655 (5)(a) The requirements and processes described in Section 80-4-104, Sections 80-4-301
6656 through 80-4-304, and Part 2, Petition for Termination of Parental Rights, do not
6657 apply to a voluntary relinquishment or consent for termination of parental rights.
- 6658 (b) When determining voluntary relinquishment or consent for termination of parental

6659 rights, the juvenile court need only find that the relinquishment or termination is in
6660 the child's best interest.

6661 (6)(a) There is a presumption that voluntary relinquishment or consent for termination of
6662 parental rights is not in the child's best interest where it appears to the juvenile court
6663 that the primary purpose for relinquishment or consent for termination is to avoid a
6664 financial support obligation.

6665 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile court
6666 finds the relinquishment or consent to termination of parental rights will facilitate the
6667 establishment of stability and permanency for the child.

6668 (7) Upon granting a voluntary relinquishment the juvenile court may make orders relating
6669 to the child's care and welfare that the juvenile court considers to be in the child's best
6670 interest.

6671 Section 76. Section **80-4-502** is amended to read:

6672 **80-4-502 . Safe relinquishment of a newborn child -- Termination of parental**
6673 **rights -- Affirmative defense.**

6674 (1)(a) A parent or a parent's designee may safely relinquish a newborn child at a hospital
6675 in accordance with this part and retain complete anonymity, so long as the newborn
6676 child has not been subject to abuse or neglect.

6677 (b) Safe relinquishment of a newborn child who has not otherwise been subject to abuse
6678 or neglect shall not, in and of itself, constitute neglect, and the newborn child may
6679 not be considered a neglected child so long as the relinquishment is carried out in
6680 substantial compliance with this part.

6681 (2)(a) Personnel employed by a hospital shall accept a newborn child who is
6682 relinquished under this part, and may presume that the individual relinquishing is the
6683 newborn child's parent or the parent's designee.

6684 (b) The person receiving the newborn child may request information regarding the
6685 parent and newborn child's medical histories, and identifying information regarding
6686 the nonrelinquishing parent of the newborn child.

6687 (c) If the newborn child's parent or the parent's designee provides the person receiving
6688 the newborn child with any of the information described in Subsection (2)(b) or any
6689 other personal items, the person shall provide the information or personal items to the
6690 division.

6691 (d) Personnel employed by the hospital shall:

6692 (i) provide any necessary medical care to the newborn child;

- 6693 (ii) notify the division of receipt of the newborn child as soon as possible, but no later
6694 than 24 hours after receipt of the newborn child; and
- 6695 (iii) prepare a birth certificate or foundling birth certificate if parentage is unknown
6696 for the newborn child and file the certificate with the Office of Vital Records and
6697 Statistics within the Department of Health and Human Services.
- 6698 (e) A hospital and personnel employed by a hospital are immune from any civil or
6699 criminal liability arising from accepting a newborn child if the personnel employed
6700 by the hospital substantially comply with the provisions of this part and medical
6701 treatment is administered according to standard medical practice.
- 6702 (3) The division shall assume care and protective custody of the newborn child immediately
6703 upon notice from the hospital.
- 6704 (4) So long as the division determines there is no abuse or neglect of the newborn child,
6705 neither the newborn child nor the child's parents are subject to:
- 6706 (a) the investigation provisions contained in Section 80-2-701; or
6707 (b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.
- 6708 (5)(a) Unless identifying information relating to the nonrelinquishing parent of the
6709 newborn child is provided, the division shall:
- 6710 (i) work with local law enforcement and the Bureau of Criminal Identification within
6711 the Department of Public Safety in an effort to ensure that the newborn child has
6712 not been identified as a missing child;
- 6713 (ii) immediately place or contract for placement of the newborn child in a potential
6714 adoptive home and, within 10 days after the day on which the child is received,
6715 file a petition for termination of parental rights in accordance with this chapter;
- 6716 (iii) direct the Office of Vital Records and Statistics within the Department of Health
6717 and Human Services to conduct a search for:
- 6718 (A) a birth certificate for the newborn child; and
6719 (B) unmarried biological fathers in the registry maintained by the Office of Vital
6720 Records and Statistics in accordance with [~~Title 78B, Chapter 15, Part 4,~~
6721 ~~Registry~~] Title 81, Chapter 5, Part 4, Registry; and
- 6722 (iv) provide notice to each potential father identified on the registry described in
6723 Subsection (5)(a)(iii) in accordance with [~~Title 78B, Chapter 15, Part 4, Registry~~]
6724 Title 81, Chapter 5, Part 4, Registry.
- 6725 (b)(i) If no individual has affirmatively identified himself or herself within two weeks
6726 after the day on which notice under Subsection (5)(a)(iv) is complete and

6727 established paternity by scientific testing within as expeditious a time frame as
 6728 practicable, a hearing on the petition for termination of parental rights shall be
 6729 scheduled and notice provided in accordance with this chapter.

6730 (ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child
 6731 under this part is considered grounds for termination of parental rights of both the
 6732 relinquishing and nonrelinquishing parents under Section 80-4-301.

6733 (6) If at any time before the day on which the newborn child is adopted, the juvenile court
 6734 finds it is in the best interest of the newborn child, the court shall deny the petition for
 6735 termination of parental rights.

6736 (7) The division shall provide for, or contract with a child-placing agency to provide for
 6737 expeditious adoption of the newborn child.

6738 (8) So long as the individual relinquishing a newborn child is the newborn child's parent or
 6739 designee, and there is no abuse or neglect, safe relinquishment of a newborn child in
 6740 substantial compliance with this part is an affirmative defense to any potential criminal
 6741 liability for abandonment or neglect relating to the relinquishment.

6742 Section 77. Section **80-7-102** is amended to read:

6743 **80-7-102 . Definitions.**

6744 As used in this chapter:

6745 (1) "Emancipation" or "emancipated" means a legal status created by court order that allows
 6746 a minor to:

6747 (a) live independent of the minor's parents or guardian; and

6748 (b) exercise the same rights as an adult under Subsection 80-7-105(1).

6749 (2) "Guardian" has the same meaning as in Section 75-1-201.

6750 (3) "Minor" means an individual who is 16 years old or older.

6751 [~~(4) "Parent" means a natural parent as defined in Section 80-1-102.~~]

6752 Section 78. Section **81-1-101** is amended to read:

6753 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

6754 **81-1-101 . Definitions for title.**

6755 As used in this title:

6756 [~~(1) "Child" means, except as provided in Section 81-6-101, a biological or adopted child of~~
 6757 ~~any age.~~]

6758 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and
 6759 81-10-101, a son or daughter of any age.

6760 (2) "Court" means:

- 6761 (a) a judge; or
6762 (b) a court commissioner if the court commissioner has authority to hear the matter
6763 under Section 78A-5-107 or the Utah Rules of Judicial Administration.
- 6764 (3) "Custodial parent" means:
6765 (a) a parent awarded primary physical custody of a minor child by a court order;
6766 (b) if both parents have joint physical custody:
6767 (i) the parent awarded more overnights each year by a court order; or
6768 (ii) the parent designated as the custodial parent by a court order; or
6769 (c) if there is no court order, the parent with whom the minor child resides more than
6770 one-half of the calendar year without regard to any temporary parent-time.
- 6771 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger
6772 than 18 years old and is not emancipated.
- 6773 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of
6774 any designation of joint legal custody.
- 6775 (6) "Parent" means~~[a parent]~~, except as provided in Section 81-13-211, an individual with
6776 an established parent-child relationship as described in Section [78B-15-201] 81-5-201.
6777 Section 79. Section **81-1-202** is amended to read:
6778 **81-1-202 . Court records in a domestic relations action.**
- 6779 (1)(a) In an action under this title, ~~[Title 78B, Chapter 13, Utah Uniform Child Custody~~
6780 ~~Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate~~
6781 ~~Family Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act,]~~a party
6782 may file a motion to have the records of the action other than the final judgment,
6783 order, or decree, classified as private.
- 6784 (b) If the court finds that there are substantial interests favoring restricting access that
6785 clearly outweigh the interests favoring access, the court may classify the records of
6786 the action, or any part of the records of the action, other than the final order,
6787 judgment, or decree, as private.
- 6788 (c) An order classifying part of the records of the action as private does not apply to
6789 subsequent filings.
- 6790 (d) The record of an action is private until the court determines it is possible to release
6791 the record without prejudice to the interests that justified the closure.
- 6792 (2)(a) Any interested person may petition the court to permit access to a record classified
6793 as private as described in Subsection (1).
- 6794 (b) The interested person described in Subsection (2)(a) shall serve the petition on the

6795 parties to the closure order.

6796 (3) A party shall place the social security number of any individual, who is the subject of an
6797 action under this title, in the records relating to the matter.

6798 Section 80. Section **81-4-404** is amended to read:

6799 **81-4-404 . Allegations of child abuse or child sexual abuse in a divorce**
6800 **proceeding -- Investigation.**

6801 (1) When an allegation of child abuse or child sexual abuse is made in a divorce
6802 proceeding, or a request for modification of a divorce decree, that implicates a party, the
6803 court, after making an inquiry, may order that an investigation be conducted by the
6804 Division of Child and Family Services in accordance with Title 80, Chapter 2, Child
6805 Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

6806 (2) A final award of custody or parent-time may not be rendered until a report on that
6807 investigation, consistent with Section 80-2-1005, is received by the court.

6808 (3) The Division of Child and Family Services shall conduct an investigation described in
6809 Subsection (1) within 30 days of the court's notice and request for an investigation.

6810 (4) In reviewing a report described in Subsection (2), the court shall comply with Sections
6811 78A-2-703, 78A-2-705, and [~~78B-15-612~~] 81-5-612.

6812 Section 81. Section **81-5-102**, which is renumbered from Section 78B-15-102 is renumbered
6813 and amended to read:

6814 **CHAPTER 5. UNIFORM PARENTAGE ACT**

6815 **Part 1. General Provisions**

6816 **[~~78B-15-102~~] 81-5-102 . Definitions.**

6817 As used in this chapter:

6818 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the
6819 father of a child.

6820 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic
6821 father or a possible genetic father of a child, but whose paternity has not been
6822 determined.

6823 (3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual
6824 intercourse.

6825 (b) "Assisted reproduction" includes:

6826 (i) intrauterine insemination;

6827 (ii) donation of eggs;

- 6828 (iii) donation of embryos;
- 6829 (iv) in vitro fertilization and transfer of embryos; ~~[and]~~ or
- 6830 (v) intracytoplasmic sperm injection.
- 6831 ~~[(4) "Birth expenses" means all medical costs associated with the birth of a child, including~~
- 6832 ~~the related expenses for the biological mother during her pregnancy and delivery.]~~
- 6833 ~~[(5)] (4)(a) "Birth mother" means the ~~[biological mother of a child]~~ woman that gives~~
- 6834 birth to the child.
- 6835 (b) "Birth mother" does not include a gestational mother.
- 6836 ~~[(6)] (5) "Child" means an individual of any age whose parentage may be determined under~~
- 6837 ~~this chapter.~~
- 6838 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 6839 (7) "Child support services agency" means a public official or agency authorized under
- 6840 Title IV-D of the Social Security Act that has the authority to seek:
- 6841 (a) enforcement of support orders or laws relating to the duty of support;
- 6842 (b) establishment or modification of child support;
- 6843 (c) determination of parentage; or
- 6844 (d) location of child-support obligors and their income and assets.
- 6845 ~~[(7)] (8) "Commence" means to file the initial pleading seeking an adjudication of parentage~~
- 6846 ~~in the appropriate tribunal of this state.~~
- 6847 ~~[(8)] (9) "Declarant father" means a male who~~;~~ :~~
- 6848 (a) along with the ~~[biological]~~ birth mother, claims to be the genetic father of a child~~;~~ ;
- 6849 and
- 6850 (b) signs a voluntary declaration of paternity to establish the man's ~~[paternity]~~ parentage.
- 6851 ~~[(9)] (10) "Determination of parentage" means the establishment of the parent-child~~
- 6852 ~~relationship by:~~
- 6853 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of
- 6854 Paternity~~[-Act,]~~ ; or
- 6855 (b) adjudication by a tribunal.
- 6856 ~~[(10)] (11)(a) "Donor" means an individual who produces eggs or sperm used for assisted~~
- 6857 ~~reproduction, whether or not for consideration.~~
- 6858 (b) "Donor" does not include:
- 6859 (i) a husband who provides sperm, or a wife who provides eggs, to be used for
- 6860 assisted reproduction by the wife;
- 6861 (ii) a woman who gives birth to a child by means of assisted reproduction, except as

- 6862 otherwise provided in Part 8, Gestational Agreement; ~~[or]~~
- 6863 (iii) a parent under Part 7, Assisted Reproduction~~[-or-]~~ ; or
- 6864 (iv) an intended parent under Part 8, Gestational Agreement.
- 6865 ~~[(11)]~~ (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized
- 6866 group that an individual identifies as all or part of the individual's ancestry or that is so
- 6867 identified by other information.
- 6868 ~~[(12)]~~ (13) "Financial support" means:
- 6869 (a) a base child support award as defined in Section 81-6-101~~[-]~~ ;
- 6870 (b) all past-due support ~~[which]~~ that accrues under an order for current periodic payments~~[-]~~ ;
- 6871 and
- 6872 (c) sum certain judgments for past-due support.
- 6873 ~~[(13)]~~ (14)(a) "Genetic testing" means an analysis of genetic markers to exclude or
- 6874 identify a man as the father or a woman as the mother of a child.
- 6875 (b) "Genetic testing" includes an analysis of one or a combination of the following:
- 6876 (i) deoxyribonucleic acid; or
- 6877 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum
- 6878 enzymes, serum proteins, or red-cell enzymes.
- 6879 ~~[(14)]~~ (15) "Gestational mother" means ~~[an adult woman who]~~ a woman who:
- 6880 (a) is 18 years old or older; and
- 6881 (b) gives birth to a child under a gestational agreement.
- 6882 ~~[(15)]~~ (16) "Man" means a male individual of any age.
- 6883 ~~[(16) "Medical support" means a provision in a support order that requires the purchase and~~
- 6884 ~~maintenance of appropriate insurance for health and dental expenses of dependent~~
- 6885 ~~children, and assigns responsibility for uninsured medical expenses.]~~
- 6886 ~~[(17) "Parent" means an individual who has established a parent-child relationship under~~
- 6887 ~~Section 78B-15-201.]~~
- 6888 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 6889 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 6890 (19) "Parentage" means a parent-child relationship.
- 6891 ~~[(18)]~~ (20)(a) "Parent-child relationship" means the legal relationship between a child
- 6892 and a parent of the child as described in Section 81-5-201.
- 6893 (b) "Parent-child relationship" includes:
- 6894 (i) the mother-child relationship~~[-and]~~ ; or
- 6895 (ii) the father-child relationship.

- 6896 [(19)] (21) ["Paternity"] "Parentage index" means the likelihood of paternity calculated by
 6897 computing the ratio between:
- 6898 (a) the likelihood that the tested man is the father, based on the genetic markers of the
 6899 tested man and child, conditioned on the hypothesis that the tested man is the father
 6900 of the child; and
- 6901 (b) the likelihood that the tested man is not the father, based on the genetic markers of
 6902 the tested man and child, conditioned on the hypothesis that the tested man is not the
 6903 father of the child and that the father is of the same ethnic or racial group as the
 6904 tested man.
- 6905 [(20)] (22) "Presumed father" means a man who, by operation of law under Section [
 6906 ~~78B-15-204~~] 81-5-204, is recognized as the father of a child until that status is rebutted
 6907 or confirmed [~~as set forth in~~] in accordance with this chapter.
- 6908 [(21)] (23) "Probability of [~~paternity~~] parentage" means the measure, for the ethnic or racial
 6909 group to which the alleged father belongs, of the probability that the man in question is
 6910 the father of the child, compared with a random, unrelated man of the same ethnic or
 6911 racial group, expressed as a percentage incorporating the [~~paternity~~] parentage index and
 6912 a prior probability.
- 6913 [(22)] (24) "Record" means information that is inscribed on a tangible medium or that is
 6914 stored in an electronic or other medium and is retrievable in perceivable form.
- 6915 [(23)] (25) "Signatory" means an individual who authenticates a record and is bound by [its]
 6916 the record's terms.
- 6917 [(24)] (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
 6918 the United States Virgin Islands, any territory, Native American Tribe, or insular
 6919 possession subject to the jurisdiction of the United States.
- 6920 (27) "Support" means the same as that term is defined in Section 81-6-101.
- 6921 [(25) "~~Support-enforcement agency~~" means a public official or agency authorized under
 6922 ~~Title IV-D of the Social Security Act which has the authority to seek:~~
 6923 [~~(a) enforcement of support orders or laws relating to the duty of support;~~
 6924 [~~(b) establishment or modification of child support;~~
 6925 [~~(c) determination of parentage; or~~
 6926 [~~(d) location of child-support obligors and their income and assets.~~]
- 6927 [(26)] (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity
 6928 authorized to establish, enforce, or modify support orders or to determine parentage.
- 6929 (29) "Unmarried biological father" means the same as that term is defined in Section

6930 81-13-101.

6931 Section 82. Section **81-5-103**, which is renumbered from Section 78B-15-103 is renumbered
6932 and amended to read:

6933 **[78B-15-103] 81-5-103 . Scope -- Choice of law -- Determination of maternity.**

6934 (1) This chapter applies to determinations of parentage in this state.

6935 (2) The tribunal shall apply the law of this state to adjudicate the parent-child relationship.

6936 (3) The applicable law may not depend upon:

6937 (a) the place of birth of the child; or

6938 (b) the past or present residence of the child.

6939 ~~[(3)]~~ (4) This chapter may not create, enlarge, or diminish parental rights or duties under
6940 other laws of this state.

6941 (5) The provisions of this chapter relating to a determination of paternity also apply to a
6942 determination of maternity.

6943 Section 83. Section **81-5-104**, which is renumbered from Section 78B-15-104 is renumbered
6944 and amended to read:

6945 **[78B-15-104] 81-5-104 . Authority of Office of Recovery Services -- Duty of**
6946 **attorney general and county attorney.**

6947 ~~[(1)(a) Except as provided in Subsection 78A-6-104(1)(a)(i), the district court has~~
6948 ~~original jurisdiction over any action brought under this chapter.]~~

6949 ~~[(b) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)~~
6950 ~~over a paternity action filed in the district court, the district court may transfer~~
6951 ~~jurisdiction over the paternity action to the juvenile court.]~~

6952 ~~[(2)]~~ (1) The Office of Recovery Services is authorized to establish ~~[paternity]~~ parentage in
6953 accordance with this chapter, Title 26B, Chapter 9, Recovery Services and
6954 Administration of Child Support, and Title 63G, Chapter 4, Administrative Procedures
6955 Act.

6956 (2) Whenever the state commences an action under this chapter, the attorney general, or the
6957 county attorney of the county where the obligee resides, shall represent the state.

6958 (3) The attorney general or the county attorney does not represent or have an attorney-client
6959 relationship with the obligee or the obligor in carrying out the duties under this chapter.

6960 ~~[(3) A court shall, without adjudicating paternity, dismiss a petition that is filed under this~~
6961 ~~chapter by an unmarried biological father if he is not entitled to consent to the adoption~~
6962 ~~of the child under Sections 78B-6-121 and 78B-6-122.]~~

6963 Section 84. Section **81-5-105** is enacted to read:

6964 **81-5-105 . General requirements for parentage action or settlement -- Filing**
 6965 **parentage with the Office of Vital Records and Statistics.**

- 6966 (1) A court shall, without adjudicating parentage, dismiss a petition that is filed under this
 6967 chapter by an unmarried biological father if the unmarried biological father is not
 6968 entitled to consent to the adoption of the child as described in Section 81-13-213.
- 6969 (2) The standard of proof in a trial to establish parentage is "by clear and convincing
 6970 evidence."
- 6971 (3) Utah Rule of Civil Procedure 55, Default, applies to a parentage action commenced
 6972 under this chapter.
- 6973 (4) An agreement of settlement with an alleged father is binding only when approved by the
 6974 tribunal.
- 6975 (5) If a parentage action is brought under this chapter, the obligor's liabilities for past
 6976 support are limited to the period of four years preceding the commencement of an action.
- 6977 (6)(a) If the tribunal determines that an alleged father is a parent of the child, the tribunal
 6978 may upon the tribunal's own motion, or upon motion of the alleged father, order
 6979 parent-time rights in accordance with Title 81, Chapter 9, Custody, Parent-time, and
 6980 Visitation, as the tribunal considers appropriate under the circumstances.
- 6981 (b) Parent-time rights may not be granted to an alleged father if the child has been
 6982 subsequently adopted.
- 6983 (7) A party to an action under this chapter has a continuing obligation to keep the tribunal
 6984 informed of the party's current address.
- 6985 (8) A proceeding under this chapter is subject to other laws of this state governing the
 6986 health, safety, privacy, and liberty of a child or other individual who could be
 6987 jeopardized by disclosure of identifying information, including address, telephone
 6988 number, place of employment, social security number, the child's day-care facility, or
 6989 school.
- 6990 (9) An adjudication of parentage or declaration of paternity shall be filed with the Office of
 6991 Vital Records and Statistics in accordance with Section 26B-8-104.

6992 Section 85. Section **81-5-201**, which is renumbered from Section 78B-15-201 is renumbered
 6993 and amended to read:

6994 **Part 2. Parent and Child Relationship**

6995 **[78B-15-201] 81-5-201 . Establishment of parent-child relationship.**

- 6996 (1)(a) The mother-child relationship is established between a woman and a child by:
 6997 (i) the woman's having given birth to the child, except as otherwise provided in Part

- 6998 8, Gestational Agreement;
- 6999 (ii) an adjudication of the woman's maternity;
- 7000 (iii) adoption of the child by the woman;
- 7001 (iv) an adjudication confirming the woman as a parent of a child born to a gestational
- 7002 mother if the agreement was validated under Part 8, Gestational Agreement, or is
- 7003 enforceable under other law; or
- 7004 (v) an un rebutted presumption of maternity of the child established in the same
- 7005 manner as under Section ~~[78B-15-204]~~ 81-5-204.
- 7006 (b) In this chapter, the presumption of maternity shall be treated the same as a
- 7007 presumption of paternity as established in Subsection ~~[78B-15-201(2)(a)]~~ (2)(a).
- 7008 (2) The father-child relationship is established between a man and a child by:
- 7009 (a) an un rebutted presumption of the man's paternity of the child under Section [
- 7010 ~~78B-15-204]~~ 81-5-204;
- 7011 (b) an effective declaration of paternity by the man under ~~[Part 3, Voluntary Declaration~~
- 7012 ~~of Paternity Act]~~ Part 3, Voluntary Declaration of Paternity, unless the declaration has
- 7013 been rescinded or successfully challenged;
- 7014 (c) an adjudication of the man's paternity;
- 7015 (d) adoption of the child by the man;
- 7016 (e) the man having consented to assisted reproduction by a woman under Part 7,
- 7017 Assisted Reproduction, which resulted in the birth of the child; or
- 7018 (f) an adjudication confirming the man as a parent of a child born to a gestational mother
- 7019 if the agreement was validated under Part 8, Gestational Agreement, or is enforceable
- 7020 under other law.

7021 Section 86. Section **81-5-202**, which is renumbered from Section 78B-15-202 is renumbered

7022 and amended to read:

7023 ~~[78B-15-202]~~ 81-5-202 . **No discrimination based on marital status.**

7024 A child born to parents who are not married to each other whose ~~[paternity]~~ parentage

7025 has been determined under this chapter has the same rights under the law as a child born to

7026 parents who are married to each other.

7027 Section 87. Section **81-5-203**, which is renumbered from Section 78B-15-203 is renumbered

7028 and amended to read:

7029 ~~[78B-15-203]~~ 81-5-203 . **Consequences of establishment of parentage.**

7030 Unless parental rights are terminated, a parent-child relationship established under this

7031 chapter applies for all purposes, except as otherwise specifically provided by other law of this

7032 state.

7033 Section 88. Section **81-5-204**, which is renumbered from Section 78B-15-204 is renumbered
7034 and amended to read:

7035 **~~[78B-15-204]~~ 81-5-204 . Presumption of parentage.**

7036 (1) A man is presumed to be the father of a child if:

7037 (a) ~~[he and the mother-]~~ the man and the birth mother of the child are married to each
7038 other and the child is born during the marriage;

7039 (b) ~~[he and the mother]~~ the man and the birth mother of the child were married to each
7040 other and the child is born within 300 days after the marriage is terminated by death,
7041 annulment, declaration of invalidity, or divorce, or after a decree of separation;

7042 (c) before the birth of the child, ~~[he and the mother]~~ the man and the birth mother of the
7043 child married each other in apparent compliance with law, even if the attempted
7044 marriage is or could be declared invalid, and the child is born during the invalid
7045 marriage or within 300 days after ~~[its]~~ the marriage's termination by death, annulment,
7046 declaration of invalidity, or divorce or after a decree of separation; or

7047 (d) after the birth of the child, ~~[he and the mother]~~ the man and the birth mother of the
7048 child married each other in apparent compliance with law, whether or not the
7049 marriage is, or could be declared, invalid, ~~[he voluntarily asserted his paternity]~~ the
7050 man voluntarily asserted the man's parentage of the child, and there is no other
7051 presumptive father of the child, and:

7052 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;

7053 (ii) ~~[he]~~ the man agreed to be and is named as the child's father on the child's birth
7054 certificate; or

7055 (iii) ~~[he]~~ the man promised in a record to support the child as his own.

7056 (2) A presumption of ~~[paternity]~~ parentage established under this section may only be
7057 rebutted in accordance with Section ~~[78B-15-607]~~ 81-5-607.

7058 (3) If a child has an adjudicated father, the results of genetic testing are inadmissible to
7059 challenge ~~[paternity except as set forth in Section 78B-15-607]~~ parentage except as
7060 described in Section 81-5-607.

7061 Section 89. Section **81-5-301**, which is renumbered from Section 78B-15-301 is renumbered
7062 and amended to read:

7063 **Part 3. Voluntary Declaration of Paternity**

7064 **~~[78B-15-301]~~ 81-5-301 . Declaration of paternity.**

7065 The birth mother of a child and a man claiming to be the genetic father of the child may

7066 sign a declaration of paternity to establish the paternity of the child.

7067 Section 90. Section **81-5-302**, which is renumbered from Section 78B-15-302 is renumbered
7068 and amended to read:

7069 **[78B-15-302] 81-5-302 . Execution of declaration of paternity.**

7070 (1) A declaration of paternity described in Section 81-5-301 must:

7071 (a) be in a record;

7072 (b) be signed, or otherwise authenticated, under penalty of perjury, by the birth mother
7073 and by the declarant father;

7074 (c) be signed by the birth mother and declarant father in the presence of two witnesses
7075 who are not related by blood or marriage; [~~and~~]

7076 (d) state that the child whose paternity is being declared:

7077 (i) does not have a presumed father, or has a presumed father whose full name is
7078 stated; and

7079 (ii) does not have another declarant or adjudicated father;

7080 (e) state whether there has been genetic testing and, if so, that the declarant man's claim
7081 of paternity is consistent with the results of the testing; and

7082 (f) state that the signatories understand that the declaration is the equivalent of a legal
7083 finding of paternity of the child and that a challenge to the declaration is permitted
7084 only under the limited circumstances described in Section [~~78B-15-307~~] 81-5-307.

7085 (2) If [~~either-~~]the birth mother or the declarant father is a minor child, the voluntary
7086 declaration must also be signed by that [~~minor's~~] minor child's parent or legal guardian.

7087 (3) A declaration of paternity is void if [~~it~~] the declaration of paternity:

7088 (a) states that another man is a presumed father, unless a denial of paternity signed or
7089 otherwise authenticated by the presumed father is filed with the Office of Vital
7090 Records and Statistics in accordance with Section [~~78B-15-303~~] 81-5-303;

7091 (b) states that another man is a declarant or adjudicated father; or

7092 (c) falsely denies the existence of a presumed, declarant, or adjudicated father of the
7093 child.

7094 (4) A presumed father may sign or otherwise authenticate [~~an acknowledgment of paternity~~]
7095 a declaration of paternity.

7096 (5) The declaration of paternity shall be:

7097 (a) in a form prescribed by the Office of Vital Records [~~and shall be~~] and Statistics; and

7098 (b) accompanied with a written and verbal notice of the alternatives to, the legal
7099 consequences of, and the rights and responsibilities that arise from signing the

7100 declaration.

7101 (6) The ~~[Social Security]~~ social security number of any ~~[person]~~ individual who is subject to
7102 declaration of paternity shall be placed in the records relating to the matter.

7103 (7)(a) The declaration of paternity shall become an amendment to the original birth
7104 certificate.

7105 (b) The original certificate and the declaration shall be marked as to be distinguishable.

7106 (c) The declaration may be included as part of subsequently issued certified copies of the
7107 birth certificate.

7108 (d) Alternatively, electronically issued copies of a certificate may reflect the amended
7109 information and the date of the amendment only.

7110 (8)(a) A declaration of paternity may be completed and signed any time after the birth of
7111 the child.

7112 (b) A declaration of paternity may not be signed or filed after consent to or
7113 relinquishment for adoption has been signed.

7114 (9) A declaration of paternity shall be considered effective when filed and entered into a
7115 database established and maintained by the Office of Vital Records and Statistics.

7116 Section 91. Section **81-5-303**, which is renumbered from Section 78B-15-303 is renumbered
7117 and amended to read:

7118 **[78B-15-303] 81-5-303 . Denial of paternity.**

7119 (1) A presumed or declarant father may sign a denial of ~~[his paternity]~~ the presumed or
7120 declarant father's paternity.

7121 (2) The denial is valid only if:

7122 ~~[(1)]~~ (a) a declaration of paternity signed, or otherwise authenticated, by another man is
7123 filed ~~[pursuant to Section 78B-15-305]~~ in accordance with Section 81-5-305;

7124 ~~[(2)]~~ (b) the denial is in a form prescribed by and filed with the Office of Vital Records~~[-]~~
7125 and Statistics and is signed, or otherwise authenticated, under penalty of perjury; and

7126 ~~[(3)]~~ (c) the presumed or declarant father has not previously:

7127 ~~[(a)]~~ (i) declared ~~[his]~~ the presumed or declarant father's paternity, unless the previous
7128 declaration has been rescinded ~~[pursuant to Section 78B-15-306]~~ in accordance
7129 with Section 81-5-306 or successfully challenged ~~[pursuant to Section 78B-15-307]~~
7130 in accordance with Section 81-5-307; or

7131 ~~[(b)]~~ (ii) been adjudicated to be the father of the child.

7132 Section 92. Section **81-5-304**, which is renumbered from Section 78B-15-304 is renumbered
7133 and amended to read:

7134 **[78B-15-304] 81-5-304 . Rules for declaration and denial of paternity.**

7135 (1)(a) A declaration of paternity and a denial of paternity shall be contained in a single
7136 document.

7137 (b) If the declaration [~~and denial~~] of paternity and the denial of paternity are both
7138 necessary, neither is valid until both are signed and filed.

7139 (2) A declaration of paternity or a denial of paternity may not be signed before the birth of
7140 the child.

7141 (3) Subject to Subsection (1), a declaration of paternity or denial of paternity takes effect on
7142 the birth of the child or the filing of the document with the Office of Vital Records and
7143 Statistics, whichever occurs later.

7144 (4) A declaration of paternity or denial of paternity signed by a minor and by the minor's
7145 parent or legal guardian is valid if [~~it~~] the declaration of paternity or the denial of
7146 paternity is otherwise in compliance with this chapter.

7147 Section 93. Section **81-5-305**, which is renumbered from Section 78B-15-305 is renumbered
7148 and amended to read:

7149 **[78B-15-305] 81-5-305 . Effect of declaration or denial of paternity.**

7150 (1) Except as otherwise provided in Sections [~~78B-15-306~~] 81-5-306 and [~~78B-15-307~~]
7151 81-5-307, a valid declaration of paternity filed with the Office of Vital Records and
7152 Statistics is equivalent to a legal finding of [~~paternity~~] parentage of a child and confers
7153 upon the declarant father all of the rights and duties of a parent.

7154 (2)(a) When a declaration of paternity is filed, [~~it~~] the declaration of paternity shall be
7155 recognized as a basis for a child support order without any further requirement or
7156 proceeding regarding the establishment of [~~paternity~~] parentage.

7157 [(a)] (b) The liabilities of the declarant father include[~~, but are not limited to,~~] the
7158 reasonable expense of the birth mother's pregnancy and confinement and for the
7159 education, necessary support, and any funeral expenses for the child.

7160 [(b)] (c) When a father declares paternity, [~~his~~] the father's liability under Subsection
7161 (2)(a) for past amounts due is limited to the period of four years immediately
7162 preceding the date that the voluntary declaration of paternity was filed.

7163 (3)(a) Except as otherwise provided in Sections [~~78B-15-306~~] 81-5-306 and [~~78B-15-307~~]
7164 81-5-307, a valid denial of paternity by a presumed or declarant father filed with the
7165 Office of Vital Records and Statistics in conjunction with a valid declaration of
7166 paternity is equivalent to a legal finding of the [~~nonpaternity~~] nonparentage of the
7167 presumed or declarant father and discharges the presumed or declarant father from all

7168 rights and duties of a parent.

7169 (b) If a valid denial of paternity is filed with the Office of Vital Records~~[, the declarant~~
7170 ~~or presumed father]~~ and Statistics, the presumed or declarant father may not recover
7171 child support ~~[he]~~ that was paid prior to the time of filing.

7172 Section 94. Section **81-5-306**, which is renumbered from Section 78B-15-306 is renumbered
7173 and amended to read:

7174 **[78B-15-306] 81-5-306 . Proceeding for rescission.**

7175 (1) A signatory may rescind a declaration of paternity or denial of paternity by filing a
7176 voluntary rescission document with the Office of Vital Records and Statistics in a form
7177 prescribed by the ~~[office]~~ Office of Vital Records and Statistics before the earlier of:

7178 (a) 60 days after the effective date of the declaration or denial, as provided in Sections [
7179 ~~78B-15-303]~~ 81-5-303 and [~~78B-15-304]~~ 81-5-304; or

7180 (b) the date of notice of the first adjudicative proceeding to which the signatory is a
7181 party, before a tribunal to adjudicate an issue relating to the child, including a
7182 proceeding that establishes support.

7183 (2) Upon receiving a voluntary rescission document from a signatory under Subsection (1),
7184 the Office of Vital Records and Statistics shall provide notice of the rescission, by mail,
7185 to the other signatory at the last-known address of that signatory.

7186 Section 95. Section **81-5-307**, which is renumbered from Section 78B-15-307 is renumbered
7187 and amended to read:

7188 **[78B-15-307] 81-5-307 . Challenge after expiration of period for rescission.**

7189 (1) After the period for rescission under Section [~~78B-15-306]~~ 81-5-306 has expired, a
7190 signatory of a declaration of paternity or denial of paternity~~[, or a support-enforcement]~~
7191 or a child support services agency, may commence a proceeding to challenge the
7192 declaration or denial only on the basis of fraud, duress, or material mistake of fact.

7193 (2) A party challenging a declaration of paternity or denial of paternity has the burden of
7194 proof.

7195 (3) A challenge brought on the basis of fraud or duress may be commenced at any time.

7196 (4)(a) A challenge brought on the basis of a material mistake of fact may be commenced
7197 within four years after the declaration is filed with the Office of Vital Records and
7198 Statistics.

7199 (b) For the purposes of this Subsection (4), if the declaration of paternity was filed with
7200 the Office of Vital Records ~~[prior to]~~ and Statistics before May 1, 2005, a challenge
7201 may be brought within four years after May 1, 2005.

7202 (5) For purposes of Subsection (4), genetic test results that exclude a declarant father or that
 7203 rebuttably identify another man as the father in accordance with Section [78B-15-505]
 7204 81-5-505 constitute a material mistake of fact.

7205 Section 96. Section **81-5-308**, which is renumbered from Section 78B-15-308 is renumbered
 7206 and amended to read:

7207 **[78B-15-308] 81-5-308 . Procedure for rescission or challenge.**

7208 (1) Every signatory to a declaration of paternity and any related denial of paternity must be
 7209 made a party to a proceeding to rescind or challenge the declaration or denial.

7210 (2) For the purpose of rescission of, or challenge to, a declaration of paternity or denial of
 7211 paternity, a signatory submits to personal jurisdiction of this state by signing the
 7212 declaration or denial, effective upon the filing of the document with the Office of Vital
 7213 Records and Statistics.

7214 (3) Except for good cause shown, during the pendency of a proceeding to rescind or
 7215 challenge a declaration of paternity or denial of paternity, the tribunal may not suspend
 7216 the legal responsibilities of a signatory arising from the declaration, including the duty to
 7217 pay child support.

7218 (4) A proceeding to rescind or to challenge a declaration of paternity or denial of paternity
 7219 must be conducted in the same manner as a proceeding to adjudicate parentage under
 7220 Part 6, Adjudication of Parentage.

7221 (5) At the conclusion of a proceeding to rescind or challenge a declaration of paternity or
 7222 denial of paternity, the tribunal shall order the Office of Vital Records and Statistics to
 7223 amend the birth record of the child, if appropriate.

7224 (6) If the declaration is rescinded, the declarant father may not recover child support [he]
 7225 that was paid prior to the entry of an order of rescission.

7226 Section 97. Section **81-5-309**, which is renumbered from Section 78B-15-309 is renumbered
 7227 and amended to read:

7228 **[78B-15-309] 81-5-309 . Ratification barred.**

7229 A tribunal or administrative agency conducting a judicial or administrative proceeding
 7230 may not ratify an unchallenged declaration of paternity.

7231 Section 98. Section **81-5-310**, which is renumbered from Section 78B-15-310 is renumbered
 7232 and amended to read:

7233 **[78B-15-310] 81-5-310 . Full faith and credit.**

7234 A tribunal of this state shall give full faith and credit to a declaration of paternity or
 7235 denial of paternity effective in another state if the declaration or denial has been signed and is

7236 otherwise in compliance with the law of the other state.

7237 Section 99. Section **81-5-311**, which is renumbered from Section 78B-15-311 is renumbered
7238 and amended to read:

7239 **~~[78B-15-311]~~ 81-5-311 . Forms for declaration, denial, or rescission.**

7240 (1) To facilitate compliance with this part, the Office of Vital Records and Statistics shall
7241 prescribe forms for the declaration~~[, denial, and rescission of paternity]~~ of paternity, the
7242 denial of paternity, and the rescission of a declaration of paternity.

7243 (2) A valid declaration of paternity or denial of paternity is not affected by a later
7244 modification of the prescribed form.

7245 Section 100. Section **81-5-312**, which is renumbered from Section 78B-15-312 is renumbered
7246 and amended to read:

7247 **~~[78B-15-312]~~ 81-5-312 . Release of information.**

7248 The Office of Vital Records and Statistics may release information relating to the
7249 declaration of paternity or denial of paternity to a signatory of the declaration or denial and to
7250 tribunals and federal, tribal, and state ~~[support-enforcement]~~ child support services agencies of
7251 this state or another state.

7252 Section 101. Section **81-5-313**, which is renumbered from Section 78B-15-313 is renumbered
7253 and amended to read:

7254 **~~[78B-15-313]~~ 81-5-313 . Rulemaking by Office of Vital Records and Statistics.**

7255 The Office of Vital Records and Statistics may adopt rules in accordance with Title 63G,
7256 Chapter 3, Utah Administrative Rulemaking Act, to implement this part.

7257 Section 102. Section **81-5-401**, which is renumbered from Section 78B-15-401 is renumbered
7258 and amended to read:

7259 **Part 4. Registry**

7260 **~~[78B-15-401]~~ 81-5-401 . Maintenance of records.**

7261 (1) The Office of Vital Records and Statistics shall register the following records ~~[which]~~
7262 that are filed with the office:

7263 (a) all declarations of paternity;

7264 (b) all judicial and administrative determinations of ~~[paternity]~~ parentage; and

7265 (c) all notices of proceedings to establish ~~[paternity which are filed pursuant to Sections~~
7266 78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122] parentage that are filed in
7267 accordance with Sections 81-13-207, 81-13-212, and 81-13-213.

7268 (2) A notice of initiation of ~~[paternity]~~ parentage proceedings may not be accepted into the
7269 registry unless accompanied by a copy of the pleading ~~[which]~~ that has been filed with

7270 the court to establish [~~paternity~~] parentage.

7271 (3) A notice of initiation of [~~paternity~~] parentage proceedings may not be filed if another
7272 man is the adjudicated or declarant father.

7273 Section 103. Section **81-5-402**, which is renumbered from Section 78B-15-402 is renumbered
7274 and amended to read:

7275 **[78B-15-402] 81-5-402 . Effect of registration.**

7276 (1) An unmarried biological father who desires to be notified of a proceeding for adoption
7277 of a child must file a notice of the initiation of [~~paternity~~] parentage proceedings as
7278 required by Sections [~~78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122~~] 81-13-207,
7279 81-13-212, and 81-13-213.

7280 (2) A registrant shall promptly notify the registry in a record of any change in the
7281 information registered.

7282 (3) The Office of Vital Records and Statistics shall incorporate all new information
7283 received into its records but need not affirmatively seek to obtain current information for
7284 incorporation in the registry.

7285 Section 104. Section **81-5-403**, which is renumbered from Section 78B-15-403 is renumbered
7286 and amended to read:

7287 **[78B-15-403] 81-5-403 . Notice of proceeding.**

7288 Notice of an adoption proceeding shall be given to [~~unmarried biological fathers~~
7289 ~~pursuant to Section 78B-6-110~~] an unmarried biological father as described in Section
7290 81-13-207.

7291 Section 105. Section **81-5-404**, which is renumbered from Section 78B-15-404 is renumbered
7292 and amended to read:

7293 **[78B-15-404] 81-5-404 . Required form.**

7294 (1)(a) The Office of Vital Records and Statistics shall prepare a form to be filed with the
7295 agency.

7296 (b) The form shall require the signature of the registrant and state that the form is signed
7297 under penalty of perjury.

7298 (2) The form shall also state that:

7299 (a) a timely filing of notice of the initiation of [~~paternity proceedings which~~] parentage
7300 proceedings that is filed pursuant to Subsection [~~78B-15-402(1)~~] 81-5-402(1) entitles
7301 the registrant to notice of a proceeding for adoption of the child;

7302 (b) a timely filing does not commence a proceeding to establish [~~paternity~~] parentage;

7303 (c) the information disclosed on the form may be used against the registrant to establish [

- 7304 ~~paternity]~~ parentage;
- 7305 (d) services to assist in establishing [~~paternity]~~ parentage of a child who is not placed for
- 7306 adoption are available to the registrant through the Office of Recovery Services;
- 7307 (e) the registrant should also file in another state if conception or birth of the child
- 7308 occurred in the other state;
- 7309 (f) information on registries of other states is available from the Office of Vital Records
- 7310 and Statistics; and
- 7311 (g) procedures exist to remove the filing of a proceeding to establish [~~paternity]~~ parentage
- 7312 if the proceeding is dismissed, or if a finding of [~~paternity]~~ parentage is rescinded or
- 7313 set aside under this chapter.

7314 Section 106. Section **81-5-405**, which is renumbered from Section 78B-15-405 is renumbered

7315 and amended to read:

7316 **~~[78B-15-405]~~ 81-5-405 . Furnishing of information -- Confidentiality.**

- 7317 (1)(a) The Office of Vital Records and Statistics shall send a copy of the filing to a
- 7318 person or entity [~~set forth]~~ described in Subsection (2), who has requested a copy.
- 7319 (b) The copy of the filing shall be sent to the most recent address provided by the
- 7320 requestor.
- 7321 (2) Information contained in records [~~which]~~ that are filed pursuant to Section [~~78B-15-401]~~
- 7322 81-5-401 is confidential and may be released on request only to:
- 7323 (a) a tribunal or a person designated by the tribunal;
- 7324 (b) the birth mother of the child who is the subject of the filing;
- 7325 (c) an agency authorized by other law to receive the information;
- 7326 (d) a licensed child-placing agency;
- 7327 (e) the Office of Recovery Services, the Office of the Attorney General, or a [~~support-enforcement]~~
- 7328 child support services agency of another state or tribe;
- 7329 (f) a party or the party's attorney of record in a proceeding under this chapter or in a
- 7330 proceeding for adoption of, or for termination of parental rights regarding, a child
- 7331 who is the subject of the filing; and
- 7332 (g) the registry of [~~paternity]~~ parentage in another state.

7333 Section 107. Section **81-5-406**, which is renumbered from Section 78B-15-406 is renumbered

7334 and amended to read:

7335 **~~[78B-15-406]~~ 81-5-406 . Penalty for releasing information.**

7336 A person who intentionally or knowingly, releases confidential information from the

7337 Office of Vital Records [~~which is filed pursuant to Section 78B-15-401]~~ and Statistics that is

7338 filed in accordance with Section 81-5-401 to a person or agency not authorized to receive the
7339 information under Section ~~[78B-15-405]~~ 81-5-405 is guilty of a class B misdemeanor.

7340 Section 108. Section **81-5-407**, which is renumbered from Section 78B-15-407 is renumbered
7341 and amended to read:

7342 **~~[78B-15-407]~~ 81-5-407 . Removal of registration -- Rulemaking authority.**

7343 The Office of Vital Records and Statistics may remove a registration in accordance with
7344 rules adopted by the ~~[office]~~ Office of Vital Records and Statistics in accordance with Title
7345 63G, Chapter 3, Utah Administrative Rulemaking Act.

7346 Section 109. Section **81-5-408**, which is renumbered from Section 78B-15-408 is renumbered
7347 and amended to read:

7348 **~~[78B-15-408]~~ 81-5-408 . Fees for registry.**

7349 (1) A fee may not be charged to remove a registration.

7350 (2) Except as otherwise provided in Subsection (3), the Office of Vital Records and
7351 Statistics may charge a reasonable fee for registering records pursuant to Section [
7352 ~~78B-15-401]~~ 81-5-401, making a search of the registry, and for furnishing a certificate.

7353 (3) The Office of Recovery Services, the Office of the Attorney General, and [
7354 ~~support-enforcement]~~ child support services agencies of other states or tribes may not be
7355 required to pay the fee authorized by Subsection (2).

7356 Section 110. Section **81-5-409**, which is renumbered from Section 78B-15-409 is renumbered
7357 and amended to read:

7358 **~~[78B-15-409]~~ 81-5-409 . Search of records -- Certificate.**

7359 (1) Upon the request of an individual, tribunal, or agency identified in Section ~~[78B-15-405]~~
7360 81-5-405, the Office of Vital Records and Statistics shall search its records for any
7361 registration made [~~pursuant to Section 78B-15-401]~~ in accordance with Section 81-5-401
7362 and furnish to the requestor a certificate of search [~~which]~~ that shall be signed on behalf
7363 of the ~~[office]~~ Office of Vital Records and Statistics and state that:

7364 (a) a search has been made of the records of the Office of Vital Records and Statistics;
7365 and

7366 (b) a registration containing the information required to identify the registrant:

7367 (i) has been found and is attached to the certificate of search; or

7368 (ii) has not been found.

7369 (2) A petitioner shall file the certificate of search with the tribunal in connection with a
7370 proceeding for adoption.

7371 Section 111. Section **81-5-410**, which is renumbered from Section 78B-15-410 is renumbered

7372 and amended to read:

7373 **[78B-15-410] 81-5-410 . Admissibility of information.**

7374 A certificate of search of the registry of [~~paternity~~] parentage in this or another state is
7375 admissible in a proceeding for adoption of a child and, if relevant, in other legal proceedings.

7376 Section 112. Section **81-5-501**, which is renumbered from Section 78B-15-501 is renumbered
7377 and amended to read:

7378 **Part 5. Genetic Testing**

7379 **[78B-15-501] 81-5-501 . Scope of part.**

7380 This part governs genetic testing of an individual to determine parentage, whether the
7381 individual:

7382 (1) voluntarily submits to testing; or

7383 (2) is tested pursuant to an order of a tribunal or a [~~support-enforcement~~] child support
7384 services agency.

7385 Section 113. Section **81-5-502**, which is renumbered from Section 78B-15-502 is renumbered
7386 and amended to read:

7387 **[78B-15-502] 81-5-502 . Order for testing.**

7388 (1) Upon the motion of any party to the action, except as otherwise provided in this part and
7389 Part 6, Adjudication of Parentage, the tribunal shall order the child and other designated
7390 individuals to submit to genetic testing if the request for testing is supported by the
7391 sworn statement of a party to the proceeding:

7392 (a) alleging [~~paternity~~] parentage and stating facts establishing a reasonable probability
7393 of the requisite sexual contact between the individuals; or

7394 (b) denying [~~paternity~~] parentage and stating facts establishing a possibility that sexual
7395 contact between the individuals, if any, did not result in the conception of the child.

7396 (2) If a request for genetic testing of a child is made before birth, the tribunal may not order
7397 in-utero testing.

7398 (3) If two or more [~~men~~] individuals are subject to an order for genetic testing, the testing
7399 may be ordered concurrently or sequentially.

7400 Section 114. Section **81-5-503**, which is renumbered from Section 78B-15-503 is renumbered
7401 and amended to read:

7402 **[78B-15-503] 81-5-503 . Requirements for genetic testing.**

7403 (1) Genetic testing must be of a type reasonably relied upon by experts in the field of
7404 genetic testing and performed in a testing laboratory accredited by:

7405 (a) the American Association of Blood Banks, or a successor to its functions;

7406 (b) the American Society for Histocompatibility and Immunogenetics, or a successor to
7407 its functions; or

7408 (c) an accrediting body designated by the federal Secretary of Health and Human
7409 Services.

7410 (2)(a) A specimen used in genetic testing may consist of one or more samples, or a
7411 combination of samples, of blood, buccal cells, bone, hair, or other body tissue or
7412 fluid.

7413 (b) The specimen used in the testing need not be of the same kind for each individual
7414 undergoing genetic testing.

7415 Section 115. Section **81-5-504**, which is renumbered from Section 78B-15-504 is renumbered
7416 and amended to read:

7417 **[78B-15-504] 81-5-504 . Report of genetic testing.**

7418 (1)(a) A report of genetic testing must be in a record and signed under penalty of perjury
7419 by a designee of the testing laboratory.

7420 (b) A report made under the requirements of this part is self-authenticating.

7421 (2) Documentation from the testing laboratory of the following information is sufficient to
7422 establish a reliable chain of custody that allows the results of genetic testing to be
7423 admissible without testimony:

7424 (a) the names and photographs of the individuals whose specimens have been taken;

7425 (b) the names of the individuals who collected the specimens;

7426 (c) the places and dates the specimens were collected;

7427 (d) the names of the individuals who received the specimens in the testing laboratory;

7428 (e) the dates the specimens were received; and

7429 (f) the fingerprints of the individuals whose specimens have been taken.

7430 Section 116. Section **81-5-505**, which is renumbered from Section 78B-15-505 is renumbered
7431 and amended to read:

7432 **[78B-15-505] 81-5-505 . Genetic testing results -- Rebuttal.**

7433 (1) Under this chapter, a man is presumed to be identified as the father of a child if the
7434 genetic testing complies with this part and the results disclose that:

7435 (a) the man has at least a 99% probability of [paternity] parentage, using a prior
7436 probability of 0.50, as calculated by using the combined [paternity] parentage index
7437 obtained in the testing; and

7438 (b) a combined [paternity] parentage index of at least 100 to 1.

7439 (2) A man identified under Subsection (1) as the father of the child may rebut the genetic

7440 testing results only by other genetic testing satisfying the requirements of this part [which]
7441 that:

7442 (a) excludes the man as a genetic father of the child; or

7443 (b) identifies another man as the possible father of the child.

7444 (3)(a) If an issue is raised as to whether the appropriate ethnic or racial group database
7445 was used by the testing laboratory, the testing laboratory will be asked to rerun the
7446 test using the correct ethnic or racial group database.

7447 (b) If the testing laboratory does not have an adequate database, another testing
7448 laboratory may be engaged to perform the calculations.

7449 (4) If a presumption of [paternity] parentage is not rebutted by a second test, the tribunal
7450 shall issue an order establishing [paternity] parentage.

7451 Section 117. Section **81-5-506**, which is renumbered from Section 78B-15-506 is renumbered
7452 and amended to read:

7453 **[78B-15-506] 81-5-506 . Costs of genetic testing.**

7454 (1) Subject to assessment of costs under Part 6, Adjudication of Parentage, the cost of initial
7455 genetic testing shall be advanced:

7456 (a) by a [support-enforcement] child support services agency in a proceeding in which
7457 the [support-enforcement] child support services agency is providing services;

7458 (b) by the individual who made the request;

7459 (c) as agreed by the parties; or

7460 (d) as ordered by the tribunal.

7461 (2) In cases in which the cost is advanced by the [support-enforcement] child support
7462 services agency, the agency may seek reimbursement from a man who is rebuttably
7463 identified as the father of the child.

7464 Section 118. Section **81-5-507**, which is renumbered from Section 78B-15-507 is renumbered
7465 and amended to read:

7466 **[78B-15-507] 81-5-507 . Additional genetic testing.**

7467 (1) The tribunal shall order additional genetic testing upon the request of a party who
7468 contests the result of the original testing.

7469 (2) If the previous genetic testing identified a man as the father of the child under Section [
7470 ~~78B-15-505~~] 81-5-505, the tribunal may not order additional testing unless the party
7471 provides advance payment for the testing.

7472 (3) If the tribunal orders a second genetic test in accordance with this section, the additional
7473 testing must be completed within 45 days of the tribunal's order or the requesting party's

7474 objection to the first test will be automatically denied.

7475 (4) If failure to complete the test occurs because of noncooperation of the birth mother or
7476 unavailability of the child, the time will be tolled.

7477 Section 119. Section **81-5-508**, which is renumbered from Section 78B-15-508 is renumbered
7478 and amended to read:

7479 **[78B-15-508] 81-5-508 . Genetic testing when specimens not available.**

7480 (1) Subject to Subsection (2), if a genetic-testing specimen is not available from a man who
7481 may be the father of a child, for good cause and under extraordinary circumstances the
7482 tribunal considers to be just, the tribunal may order the following individuals to submit
7483 specimens for genetic testing:

7484 (a) the parents of the man;

7485 (b) brothers and sisters of the man;

7486 (c) other children of the man and their mothers; and

7487 (d) other relatives of the man necessary to complete genetic testing.

7488 (2) Issuance of an order under this section requires a finding that a need for genetic testing
7489 outweighs the legitimate interests of the individual sought to be tested.

7490 Section 120. Section **81-5-509**, which is renumbered from Section 78B-15-509 is renumbered
7491 and amended to read:

7492 **[78B-15-509] 81-5-509 . Deceased individual.**

7493 For good cause shown, the tribunal may order genetic testing of a deceased individual.

7494 Section 121. Section **81-5-510**, which is renumbered from Section 78B-15-510 is renumbered
7495 and amended to read:

7496 **[78B-15-510] 81-5-510 . Identical siblings.**

7497 (1) The tribunal may order genetic testing of a brother of a man identified as the father of a
7498 child if the man is commonly believed to have an identical brother and evidence
7499 suggests that the brother may be the genetic father of the child.

7500 (2) If each brother satisfies the requirements as the identified father of the child under
7501 Section ~~[78B-15-505]~~ 81-5-505 without consideration of another identical brother being
7502 identified as the father of the child, the tribunal may rely on nongenetic evidence to
7503 adjudicate which brother is the father of the child.

7504 Section 122. Section **81-5-511**, which is renumbered from Section 78B-15-511 is renumbered
7505 and amended to read:

7506 **[78B-15-511] 81-5-511 . Confidentiality of genetic testing.**

7507 Release of the report of genetic testing for parentage is controlled by Title 63G, Chapter

7508 2, Government Records Access and Management Act.

7509 Section 123. Section **81-5-601**, which is renumbered from Section 78B-15-601 is renumbered
7510 and amended to read:

7511 **Part 6. Adjudication of Parentage**

7512 **[78B-15-601] 81-5-601 . Definitions for part -- Proceeding authorized.**

7513 (1) As used in this part, "divorce" includes an annulment.

7514 [(+)] (2) An adjudicative proceeding may be maintained to determine the parentage of a
7515 child.

7516 (3) A judicial proceeding is governed by the [~~rules of civil procedure~~] Utah Rules of Civil
7517 Procedure.

7518 (4) An administrative proceeding is governed by Title 63G, Chapter 4, Administrative
7519 Procedures Act.

7520 [(2) ~~For the purposes of this part, "divorce" also includes an annulment.~~]

7521 Section 124. Section **81-5-602**, which is renumbered from Section 78B-15-602 is renumbered
7522 and amended to read:

7523 **[78B-15-602] 81-5-602 . Standing to maintain proceeding.**

7524 Subject to [~~Part 3, Voluntary Declaration of Paternity Act~~] Part 3, Voluntary Declaration
7525 of Paternity, and Sections [~~78B-15-607 and 78B-15-609~~] 81-5-607 and 81-5-609, a proceeding
7526 to adjudicate parentage may be maintained by:

7527 (1) the child;

7528 (2) the birth mother of the child;

7529 (3) a man whose paternity of the child is to be adjudicated;

7530 (4) the [~~support enforcement~~] child support services agency or other governmental agency
7531 authorized by other law;

7532 (5) an authorized adoption agency or licensed child-placing agency;

7533 (6) a representative authorized by law to act for an individual who would otherwise be
7534 entitled to maintain a proceeding but who is deceased, incapacitated, or a minor child; or

7535 (7) an intended parent under Part 8, Gestational Agreement.

7536 Section 125. Section **81-5-603**, which is renumbered from Section 78B-15-603 is renumbered
7537 and amended to read:

7538 **[78B-15-603] 81-5-603 . Parties to proceeding.**

7539 The following individuals shall be joined as parties in a proceeding to adjudicate
7540 parentage:

7541 (1) the birth mother of the child;

7542 (2) a man whose paternity of the child is to be adjudicated; and

7543 (3) the state in accordance with Section 81-6-106.

7544 Section 126. Section **81-5-604**, which is renumbered from Section 78B-15-604 is renumbered
7545 and amended to read:

7546 **[78B-15-604] 81-5-604 . Personal jurisdiction.**

7547 (1) An individual may not be adjudicated to be a parent unless the tribunal has personal
7548 jurisdiction over the individual.

7549 (2) A tribunal of this state having jurisdiction to adjudicate parentage may exercise personal
7550 jurisdiction over a nonresident individual, or the guardian or conservator of the
7551 individual, if the conditions prescribed in Section ~~[78B-14-201]~~ 81-8-201 are fulfilled, or
7552 the individual has signed a declaration of paternity.

7553 (3) Lack of jurisdiction over one individual does not preclude the tribunal from making an
7554 adjudication of parentage binding on another individual over whom the tribunal has
7555 personal jurisdiction.

7556 Section 127. Section **81-5-605**, which is renumbered from Section 78B-15-605 is renumbered
7557 and amended to read:

7558 **[78B-15-605] 81-5-605 . Venue for a parentage proceeding.**

7559 ~~[Venue for a judicial proceeding to adjudicate parentage is in the county of this state]~~

7560 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person shall bring a
7561 proceeding to adjudicate parentage in the county in which:

7562 ~~[(1)]~~ (a) the child resides or is found;

7563 ~~[(2)]~~ (b) the respondent resides or is found if the child does not reside in this state; or

7564 ~~[(3)]~~ (c) a proceeding for probate or administration of the presumed or alleged father's
7565 estate has been commenced.

7566 (2) Subsection (1) does not apply to a proceeding brought in the Business and Chancery
7567 Court.

7568 Section 128. Section **81-5-606**, which is renumbered from Section 78B-15-606 is renumbered
7569 and amended to read:

7570 **[78B-15-606] 81-5-606 . No limitation -- Child having no declarant or adjudicated**
7571 **father.**

7572 (1) A proceeding to adjudicate the parentage of a child having no declarant or
7573 adjudicated father may be commenced at any time.

7574 (2) If initiated after the child becomes an adult, only the child may initiate the proceeding.

7575 Section 129. Section **81-5-607**, which is renumbered from Section 78B-15-607 is renumbered

7576 and amended to read:

7577 **[78B-15-607] 81-5-607 . Limitation -- Child having presumed father.**

7578 (1) ~~[Paternity]~~

7579 (a) Parentage of a child conceived or born during a marriage with a presumed father, as
7580 described in Subsection ~~[78B-15-204(1)(a), (b), or (c),]~~ 81-5-204(1)(a), (b), or (c)
7581 may be raised by the presumed father, ~~[the mother, or a support enforcement agency]~~
7582 the birth mother, or a child support services agency at any time before filing an action
7583 for divorce or in the pleadings at the time of the divorce of the parents.

7584 ~~[(a)]~~

7585 (b)(i) If the issue is raised prior to the adjudication, genetic testing may be ordered by
7586 the tribunal in accordance with Section ~~[78B-15-608]~~ 81-5-608.

7587 (ii) Failure of the birth mother of the child to appear for testing may result in an order
7588 allowing a motherless calculation of ~~[paternity]~~ parentage.

7589 (iii) Failure of the birth mother to make the child available may not result in a
7590 determination that the presumed father is not the father, but shall allow for
7591 appropriate proceedings to compel the cooperation of the birth mother.

7592 (iv) If the question of ~~[paternity]~~ parentage has been raised in the pleadings in a
7593 divorce and the tribunal addresses the issue and enters an order, the parties are
7594 estopped from raising the issue again, and the order of the tribunal may not be
7595 challenged on the basis of material mistake of fact.

7596 ~~[(b)]~~ (c) If the presumed father seeks to rebut the presumption of ~~[paternity]~~ parentage,
7597 then denial of a motion seeking an order for genetic testing or a decision to disregard
7598 genetic test results shall be based on a preponderance of the evidence.

7599 ~~[(e)]~~ (d) If the birth mother seeks to rebut the presumption of ~~[paternity]~~ parentage, the
7600 birth mother has the burden to show by a preponderance of the evidence that it would
7601 be in the best interests of the child to disestablish the parent-child relationship.

7602 ~~[(d)]~~

7603 (e)(i) If a ~~[support enforcement agency]~~ child support services agency seeks to rebut
7604 the presumption of parentage and the ~~[presumptive parent]~~ presumed father
7605 opposes the rebuttal, the agency's request shall be denied.

7606 (ii) Otherwise, the denial of the agency's motion seeking an order for genetic testing
7607 or a decision to disregard genetic test results shall be based on a preponderance of
7608 the evidence, taking into account the best interests of the child.

7609 (2) For the presumption outside of marriage described in Subsection ~~[78B-15-204(1)(d)]~~

7610 81-5-204(1)(d), the presumption may be rebutted at any time if the tribunal determines
7611 that the presumed father and the birth mother of the child neither cohabited nor engaged
7612 in sexual intercourse with each other during the probable time of conception.

7613 (3) The presumption may be rebutted by:

7614 (a) genetic test results that exclude the presumed father;

7615 (b) genetic test results that rebuttably identify another man as the father in accordance
7616 with Section ~~[78B-15-505]~~ 81-5-505;

7617 (c) evidence that the presumed father and the birth mother of the child neither cohabited
7618 nor engaged in sexual intercourse with each other during the probable time of
7619 conception; or

7620 (d) an adjudication under this part.

7621 (4) There is no presumption to rebut if the presumed father was properly served and there
7622 has been a final adjudication of the issue.

7623 Section 130. Section **81-5-608**, which is renumbered from Section 78B-15-608 is renumbered
7624 and amended to read:

7625 **~~[78B-15-608]~~ 81-5-608 . Authority to deny motion for genetic testing or disregard**
7626 **test results.**

7627 (1) In a proceeding to adjudicate the parentage of a child having a presumed father or to
7628 challenge the [~~paternity~~] parentage of a child having a declarant father, the tribunal may
7629 deny a motion seeking an order for genetic testing of the birth mother, the child, and the
7630 presumed or declarant father, or if testing has been completed, the tribunal may
7631 disregard genetic test results that exclude the presumed or declarant father if the tribunal
7632 determines that:

7633 (a) the conduct of the birth mother or the presumed or declarant father estops that party
7634 from denying parentage; and

7635 (b) it would be inequitable to disrupt the [~~father~~] parent-child relationship between the
7636 child and the presumed or declarant father.

7637 (2) In determining whether to deny a motion seeking an order for genetic testing or to
7638 disregard genetic test results under this section, the tribunal shall consider the best
7639 interest of the child, including the following factors:

7640 (a) the length of time between the proceeding to adjudicate parentage and the time that
7641 the presumed or declarant father was placed on notice that [~~he~~] the presumed or
7642 declarant father might not be the genetic father of the child;

7643 (b) the length of time during which the presumed or declarant father has assumed the

- 7644 role of ~~[father]~~ parent of the child;
- 7645 (c) the facts surrounding the presumed or declarant father's discovery of ~~[his possible~~
7646 ~~nonpaternity]~~ the father's possible nonparentage;
- 7647 (d) the nature of the relationship between the child and the presumed or declarant father;
- 7648 (e) the age of the child;
- 7649 (f) the harm that may result to the child if presumed or declared ~~[paternity]~~ parentage is
7650 successfully disestablished;
- 7651 (g) the nature of the relationship between the child and any alleged father;
- 7652 (h) the extent to which the passage of time reduces the chances of establishing the [
7653 ~~paternity of another man]~~ parentage of another individual and a child-support
7654 obligation in favor of the child; and
- 7655 (i) other factors that may affect the equities arising from the disruption of the ~~[father]~~
7656 parent-child relationship between the child and the presumed or declarant father or
7657 the chance of other harm to the child.
- 7658 (3) If the tribunal denies a motion seeking an order for genetic testing or disregards genetic
7659 test results that exclude the presumed or declarant father, ~~[it]~~ the tribunal shall issue an
7660 order adjudicating the presumed or declarant father to be the father of the child.

7661 Section 131. Section **81-5-609**, which is renumbered from Section 78B-15-609 is renumbered
7662 and amended to read:

7663 **[78B-15-609] 81-5-609 . Limitation -- Child having declarant father.**

- 7664 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [
7665 ~~paternity or a support-enforcement]~~ parentage or a child support services agency may
7666 commence a proceeding seeking to rescind the declaration or denial or challenge the [
7667 ~~paternity]~~ parentage of the child only within the time allowed under Section ~~[78B-15-306~~
7668 ~~or 78B-15-307]~~ 81-5-306 or 81-5-307.
- 7669 (2) A proceeding under this section is subject to the application of the principles of estoppel
7670 established in Section ~~[78B-15-608]~~ 81-5-608.

7671 Section 132. Section **81-5-610**, which is renumbered from Section 78B-15-610 is renumbered
7672 and amended to read:

7673 **[78B-15-610] 81-5-610 . Joinder of judicial proceedings -- Court reliance of**
7674 **custody and parent-time standards.**

- 7675 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate
7676 parentage may be joined with a proceeding for adoption, termination of parental rights,
7677 child custody or visitation, child support, divorce, annulment, legal separation or

- 7678 separate maintenance, probate or administration of an estate, or other appropriate
7679 proceeding.
- 7680 (2) A respondent may not join a proceeding described in Subsection (1) with a proceeding
7681 to adjudicate parentage brought under [~~Title 78B, Chapter 14, Utah Uniform Interstate~~
7682 ~~Family Support Act~~] Chapter 8, Uniform Interstate Family Support Act.
- 7683 (3) A court may determine issues of custody, parent-time, visitation, and child support in
7684 accordance with [~~Title 81,~~]Chapter 6, Child Support, Chapter 7, Payment and
7685 Enforcement of Spousal and Child Support, and [~~Title 81,~~]Chapter 9, Custody,
7686 Parent-time, and Visitation.
- 7687 (4)(a) If a parentage action is determining issues of custody or parent-time for a child
7688 and the parents of the child are not married, the parties shall attend the mandatory
7689 parenting course described in Subsection 81-9-103(1)(b) within:
- 7690 (i) for the petitioner, 60 days after the day on which the petition is filed; and
7691 (ii) for the respondent, 30 days after the day on which the respondent is served.
- 7692 (b) The clerk of the court shall provide notice to a petitioner that the petitioner is
7693 required to attend the parenting course.
- 7694 (c) A petition shall include information regarding the parenting course when the petition
7695 is served on the respondent.
- 7696 (d) The court may not grant a final custody or parent-time order in a parentage action
7697 until:
- 7698 (i) both parties have attended the parenting course; and
7699 (ii) both parties have presented a certificate of course completion to the court.
- 7700 (5) For a party that is unable to pay the costs of the parenting course, and before the court
7701 enters an order for custody or parent-time in the parentage action, the court shall:
- 7702 (a) make a final determination of indigency; and
7703 (b) order the party to pay the costs of the parenting course if the court determines the
7704 party is not indigent.
- 7705 (6)(a) Notwithstanding Subsection (4), the court may waive the requirement that the
7706 parties attend the parenting course, on the court's own motion or on the motion of one
7707 of the parties, if the court determines course attendance and completion are not
7708 necessary, appropriate, or feasible, or in the best interest of the parties.
- 7709 (b) If the requirement is waived, the court may proceed with entering a final custody or
7710 parent-time order.
- 7711 Section 133. Section **81-5-611**, which is renumbered from Section 78B-15-611 is renumbered

7712 and amended to read:

7713 **[78B-15-611] 81-5-611 . Proceeding before birth.**

7714 (1) A proceeding to determine parentage may be commenced before the birth of the
7715 child, but may not be concluded until after the birth of the child.

7716 (2) The following actions may be taken before the birth of the child:

7717 ~~[(1)]~~ (a) service of process;

7718 ~~[(2)]~~ (b) discovery; and

7719 ~~[(3)]~~ (c) except as prohibited by Section ~~[78B-15-502]~~ 81-5-502, collection of specimens
7720 for genetic testing.

7721 Section 134. Section **81-5-612**, which is renumbered from Section 78B-15-612 is renumbered
7722 and amended to read:

7723 **[78B-15-612] 81-5-612 . Minor child as party -- Representation.**

7724 (1) A minor child is a permissible party, but is not a necessary party to a proceeding under
7725 this part.

7726 (2) The tribunal may appoint an attorney guardian ad litem under Sections 78A-2-703 and
7727 78A-2-803, or a private attorney guardian ad litem under Section 78A-2-705, to
7728 represent ~~[a minor or]~~ a minor child or an incapacitated child if the child is a party.

7729 Section 135. Section **81-5-613**, which is renumbered from Section 78B-15-613 is renumbered
7730 and amended to read:

7731 **[78B-15-613] 81-5-613 . Admissibility of results of genetic testing -- Expenses.**

7732 (1)(a) Except as otherwise provided in Subsection (3), a record of a genetic-testing
7733 expert is admissible as evidence of the truth of the facts asserted in the report unless a
7734 party objects to its admission within 14 days after its receipt by the objecting party
7735 and cites specific grounds for exclusion.

7736 (b) Unless a party files a timely objection, testimony shall be in affidavit form.

7737 (c) The admissibility of the report is not affected by whether the testing was performed:

7738 ~~[(a)]~~ (i) voluntarily or pursuant to an order of the tribunal; or

7739 ~~[(b)]~~ (ii) before or after the commencement of the proceeding.

7740 (2)(a) A party objecting to the results of genetic testing may call one or more
7741 genetic-testing experts to testify in person or by telephone, video conference,
7742 deposition, or another method approved by the tribunal.

7743 (b) Unless otherwise ordered by the tribunal, the party offering the testimony bears the
7744 expense for the expert testifying.

7745 (3) If a child has a presumed or declarant father, the results of genetic testing are

7746 inadmissible to adjudicate parentage unless performed:

7747 (a) [~~pursuant to Section 78B-15-503~~] in accordance with Section 81-5-503;

7748 (b) within the time periods [~~set forth~~] described in this chapter; [~~and~~]

7749 (c) pursuant to a tribunal order or administrative process; or

7750 (d) with the consent of both the mother and the presumed or declarant father.

7751 (4) If a child has an adjudicated father, the results of genetic testing are inadmissible to

7752 challenge [~~paternity~~] parentage except as set forth in Sections [~~78B-15-607 and~~

7753 ~~78B-15-608~~] 81-5-607 and 81-5-608.

7754 (5) Copies of bills for genetic testing and for prenatal and postnatal health care for the birth

7755 mother and child which are furnished to the adverse party not less than 10 days before

7756 the date of a hearing are admissible to establish:

7757 (a) the amount of the charges billed; and

7758 (b) that the charges were reasonable, necessary, and customary.

7759 Section 136. Section **81-5-614**, which is renumbered from Section 78B-15-614 is renumbered

7760 and amended to read:

7761 **[78B-15-614] 81-5-614 . Consequences of failing to submit to genetic testing.**

7762 (1) An order for genetic testing is enforceable by contempt.

7763 (2) If an individual whose [~~paternity~~] parentage is being determined fails to submit to

7764 genetic testing ordered by the tribunal, the tribunal for that reason may adjudicate

7765 parentage contrary to the position of that individual.

7766 (3)(a) Genetic testing of the birth mother of a child is not a condition precedent to testing

7767 the child and a man whose paternity is being determined.

7768 (b) If the birth mother is unavailable or fails to submit to genetic testing, the tribunal

7769 may order the testing of the child and every man who is potentially the father of the

7770 child.

7771 Section 137. Section **81-5-615**, which is renumbered from Section 78B-15-615 is renumbered

7772 and amended to read:

7773 **[78B-15-615] 81-5-615 . Admission of parentage authorized.**

7774 (1) A respondent in a proceeding to adjudicate parentage may admit to the [~~paternity~~]

7775 parentage of a child by filing a pleading to that effect or by admitting [~~paternity~~]

7776 parentage under penalty of perjury when making an appearance or during a hearing.

7777 (2) If the tribunal finds that the admission of [~~paternity~~] parentage satisfies the requirements

7778 of this section and finds that there is no reason to question the admission, the tribunal

7779 shall issue an order adjudicating the child to be the child of the man admitting [~~paternity~~]

7780 parentage.

7781 Section 138. Section **81-5-616**, which is renumbered from Section 78B-15-616 is renumbered
7782 and amended to read:

7783 **[78B-15-616] 81-5-616 . Temporary order.**

7784 (1) In a proceeding under this part, the tribunal shall issue a temporary order for support of
7785 a child if the order is appropriate and the individual ordered to pay support is:

7786 (a) a presumed father of the child;

7787 (b) petitioning to ~~[have his paternity adjudicated]~~ be adjudicated a parent;

7788 (c) identified as the father through genetic testing under Section ~~[78B-15-505]~~ 81-5-505;

7789 (d) an alleged father who has failed to submit to genetic testing;

7790 (e) shown by clear and convincing evidence to be the father of the child; or

7791 (f) the birth mother of the child.

7792 (2) A temporary tribunal order may include provisions for custody and visitation as
7793 provided by other laws of this state.

7794 Section 139. Section **81-5-617**, which is renumbered from Section 78B-15-617 is renumbered
7795 and amended to read:

7796 **[78B-15-617] 81-5-617 . Requirements for adjudication of parentage.**

7797 ~~[The tribunal shall apply the following rules to adjudicate the paternity of a child:]~~

7798 (1) ~~[The paternity of a child having a presumed, declarant, or adjudicated father may be~~
7799 ~~disproved only by]~~ In an adjudication of the parentage of a child, the tribunal may only

7800 disprove the parentage of a child having a presumed father, declarant father, or

7801 adjudicated father if there are admissible results of genetic testing excluding that man as

7802 the father of the child or identifying another man as the father of the child.

7803 (2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, [
7804 a man identified as the father] or except as provided in Section 81-5-608, the tribunal

7805 shall adjudicate a man identified as the father of a child under Section [78B-15-505 must

7806 be adjudicated] 81-5-505 as the father of the child~~[, unless an exception is granted under~~

7807 ~~Section 78B-15-608].~~

7808 (3) If the tribunal finds that genetic testing under Section ~~[78B-15-505 neither identifies nor~~
7809 ~~excludes a man as the father]~~ 81-5-505 does not identify or exclude a man as the father of

7810 a child, the tribunal:

7811 (a) may not dismiss the proceeding~~[. In that event, the tribunal]~~ ; and

7812 (b) shall order further testing.

7813 (4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, [
7814

7814 a man properly excluded as the father of a child by genetic testing must be adjudicated
7815 not to be the father of the child] or except as provided in Section 81-5-608, the tribunal
7816 shall adjudicate a man properly excluded as the father of a child by genetic testing to not
7817 be the father of the child.

7818 Section 140. Section **81-5-618**, which is renumbered from Section 78B-15-618 is renumbered
7819 and amended to read:

7820 **[78B-15-618] 81-5-618 . Adjudication of parentage -- Jury trial prohibited.**

7821 A jury trial is prohibited to adjudicate [paternity] parentage of a child.

7822 Section 141. Section **81-5-619**, which is renumbered from Section 78B-15-619 is renumbered
7823 and amended to read:

7824 **[78B-15-619] 81-5-619 . Adjudication of parentage -- Hearings -- Inspection of**
7825 **records.**

7826 (1) On request of a party and for good cause shown, the tribunal may close a proceeding
7827 under this part.

7828 (2) A final order in a proceeding under this part is available for public inspection.

7829 (3) Other papers and records are available only with the consent of the parties or on order of
7830 the tribunal for good cause.

7831 Section 142. Section **81-5-620**, which is renumbered from Section 78B-15-620 is renumbered
7832 and amended to read:

7833 **[78B-15-620] 81-5-620 . Adjudication of parentage -- Order on default.**

7834 The tribunal shall issue an order adjudicating the [paternity] parentage of a man who:

7835 (1) after service of process, is in default; and

7836 (2) is found by the tribunal to be the father of a child.

7837 Section 143. Section **81-5-621**, which is renumbered from Section 78B-15-621 is renumbered
7838 and amended to read:

7839 **[78B-15-621] 81-5-621 . Adjudication of parentage -- Dismissal for want of**
7840 **prosecution.**

7841 (1) The tribunal may issue an order dismissing a proceeding commenced under this
7842 chapter for want of prosecution only without prejudice.

7843 (2) An order of dismissal for want of prosecution purportedly with prejudice is void and has
7844 only the effect of a dismissal without prejudice.

7845 Section 144. Section **81-5-622**, which is renumbered from Section 78B-15-622 is renumbered
7846 and amended to read:

7847 **[78B-15-622] 81-5-622 . Order adjudicating parentage.**

- 7848 (1) The tribunal shall issue an order adjudicating whether a man alleged or claiming to be
7849 the father is the parent of the child.
- 7850 (2) An order adjudicating parentage must identify the child by name and date of birth.
- 7851 (3)(a) Except as otherwise provided in Subsection (4), the tribunal may assess filing
7852 fees, reasonable attorney fees, fees for genetic testing, other costs, necessary travel,
7853 and other reasonable expenses incurred in a proceeding under this part.
- 7854 (b) The tribunal may award attorney fees, which may be paid directly to the attorney,
7855 who may enforce the order in the attorney's own name.
- 7856 (4) The tribunal may not assess fees, costs, or expenses against the [~~support-enforcement~~]
7857 child support services agency of this state or another state, except as provided by law.
- 7858 (5) On request of a party and for good cause shown, the tribunal may order that the name of
7859 the child be changed.
- 7860 (6) If the order of the tribunal is at variance with the child's birth certificate, the tribunal
7861 shall order the Office of Vital Records and Statistics to issue an amended birth
7862 registration.
- 7863 Section 145. Section **81-5-623**, which is renumbered from Section 78B-15-623 is renumbered
7864 and amended to read:
- 7865 **[~~78B-15-623~~] 81-5-623 . Binding effect of determination of parentage.**
- 7866 (1) Except as otherwise provided in Subsection (2), a determination of parentage is binding
7867 on:
- 7868 (a) all signatories to a declaration or denial of paternity as provided in Part 3, Voluntary
7869 Declaration of Paternity[-Aet]; and
- 7870 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy the
7871 jurisdictional requirements of Section [~~78B-14-201~~] 81-8-201.
- 7872 (2) A child is not bound by a determination of parentage under this chapter unless:
- 7873 (a) the determination was based on an unrescinded declaration of paternity and the
7874 declaration is consistent with the results of genetic testing;
- 7875 (b) the adjudication of parentage was based on a finding consistent with the results of
7876 genetic testing and the consistency is declared in the determination or is otherwise
7877 shown; or
- 7878 (c) the child was a party or was represented in the proceeding determining parentage by
7879 a guardian ad litem.
- 7880 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an
7881 adjudication of the parentage of a child if the question of [~~paternity~~] parentage is raised

7882 and the tribunal adjudicates according to [~~Part 6, Adjudication of Parentage,~~] this part
7883 and the final order:

7884 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or
7885 similar words indicating that the husband is the father of the child; or

7886 (b) provides for support of the child by the husband unless [~~paternity~~] parentage is
7887 specifically disclaimed in the order.

7888 (4) The tribunal is not considered to have made an adjudication of the parentage of a child
7889 if the child was born at the time of entry of the order and other children are named as
7890 children of the marriage, but that child is specifically not named.

7891 (5) Once the [~~paternity~~] parentage of a child has been adjudicated, an individual who was
7892 not a party to the [~~paternity~~] parentage proceeding may not challenge the [~~paternity~~]
7893 parentage, unless:

7894 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;

7895 (b) the challenger can demonstrate by clear and convincing evidence that the challenger
7896 did not know about the adjudicatory proceeding or did not have a reasonable
7897 opportunity to know of the proceeding; and

7898 (c) there would be harm to the child to leave the order in place.

7899 (6) A party to an adjudication of [~~paternity~~] parentage may challenge the adjudication only
7900 under law of this state relating to appeal, vacation of judgments, or other judicial review.

7901 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the party
7902 committed the fraud.

7903 Section 146. Section **81-5-701**, which is renumbered from Section 78B-15-701 is renumbered
7904 and amended to read:

7905 **Part 7. Assisted Reproduction**

7906 **[~~78B-15-701~~] 81-5-701 . Scope.**

7907 This part does not apply to the birth of a child conceived by means of sexual intercourse[~~]~~
7908 or as result of a gestational agreement [~~as provided in~~] described in Part 8, Gestational
7909 Agreement.

7910 Section 147. Section **81-5-702**, which is renumbered from Section 78B-15-702 is renumbered
7911 and amended to read:

7912 **[~~78B-15-702~~] 81-5-702 . Parental status of donor.**

7913 A donor is not a parent of a child conceived by means of assisted reproduction.

7914 Section 148. Section **81-5-703**, which is renumbered from Section 78B-15-703 is renumbered
7915 and amended to read:

7916 **[78B-15-703] 81-5-703 . Husband's parentage of child of assisted reproduction.**

7917 If a husband provides sperm for, or consents to, assisted reproduction by his wife as
 7918 provided in Section ~~[78B-15-704, he]~~ 81-5-704, the husband is the father of a resulting child
 7919 born to his wife.

7920 Section 149. Section **81-5-704**, which is renumbered from Section 78B-15-704 is renumbered
 7921 and amended to read:

7922 **[78B-15-704] 81-5-704 . Consent to assisted reproduction.**

7923 (1)(a) A consent to assisted reproduction by a married woman must be in a record signed
 7924 by the woman and her husband.

7925 (b) ~~[This requirement]~~ The requirement described in Subsection (1)(a) does not apply to
 7926 the donation of eggs for assisted reproduction by another woman.

7927 (2) Failure of the husband to sign a consent required by Subsection (1), before or after the
 7928 birth of the child, does not preclude a finding that the husband is the father of a child
 7929 born to ~~[his wife if the wife and husband]~~ the married woman if the married woman and
 7930 the married woman's husband openly treat the child as their own.

7931 Section 150. Section **81-5-705**, which is renumbered from Section 78B-15-705 is renumbered
 7932 and amended to read:

7933 **[78B-15-705] 81-5-705 . Limitation on husband's dispute of paternity.**

7934 (1) Except as otherwise provided in Subsection (2), the husband of a wife who gives birth
 7935 to a child by means of assisted reproduction may not challenge ~~[his]~~ the husband's
 7936 paternity of the child unless:

7937 (a) within two years after learning of the birth of the child ~~[he]~~ the husband commences a
 7938 proceeding to adjudicate ~~[his]~~ the husband's paternity; and

7939 (b) the tribunal finds that ~~[he]~~ the spouse did not consent to the assisted reproduction,
 7940 before or after the birth of the child.

7941 (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal
 7942 determines that:

7943 (a) the husband did not provide sperm for, or before or after the birth of the child
 7944 consent to, assisted reproduction by ~~[his]~~ the husband's wife;

7945 (b) the husband and the birth mother of the child have not cohabited since the probable
 7946 time of assisted reproduction; and

7947 (c) the husband never openly treated the child as ~~[his]~~ the husband's own.

7948 (3) The limitation provided in this section applies to a marriage declared invalid after
 7949 assisted reproduction.

7950 Section 151. Section **81-5-706**, which is renumbered from Section 78B-15-706 is renumbered
7951 and amended to read:

7952 **[78B-15-706] 81-5-706 . Effect of dissolution of marriage.**

7953 (1) If a marriage is dissolved before placement of eggs, sperm, or an embryo, the former
7954 spouse is not a parent of the resulting child unless the former spouse consented in a
7955 record that if assisted reproduction were to occur after a divorce, the former spouse
7956 would be a parent of the child.

7957 (2) The consent of the former spouse to assisted reproduction may be revoked by that
7958 individual in a record at any time before placement of eggs, sperm, or embryos.

7959 Section 152. Section **81-5-707**, which is renumbered from Section 78B-15-707 is renumbered
7960 and amended to read:

7961 **[78B-15-707] 81-5-707 . Parental status of deceased spouse.**

7962 If a spouse dies before placement of eggs, sperm, or an embryo, the deceased spouse is
7963 not a parent of the resulting child unless the deceased spouse consented in a record that if
7964 assisted reproduction were to occur after death, the deceased spouse would be a parent of the
7965 child.

7966 Section 153. Section **81-5-708**, which is renumbered from Section 78B-15-708 is renumbered
7967 and amended to read:

7968 **[78B-15-708] 81-5-708 . Access to identifying information and medical history.**

7969 (1) A person conceived through assisted reproduction who is at least 18 years [of age] old
7970 shall be provided, upon the person's request, access to the nonidentifying medical history
7971 of the donor who assisted in the reproduction process that resulted in the person's birth.

7972 (2) Under no circumstance may a person who donated to a fertility clinic for the purpose of
7973 assisted reproduction be liable for financial support to the child conceived through
7974 assisted reproduction or the child's parent.

7975 (3) Except as provided in this section, a donor's request to remain anonymous shall be given
7976 full deference.

7977 Section 154. Section **81-5-801**, which is renumbered from Section 78B-15-801 is renumbered
7978 and amended to read:

7979 **Part 8. Gestational Agreement**

7980 **[78B-15-801] 81-5-801 . Gestational agreement authorized.**

7981 (1) A prospective gestational mother, the prospective gestational mother's spouse if the
7982 prospective gestational mother is married, a donor or the donors, and the intended
7983 parents may enter into a written agreement providing that:

- 7984 (a) the prospective gestational mother agrees to pregnancy by means of assisted
7985 reproduction;
- 7986 (b) the prospective gestational mother, the prospective gestational mother's spouse if the
7987 prospective gestational mother is married, and the donors relinquish all rights and
7988 duties as the parents of a child conceived through assisted reproduction; and
- 7989 (c) the intended parents become the parents of the child.
- 7990 (2) The intended gestational mother may not currently be receiving Medicaid or any other
7991 state assistance.
- 7992 (3)(a) The intended parents shall be married.
- 7993 (b) Both intended parents must be parties to the gestational agreement.
- 7994 (4) A gestational agreement is enforceable only if validated as provided in Section [
7995 78B-15-803] 81-5-803.
- 7996 (5) A gestational agreement does not apply:
- 7997 (a) to the birth of a child conceived by means of sexual intercourse; or
7998 (b) if neither intended parent is a donor.
- 7999 (6) The parties to a gestational agreement shall be 21 years old or older.
- 8000 (7) The gestational mother's eggs may not be used in the assisted reproduction procedure.
- 8001 (8) If the gestational mother is married, the gestational mother's spouse's sperm or eggs may
8002 not be used in the assisted reproduction procedure.

8003 Section 155. Section **81-5-802**, which is renumbered from Section 78B-15-802 is renumbered
8004 and amended to read:

8005 **[78B-15-802] 81-5-802 . Requirements of petition.**

- 8006 (1) The intended parents and the prospective gestational mother may file a petition in the
8007 district tribunal to validate a gestational agreement.
- 8008 (2) A petition to validate a gestational agreement may not be maintained unless either the
8009 mother or intended parents have been residents of this state for at least 90 days.
- 8010 (3) The prospective gestational mother's spouse, if the prospective gestational mother is
8011 married, must join in the petition.
- 8012 (4) A copy of the gestational agreement must be attached to the petition.

8013 Section 156. Section **81-5-803**, which is renumbered from Section 78B-15-803 is renumbered
8014 and amended to read:

8015 **[78B-15-803] 81-5-803 . Hearing to validate gestational agreement.**

- 8016 (1) If the requirements of Subsection (2) are satisfied, a tribunal may issue an order
8017 validating the gestational agreement and declaring that the intended parents will be the

- 8018 parents of a child born during the term of the agreement.
- 8019 (2) The tribunal may issue an order under Subsection (1) only on finding that:
- 8020 (a) the residence requirements of Section [~~78B-15-802~~] 81-8-802 have been satisfied and
- 8021 the parties have submitted to the jurisdiction of the tribunal under the jurisdictional
- 8022 standards of this part;
- 8023 (b) unless waived by the tribunal, a home study of the intended parents has been
- 8024 conducted in accordance with [~~Sections 78B-6-128 through 78B-6-131~~] Chapter 13,
- 8025 Part 4, Placement of a Minor Child or Vulnerable Adult for Adoption, and the
- 8026 intended parents meet the standards of fitness applicable to adoptive parents;
- 8027 (c) all parties have participated in counseling with a licensed mental health professional
- 8028 as evidenced by a certificate:
- 8029 (i) signed by the licensed mental health professional that affirms that all parties have
- 8030 discussed options and consequences of the agreement; and
- 8031 (ii) presented to the tribunal;
- 8032 (d) all parties have voluntarily entered into the agreement and understand the
- 8033 agreement's terms;
- 8034 (e) the prospective gestational mother has had at least one pregnancy and delivery and
- 8035 the prospective gestational mother's bearing another child will not pose an
- 8036 unreasonable health risk to the unborn child or to the physical or mental health of the
- 8037 prospective gestational mother;
- 8038 (f) adequate provision has been made for all reasonable health-care expense associated
- 8039 with the gestational agreement until the birth of the child, including responsibility for
- 8040 all reasonable health-care expense if the agreement is terminated;
- 8041 (g) the consideration, if any, paid to the prospective gestational mother is reasonable;
- 8042 (h) all the parties to the agreement are 21 years old or older;
- 8043 (i) the gestational mother's eggs are not being used in the assisted reproduction
- 8044 procedure; and
- 8045 (j) if the gestational mother is married, the gestational mother's spouse's sperm or eggs
- 8046 are not being used in the assisted reproduction procedure.
- 8047 (3) Whether to validate a gestational agreement is within the discretion of the tribunal,
- 8048 subject only to review for abuse of discretion.

8049 Section 157. Section **81-5-804**, which is renumbered from Section 78B-15-804 is renumbered

8050 and amended to read:

8051 **[~~78B-15-804~~] 81-5-804 . Inspection of records.**

8052 The proceedings, records, and identities of the individuals to a gestational agreement
8053 under this part are subject to inspection under the confidentiality standards applicable to
8054 adoptions as provided under other laws of this state.

8055 Section 158. Section **81-5-805**, which is renumbered from Section 78B-15-805 is renumbered
8056 and amended to read:

8057 **[78B-15-805] 81-5-805 . Exclusive, continuing jurisdiction.**

8058 Subject to the jurisdictional standards of Section [~~78B-13-201~~] 81-11-201, the tribunal
8059 conducting a proceeding under this part has exclusive, continuing jurisdiction of all matters
8060 arising out of the gestational agreement until a child born to the gestational mother during the
8061 period governed by the agreement attains the age of 180 days.

8062 Section 159. Section **81-5-806**, which is renumbered from Section 78B-15-806 is renumbered
8063 and amended to read:

8064 **[78B-15-806] 81-5-806 . Termination of gestational agreement.**

8065 (1) After issuance of an order under this part, but before the prospective gestational mother
8066 becomes pregnant by means of assisted reproduction, the prospective gestational mother,
8067 the prospective gestational mother's spouse, or either of the intended parents may
8068 terminate the gestational agreement only by giving written notice of termination to all
8069 other parties.

8070 (2) The tribunal for good cause shown also may terminate the gestational agreement.

8071 (3)(a) An individual who terminates an agreement shall file notice of the termination
8072 with the tribunal.

8073 (b) On receipt of the notice, the tribunal shall vacate the order issued under this part.

8074 (c) An individual who does not notify the tribunal of the termination of the agreement is
8075 subject to appropriate sanctions.

8076 (4) A prospective gestational mother, or the prospective gestational mother's spouse if
8077 married, is not liable to the intended parents for terminating an agreement [~~pursuant to~~]
8078 in accordance with this section.

8079 Section 160. Section **81-5-807**, which is renumbered from Section 78B-15-807 is renumbered
8080 and amended to read:

8081 **[78B-15-807] 81-5-807 . Parentage under validated gestational agreement.**

8082 (1)(a) Upon birth of a child to a gestational mother, the intended parents shall file notice
8083 with the tribunal that a child has been born to the gestational mother within 300 days
8084 after assisted reproduction.

8085 (b) [~~Thereupon~~] If the intended parents file a notice described in Subsection (1)(a), the

8086 tribunal shall issue an order:

8087 [(a)] (i) confirming that the intended parents are the parents of the child;

8088 [(b)] (ii) if necessary, ordering that the child be surrendered to the intended parents;

8089 and

8090 [(c)] (iii) directing the Office of Vital Records and Statistics to issue a birth certificate
8091 naming the intended parents as parents of the child.

8092 (2) If the parentage of a child born to the gestational mother is in dispute as not the result of
8093 an assisted reproduction, the tribunal shall order genetic testing to determine the
8094 parentage of the child.

8095 Section 161. Section **81-5-808**, which is renumbered from Section 78B-15-808 is renumbered
8096 and amended to read:

8097 **[78B-15-808] 81-5-808 . Gestational agreement -- Miscellaneous provisions.**

8098 (1) A gestational agreement may provide for payment of consideration.

8099 (2) A gestational agreement may not limit the right of the gestational mother to make
8100 decisions to safeguard the gestational mother's health or that of the embryo or fetus.

8101 (3) After the issuance of an order under this part, subsequent marriage of the gestational
8102 mother does not affect the validity of a gestational agreement, and the gestational
8103 mother's spouse's consent to the agreement is not required, nor is the gestational
8104 mother's spouse a presumed parent of the resulting child.

8105 Section 162. Section **81-5-809**, which is renumbered from Section 78B-15-809 is renumbered
8106 and amended to read:

8107 **[78B-15-809] 81-5-809 . Effect of nonvalidated gestational agreement.**

8108 (1) A gestational agreement, whether in a record or not, which is not validated by a tribunal
8109 is not enforceable.

8110 (2) If a birth results under a gestational agreement that is not judicially validated as
8111 provided in this part, the parent-child relationship is determined as provided in Part 2,
8112 Parent and Child Relationship.

8113 (3)(a) The individuals who are parties to a nonvalidated gestational agreement as
8114 intended parents may be held liable for support of the resulting child, even if the
8115 agreement is otherwise unenforceable.

8116 (b) The liability under this Subsection (3) includes assessing all expenses and fees as
8117 provided in Section ~~[78B-15-622]~~ 81-5-622.

8118 Section 163. Section **81-5-901**, which is renumbered from Section 78B-15-901 is renumbered
8119 and amended to read:

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Part 9. Applicability Provisions

~~[78B-15-901]~~ **81-5-901 . Uniformity of application and construction of this chapter.**

(1) This chapter is a uniform law.

(2) In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to [its] the uniform law's subject matter among the states that enact [it] this uniform law.

Section 164. Section **81-5-902**, which is renumbered from Section 78B-15-902 is renumbered and amended to read:

~~[78B-15-902]~~ **81-5-902 . Transitional provision.**

A proceeding to adjudicate parentage [~~which~~] that was commenced before May 1, 2005, is governed by the law in effect at the time the proceeding was commenced.

Section 165. Section **81-8-102**, which is renumbered from Section 78B-14-102 is renumbered and amended to read:

CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT

Part 1. General Provisions

~~[78B-14-102]~~ **81-8-102 . Definitions for chapter.**

As used in this chapter:

(1) "Alleged father" means the same as that term is defined in Section 81-5-102.

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

~~[(+)]~~ (3) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

~~[(2)]~~ (4) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(5) "Child support services agency" means a public official, governmental entity, or private agency authorized to:

(a) seek enforcement of support orders or laws relating to the duty of support;

(b) seek establishment or modification of child support;

(c) request determination of parentage of a child;

(d) attempt to locate obligors or their assets; or

(e) request determination of the controlling child support order.

~~[(3)]~~ (6) "Convention" means the convention on the International Recovery of Child Support

8153 and Other Forms of Family Maintenance, concluded at The Hague on November 23,
8154 2007.

8155 [(4)] (7) "Duty of support" means an obligation imposed or imposable by law to provide
8156 support for a child, spouse, or former spouse, including an unsatisfied obligation to
8157 provide support.

8158 [(5)] (8) "Foreign country" means a country, including a political subdivision thereof, other
8159 than the United States, that authorizes the issuance of support orders and:

8160 (a) which has been declared under the law of the United States to be a foreign
8161 reciprocating country;

8162 (b) which has established a reciprocal arrangement for child support with this state as
8163 provided in Section [78B-14-308] 81-8-308;

8164 (c) which has enacted a law or established procedures for the issuance and enforcement
8165 of support orders which are substantially similar to the procedures under this chapter;
8166 or

8167 (d) in which the convention is in force with respect to the United States.

8168 [(6)] (9) "Foreign support order" means a support order of a foreign tribunal.

8169 [(7)] (10)(a) "Foreign tribunal" means a court, administrative agency, or quasi-judicial
8170 entity of a foreign country which is authorized to establish, enforce, or modify
8171 support orders or to determine parentage of a child. [The term]

8172 (b) "Foreign tribunal" includes a competent authority under the convention.

8173 [(8)] (11) "Home state" means the state or foreign country in which a child lived with a
8174 parent or a person acting as parent for at least six consecutive months immediately
8175 preceding the time of filing of a petition or comparable pleading for support and, if a
8176 child is less than six months old, the state or foreign country in which the child lived
8177 from birth with any of them. A period of temporary absence of any of them is counted
8178 as part of the six-month or other period.

8179 [(9)] (12) "Income" includes earnings or other periodic entitlements to money from any
8180 source and any other property subject to withholding for support under the law of this
8181 state.

8182 [(10)] (13) "Income-withholding order" means an order or other legal process directed to an
8183 obligor's employer or other source of income as defined in Section 26B-9-101, to
8184 withhold support from the income of the obligor.

8185 [(11)] (14) "Initiating tribunal" means the tribunal of a state or foreign country from which a
8186 petition or comparable pleading is forwarded or in which a petition or comparable

- 8187 pleading is filed for forwarding to another state or foreign country.
- 8188 [(12)] (15) "Issuing foreign country" means the foreign country in which a tribunal issues a
8189 support order or a judgment determining parentage of a child.
- 8190 [(13)] (16) "Issuing state" means the state in which a tribunal issues a support order or a
8191 judgment determining parentage of a child.
- 8192 [(14)] (17) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
8193 support order or a judgment determining parentage of a child.
- 8194 [(15)] (18) "Law" includes decisional and statutory law and rules and regulations having the
8195 force of law.
- 8196 [(16)] (19) "Obligee" means:
- 8197 (a) an individual to whom a duty of support is or is alleged to be owed or in whose favor
8198 a support order or a judgment determining parentage of a child has been issued;
- 8199 (b) a foreign country, state, or political subdivision of a state to which the rights under a
8200 duty of support or support order have been assigned or which has independent claims
8201 based on financial assistance provided to an individual obligee in place of child
8202 support;
- 8203 (c) an individual seeking a judgment determining parentage of the individual's child; or
8204 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under
8205 Convention.
- 8206 [(17)] (20) "Obligor" means an individual who, or the estate of a decedent that:
- 8207 (a) owes or is alleged to owe a duty of support;
- 8208 (b) is alleged but has not been adjudicated to be a parent of a child;
- 8209 (c) is liable under a support order; or
8210 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.
- 8211 [(18)] (21) "Outside this state" means a location in another state or a country other than the
8212 United States, whether or not the country is a foreign country.
- 8213 [(19)] (22) "Person" means an individual, corporation, business trust, estate, trust,
8214 partnership, limited liability company, association, joint venture, government,
8215 governmental subdivision, agency, or instrumentality, public corporation, or any other
8216 legal or commercial entity.
- 8217 (23) "Presumed father" means the same as that term is defined in Section 81-5-102.
- 8218 [(20)] (24) "Record" means information that is inscribed on a tangible medium or that is
8219 stored in an electronic or other medium and is retrievable in perceivable form.
- 8220 [(21)] (25) "Register" means to file in a tribunal of this state a support order or judgment

- 8221 determining parentage of a child issued in another state or a foreign country.
- 8222 [(22)] (26) "Registering tribunal" means a tribunal in which a support order or judgment
8223 determining parentage of a child is registered.
- 8224 [(23)] (27) "Responding state" means a state in which a petition or comparable pleading for
8225 support or to determine parentage of a child is filed or to which a petition or comparable
8226 pleading is forwarded for filing from another state or a foreign country.
- 8227 [(24)] (28) "Responding tribunal" means the authorized tribunal in a responding state or
8228 foreign country.
- 8229 [(25)] (29) "Spousal support order" means a support order for a spouse or former spouse of
8230 the obligor.
- 8231 [(26)] (30)(a) "State" means a state of the United States, the District of Columbia, Puerto
8232 Rico, the United States Virgin Islands, or any territory or insular possession subject
8233 to the jurisdiction of the United States. [The term]
8234 (b) "State" includes an Indian nation or tribe.
- 8235 [(27) "Support enforcement agency" means a public official, governmental entity, or private
8236 agency authorized to:]
- 8237 [(a) seek enforcement of support orders or laws relating to the duty of support;]
8238 [(b) seek establishment or modification of child support;]
8239 [(c) request determination of parentage of a child;]
8240 [(d) attempt to locate obligors or their assets; or]
8241 [(e) request determination of the controlling child support order.]
- 8242 [(28)] (31)(a) "Support order" means a judgment, decree, order, decision, or directive,
8243 whether temporary, final, or subject to modification, issued in a state or foreign
8244 country for the benefit of a child, a spouse, or a former spouse, which provides for
8245 monetary support, health care, arrearages, retroactive support, or reimbursement for
8246 financial assistance provided to an individual obligee in place of child support. [The
8247 term may include]
- 8248 (b) "Support order" includes related costs and fees, interest, income withholding,
8249 automatic adjustment, reasonable attorney fees, and other relief.
- 8250 [(29)] (32) "Tribunal" means a court, administrative agency, or quasi-judicial entity
8251 authorized to establish, enforce, or modify support orders or to determine parentage of a
8252 child.
- 8253 Section 166. Section **81-8-103**, which is renumbered from Section 78B-14-103 is renumbered
8254 and amended to read:

8255 **[78B-14-103] 81-8-103 . State tribunal and child support services agency.**

8256 (1) [~~The district court~~] A court with jurisdiction under Title 78A, Judiciary and Judicial
8257 Administration, and the Utah Department of Health and Human Services are the
8258 tribunals of this state.

8259 (2) The Utah Department of Health and Human Services is the state [~~support enforcement~~
8260 ~~agency~~] child support services agency.

8261 Section 167. Section **81-8-104**, which is renumbered from Section 78B-14-104 is renumbered
8262 and amended to read:

8263 **[78B-14-104] 81-8-104 . Remedies cumulative.**

8264 (1) Remedies provided by this chapter are cumulative and do not affect the availability of
8265 remedies under other law or the recognition of a foreign support order on the basis of
8266 comity.

8267 (2) This chapter does not:

8268 (a) provide the exclusive method of establishing or enforcing a support order under the
8269 law of this state; or

8270 (b) grant a tribunal of this state jurisdiction to render judgment or issue an order relating
8271 to child custody or parent-time in a proceeding under this chapter.

8272 Section 168. Section **81-8-105**, which is renumbered from Section 78B-14-105 is renumbered
8273 and amended to read:

8274 **[78B-14-105] 81-8-105 . Application of chapter to residents of foreign countries**
8275 **and foreign support proceedings.**

8276 (1) A tribunal of this state shall apply Part 1, General Provisions, Part 2, Jurisdiction, Part 3,
8277 Civil Provisions of General Application, Part 4, Establishment of Support Order or
8278 Determination of Parentage, Part 5, Enforcement of Support Order Without Registration,
8279 and Part 6, Registration, Enforcement, and Modification of Support Order and, as
8280 applicable, Part 7, Support Proceedings Under Convention, to a support proceeding
8281 involving:

8282 (a) a foreign support order;

8283 (b) a foreign tribunal; or

8284 (c) an obligee, obligor, or child residing in a foreign country.

8285 (2) A tribunal of this state that is requested to recognize and enforce a support order on the
8286 basis of comity may apply the procedural and substantive provisions of Part 1, General
8287 Provisions, Part 2, Jurisdiction, Part 3, Civil Provisions of General Application, Part 4,
8288 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of

8289 Support Order Without Registration, and Part 6, Registration, Enforcement, and
8290 Modification of Support Order.

8291 (3)(a) Part 7, Support Proceedings Under Convention, applies only to a support
8292 proceeding under the convention.

8293 (b) In a proceeding, if a provision of Part 7, Support Proceedings Under Convention is
8294 inconsistent with Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Civil
8295 Provisions of General Application, Part 4, Establishment of Support Order or
8296 Determination of Parentage, Part 5, Enforcement of Support Order Without
8297 Registration, and Part 6, Registration, Enforcement, and Modification of Support
8298 Order, Part 7, Support Proceedings Under Convention, controls.

8299 Section 169. Section **81-8-201**, which is renumbered from Section 78B-14-201 is renumbered
8300 and amended to read:

8301 **Part 2. Jurisdiction**

8302 **[78B-14-201] 81-8-201 . Bases for jurisdiction over nonresident.**

- 8303 (1) In a proceeding to establish or enforce a support order or to determine parentage of a
8304 child, a tribunal of this state may exercise personal jurisdiction over a nonresident
8305 individual, or the individual's guardian or conservator, if:
- 8306 (a) the individual is personally served with notice within this state;
 - 8307 (b) the individual submits to the jurisdiction of this state by consent in a record, by
8308 entering a general appearance, or by filing a responsive document having the effect of
8309 waiving any contest to personal jurisdiction;
 - 8310 (c) the individual resided with the child in this state;
 - 8311 (d) the individual resided in this state and provided prenatal expenses or support for the
8312 child;
 - 8313 (e) the child resides in this state as a result of the acts or directives of the individual;
 - 8314 (f) the individual engaged in sexual intercourse in this state and the child may have been
8315 conceived by that act of intercourse;
 - 8316 (g) the individual asserted parentage of a child in the putative father registry maintained
8317 in this state by the ~~[state registrar of vital records in the Department of Health~~
8318 ~~pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act]~~ Office of Vital Records
8319 and Statistics in accordance with Chapter 13, Adoption; or
 - 8320 (h) there is any other basis consistent with the constitutions of this state and the United
8321 States for the exercise of personal jurisdiction.
- 8322 (2) The bases of personal jurisdiction set forth in Subsection (1) or in any other law of this

8323 state may not be used to acquire personal jurisdiction for a tribunal of this state to
 8324 modify a child support order of another state unless the requirements of Section [
 8325 ~~78B-14-611~~] 81-8-611 are met, or, in the case of a foreign support order, unless the
 8326 requirements of Section [~~78B-14-615~~] 81-8-615 are met.

8327 Section 170. Section **81-8-202**, which is renumbered from Section 78B-14-202 is renumbered
 8328 and amended to read:

8329 **~~[78B-14-202]~~ 81-8-202 . Duration of personal jurisdiction.**

8330 Personal jurisdiction acquired by a tribunal of this state in a proceeding under this
 8331 chapter or other law of this state relating to a support order continues as long as a tribunal of
 8332 this state has continuing, exclusive jurisdiction to modify [its] the tribunal's order or continuing
 8333 jurisdiction to enforce [its] the tribunal's order [~~as provided by Sections 78B-14-205,~~
 8334 ~~78B-14-206, and 78B-14-211~~] as described in Sections 81-8-205, 81-8-206, and 81-8-211.

8335 Section 171. Section **81-8-203**, which is renumbered from Section 78B-14-203 is renumbered
 8336 and amended to read:

8337 **~~[78B-14-203]~~ 81-8-203 . Initiating and responding tribunal of state.**

8338 Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward
 8339 proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated
 8340 in another state or a foreign country.

8341 Section 172. Section **81-8-204**, which is renumbered from Section 78B-14-204 is renumbered
 8342 and amended to read:

8343 **~~[78B-14-204]~~ 81-8-204 . Simultaneous proceedings in another state.**

8344 (1) A tribunal of this state may exercise jurisdiction to establish a support order if the
 8345 petition or comparable pleading is filed after a pleading is filed in another state or a
 8346 foreign country only if:

- 8347 (a) the petition or comparable pleading in this state is filed before the expiration of the
 8348 time allowed in the other state or the foreign country for filing a responsive pleading
 8349 challenging the exercise of jurisdiction by the other state or the foreign country;
- 8350 (b) the contesting party timely challenges the exercise of jurisdiction in the other state or
 8351 the foreign country; and
- 8352 (c) if relevant, this state is the home state of the child.

8353 (2) A tribunal of this state may not exercise jurisdiction to establish a support order if the
 8354 petition or comparable pleading is filed before a petition or comparable pleading is filed
 8355 in another state or a foreign country if:

- 8356 (a) the petition or comparable pleading in the other state or foreign country is filed

8357 before the expiration of the time allowed in this state for filing a responsive pleading
8358 challenging the exercise of jurisdiction by this state;

8359 (b) the contesting party timely challenges the exercise of jurisdiction in this state; and

8360 (c) if relevant, the other state or foreign country is the home of the child.

8361 Section 173. Section **81-8-205**, which is renumbered from Section 78B-14-205 is renumbered
8362 and amended to read:

8363 **~~[78B-14-205]~~ 81-8-205 . Continuing, exclusive jurisdiction to modify child
8364 support order.**

8365 (1) A tribunal of this state that has issued a child support order consistent with the law of
8366 this state has and shall exercise continuing, exclusive jurisdiction to modify its child
8367 support order if the order is the controlling order, and:

8368 (a) at the time of the filing of a request for modification, this state is the residence of the
8369 obligor, the individual obligee, or the child for whose benefit the support order is
8370 issued; or

8371 (b) even if this state is not the residence of the obligor, the individual obligee, or the
8372 child for whose benefit the support order is issued, the parties consent in a record or
8373 in open court that the tribunal of this state may continue to exercise jurisdiction to
8374 modify ~~[its]~~ the tribunal order.

8375 (2) A tribunal of this state that has issued a child support order consistent with the law of
8376 this state may not exercise continuing, exclusive jurisdiction to modify the order if:

8377 (a) all of the parties who are individuals file consent in a record with the tribunal of this
8378 state that a tribunal of another state that has jurisdiction over at least one of the
8379 parties who is an individual or that is located in the state of residence of the child
8380 may modify the order and assume continuing, exclusive jurisdiction; or

8381 (b) ~~[its]~~ the tribunal's order is not the controlling order.

8382 (3) If a tribunal of another state has issued a child support order ~~[pursuant to]~~ in accordance
8383 with the Uniform Interstate Family Support Act or a law substantially similar to the act, [
8384 which] that modifies a child support order of a tribunal of this state, ~~[tribunals]~~ a tribunal
8385 of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the
8386 other state.

8387 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child
8388 support order may serve as an initiating tribunal to request a tribunal of another state to
8389 modify a support order issued in that state.

8390 (5) A temporary support order issued ex parte or pending resolution of a jurisdictional

8391 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

8392 Section 174. Section **81-8-206**, which is renumbered from Section 78B-14-206 is renumbered
8393 and amended to read:

8394 **[78B-14-206] 81-8-206 . Continuing jurisdiction to enforce child support order.**

8395 (1) A tribunal of this state that has issued a child support order consistent with the law of
8396 this state may serve as an initiating tribunal to request a tribunal of another state to
8397 enforce:

8398 (a) the order if the order is the controlling order and has not been modified by a tribunal
8399 of another state that assumed jurisdiction [~~pursuant to~~] in accordance with the
8400 Uniform Interstate Family Support Act; or

8401 (b) a money judgment for arrears of support and interest on the order accrued before a
8402 determination that an order of a tribunal of another state is the controlling order.

8403 (2) A tribunal of this state having continuing jurisdiction over a support order may act as a
8404 responding tribunal to enforce the order.

8405 Section 175. Section **81-8-207**, which is renumbered from Section 78B-14-207 is renumbered
8406 and amended to read:

8407 **[78B-14-207] 81-8-207 . Determination of controlling child-support order.**

8408 (1) If a proceeding is brought under this chapter and only one tribunal has issued a child
8409 support order, the order of that tribunal controls and shall be so recognized.

8410 (2) If a proceeding is brought under this chapter, and two or more child support orders have
8411 been issued by tribunals of this state, another state, or a foreign country with regard to
8412 the same obligor and same child, a tribunal of this state having personal jurisdiction over
8413 both the obligor and individual obligee shall apply the following rules and by order shall
8414 determine which order controls and shall be recognized:

8415 (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this
8416 chapter, the order of that tribunal controls.

8417 (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under
8418 this chapter, an order issued by a tribunal in the current home state of the child
8419 controls, or if an order has not been issued in the current home state of the child, the
8420 order most recently issued controls.

8421 (c) If none of the tribunals would have continuing, exclusive jurisdiction under this
8422 chapter, the tribunal of this state shall issue a child support order, which controls.

8423 (3)(a) If two or more child support orders have been issued for the same obligor and
8424 same child, upon request of a party who is an individual or that is a [support

- 8425 enforcement] child support services agency, a tribunal of this state having personal
8426 jurisdiction over both the obligor and the obligee who is an individual shall determine
8427 which order controls under Subsection (2).
- 8428 (b) The request under Subsection (3)(a) may be filed with a registration for enforcement
8429 or registration for modification pursuant to Part 6, Registration, Enforcement, and
8430 Modification of Support Order, or may be filed as a separate proceeding.
- 8431 (4)(a) A request to determine which is the controlling order shall be accompanied by a
8432 copy of every child support order in effect and the applicable record of payments.
- 8433 (b) The requesting party shall give notice of the request to each party whose rights may
8434 be affected by the determination.
- 8435 (5) The tribunal that issued the controlling order under Subsection (1), (2), or (3) has
8436 continuing jurisdiction to the extent provided in Section [~~78B-14-205 or 78B-14-206~~]
8437 81-8-205 or 81-8-206.
- 8438 (6) A tribunal of this state that determines by order which is the controlling order under
8439 Subsection (2)(a), (b), or (3) that issues a new controlling order under Subsection (2)(c),
8440 shall state in that order:
- 8441 (a) the basis upon which the tribunal made [its] the tribunal's determination;
8442 (b) the amount of prospective support, if any; and
8443 (c) the total amount of consolidated arrears and accrued interest, if any, under all of the
8444 orders after all payments made are credited as provided by Section [~~78B-14-209~~]
8445 81-8-209.
- 8446 (7)(a) Within 30 days after issuance of an order determining which is the controlling
8447 order, the party obtaining the order shall file a certified copy of [it] the order in each
8448 tribunal that issued or registered an earlier order of child support.
- 8449 (b) A party or [~~support enforcement~~] child support services agency obtaining the order
8450 that fails to file a certified copy is subject to appropriate sanctions by a tribunal in
8451 which the issue of failure to file arises.
- 8452 (c) The failure to file does not affect the validity or enforceability of the controlling
8453 order.
- 8454 (8) An order that has been determined to be the controlling order, or a judgment for
8455 consolidated arrears of support and interest, if any, made [~~pursuant to~~] in accordance with
8456 this section shall be recognized in proceedings under this chapter.
- 8457 Section 176. Section **81-8-208**, which is renumbered from Section 78B-14-208 is renumbered
8458 and amended to read:

8459 **[78B-14-208] 81-8-208 . Child support orders for two or more obligees.**

8460 In responding to registrations or petitions for enforcement of two or more child support
8461 orders in effect at the same time with regard to the same obligor and different individual
8462 obligees, at least one of which was issued by a tribunal of another state or a foreign country, a
8463 tribunal of this state shall enforce those orders in the same manner as if the orders had been
8464 issued by a tribunal of this state.

8465 Section 177. Section **81-8-209**, which is renumbered from Section 78B-14-209 is renumbered
8466 and amended to read:

8467 **[78B-14-209] 81-8-209 . Credit for payments.**

8468 A tribunal of this state shall credit amounts collected for a particular period pursuant to
8469 any child support order against the amounts owed for the same period under any other child
8470 support order for support of the same child issued by a tribunal of this or another state or
8471 foreign country.

8472 Section 178. Section **81-8-210**, which is renumbered from Section 78B-14-210 is renumbered
8473 and amended to read:

8474 **[78B-14-210] 81-8-210 . Application of chapter to nonresident subject to personal**
8475 **jurisdiction.**

8476 (1) A tribunal of this state exercising personal jurisdiction over a nonresident in a
8477 proceeding under this chapter, under other law of this state relating to a support order, or
8478 recognizing a foreign support order may:

8479 (a) receive evidence from outside this state [~~pursuant to Section 78B-14-316;~~] in
8480 accordance with Section 81-8-316;

8481 (b) communicate with a tribunal outside this state [~~pursuant to Section 78B-14-317;~~] in
8482 accordance with Section 81-8-317; and

8483 (c) obtain discovery through a tribunal outside this state [~~pursuant to Section 78B-14-318]~~
8484 in accordance with Section 81-8-318.

8485 (2) In all other respects, Part 3, Civil Provisions of General Application, Part 4,
8486 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of
8487 Support Order Without Registration, and Part 6, Registration, Enforcement, and
8488 Modification of Support Order, do not apply and the tribunal shall apply the procedural
8489 and substantive law of this state.

8490 Section 179. Section **81-8-211**, which is renumbered from Section 78B-14-211 is renumbered
8491 and amended to read:

8492 **[78B-14-211] 81-8-211 . Continuing, exclusive jurisdiction to modify spousal**

8493 **support order.**

- 8494 (1) A tribunal of this state issuing a spousal support order consistent with the law of this
8495 state has continuing, exclusive jurisdiction to modify the spousal support order
8496 throughout the existence of the support obligation.
- 8497 (2) A tribunal of this state may not modify a spousal support order issued by a tribunal of
8498 another state or foreign country having continuing, exclusive jurisdiction over that order
8499 under the law of that state or foreign country.
- 8500 (3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support
8501 order may serve as:
- 8502 (a) an initiating tribunal to request a tribunal of another state to enforce the spousal
8503 support order issued in this state; or
- 8504 (b) a responding tribunal to enforce or modify [its] the tribunal's own spousal support
8505 order.

8506 Section 180. Section **81-8-301**, which is renumbered from Section 78B-14-301 is renumbered
8507 and amended to read:

8508 **Part 3. Civil Provisions of General Application**

8509 **[78B-14-301] 81-8-301 . Proceedings under chapter.**

- 8510 (1) Except as otherwise provided in this chapter, this part applies to all proceedings under
8511 this chapter.
- 8512 (2) An individual petitioner or a [~~support enforcement~~] child support services agency may
8513 initiate a proceeding authorized under this chapter by filing a petition in an initiating
8514 tribunal for forwarding to a responding tribunal or by filing a petition or a comparable
8515 pleading directly in a tribunal of another state or a foreign country [~~which~~] that has or
8516 can obtain personal jurisdiction over the respondent.

8517 Section 181. Section **81-8-302**, which is renumbered from Section 78B-14-302 is renumbered
8518 and amended to read:

8519 **[78B-14-302] 81-8-302 . Action by parent who is under 18 years old.**

8520 A [~~minor parent~~] parent who is under 18 years old, or a guardian or other legal
8521 representative of [~~a minor~~] the parent, may maintain a proceeding on behalf of or for the benefit
8522 of the [~~minor's~~] parent's child.

8523 Section 182. Section **81-8-303**, which is renumbered from Section 78B-14-303 is renumbered
8524 and amended to read:

8525 **[78B-14-303] 81-8-303 . Application of law of state.**

8526 Except as otherwise provided in this chapter, a responding tribunal of this state shall:

- 8527 (1) apply the procedural and substantive law generally applicable to similar proceedings
 8528 originating in this state and may exercise all powers and provide all remedies available
 8529 in those proceedings; and
 8530 (2) determine the duty of support and the amount payable in accordance with the law and
 8531 support guidelines of this state.

8532 Section 183. Section **81-8-304**, which is renumbered from Section 78B-14-304 is renumbered
 8533 and amended to read:

8534 **[78B-14-304] 81-8-304 . Duties of initiating tribunal.**

- 8535 (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state
 8536 shall forward the petition and its accompanying documents:
 8537 (a) to the responding tribunal or appropriate [~~support enforcement~~] child support services
 8538 agency in the responding state; or
 8539 (b) if the identity of the responding tribunal is unknown, to the state information agency
 8540 of the responding state with a request that they be forwarded to the appropriate
 8541 tribunal and that receipt be acknowledged.

8542 (2)(a) If requested by the responding tribunal, a tribunal of this state shall issue a
 8543 certificate or other document and make findings required by the law of the
 8544 responding state.

8545 (b) If the responding tribunal is in a foreign country, upon request, the tribunal of this
 8546 state shall specify the amount of support sought, convert that amount into the
 8547 equivalent amount in the foreign currency under applicable official or market
 8548 exchange rate as publicly reported, and provide any other documents necessary to
 8549 satisfy the requirements of the responding foreign tribunal.

8550 Section 184. Section **81-8-305**, which is renumbered from Section 78B-14-305 is renumbered
 8551 and amended to read:

8552 **[78B-14-305] 81-8-305 . Duties and powers of responding tribunal.**

- 8553 (1) When a responding tribunal of this state receives a petition or comparable pleading from
 8554 an initiating tribunal or directly [~~pursuant to Subsection 78B-14-301(2), it~~] in accordance
 8555 with Subsection 81-8-301(2), the responding tribunal shall cause the petition or pleading
 8556 to be filed and notify the petitioner where and when [it] the petition or pleading was filed.
 8557 (2) A responding tribunal of this state, to the extent not prohibited by other law, may do one
 8558 or more of the following:
 8559 (a) establish or enforce a support order, modify a child support order, determine the
 8560 controlling child support order, or determine parentage of a child;

- 8561 (b) order an obligor to comply with a support order, specifying the amount and the
8562 manner of compliance;
- 8563 (c) order income withholding;
- 8564 (d) determine the amount of any arrearages and specify a method of payment;
- 8565 (e) enforce orders by civil or criminal contempt, or both;
- 8566 (f) set aside property for satisfaction of the support order;
- 8567 (g) place liens and order execution on the obligor's property;
- 8568 (h) order an obligor to keep the tribunal informed of the obligor's current residential
8569 address, electronic mail address, telephone number, employer, address of
8570 employment, and telephone number at the place of employment;
- 8571 (i) issue a bench warrant for an obligor who has failed after proper notice to appear at a
8572 hearing ordered by the tribunal and enter the bench warrant in any local and state
8573 computer systems for criminal warrants;
- 8574 (j) order the obligor to seek appropriate employment by specified methods;
- 8575 (k) award reasonable attorney fees and other fees and costs; and
- 8576 (l) grant any other available remedy.
- 8577 (3) A responding tribunal of this state shall include in a support order issued under this
8578 chapter, or in the documents accompanying the order, the calculations on which the
8579 support order is based.
- 8580 (4) A responding tribunal of this state may not condition the payment of a support order
8581 issued under this chapter upon compliance by a party with provisions for parent-time.
- 8582 (5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall
8583 send a copy of the order to the petitioner and the respondent and to the initiating
8584 tribunal, if any.
- 8585 (6) If requested to enforce a support order, arrears, or judgment or modify a support order
8586 stated in a foreign currency, a responding tribunal of this state shall convert the amount
8587 stated in the foreign currency to the equivalent amount in dollars under the applicable
8588 official or market exchange rate as publicly reported.

8589 Section 185. Section **81-8-306**, which is renumbered from Section 78B-14-306 is renumbered
8590 and amended to read:

8591 **[78B-14-306] 81-8-306 . Inappropriate tribunal.**

8592 If a petition or comparable pleading is received by an inappropriate tribunal of this state,
8593 the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal
8594 in this state or another state and notify the petitioner where and when the pleading was sent.

8595 Section 186. Section **81-8-307**, which is renumbered from Section 78B-14-307 is renumbered
8596 and amended to read:

8597 ~~[78B-14-307]~~ **81-8-307 . Duties of child support services agency.**

8598 (1) A ~~[support-enforcement]~~ child support services agency of this state, upon request, shall
8599 provide services to a petitioner in a proceeding under this chapter.

8600 (2) A ~~[support-enforcement]~~ child support services agency of this state that is providing
8601 services to the petitioner shall:

8602 (a) take all steps necessary to enable an appropriate tribunal of this state, another state,
8603 or a foreign country to obtain jurisdiction over the respondent;

8604 (b) request an appropriate tribunal to set a date, time, and place for a hearing;

8605 (c) make a reasonable effort to obtain all relevant information, including information as
8606 to income and property of the parties;

8607 (d) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
8608 notice in a record from an initiating, responding, or registering tribunal, send a copy
8609 of the notice to the petitioner;

8610 (e) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
8611 communication in a record from the respondent or the respondent's attorney, send a
8612 copy of the communication to the petitioner; and

8613 (f) notify the petitioner if jurisdiction over the respondent cannot be obtained.

8614 (3) A ~~[support-enforcement]~~ child support services agency of this state that requests
8615 registration of a child support order in this state for enforcement or for modification
8616 shall make reasonable efforts:

8617 (a) to ensure that the order to be registered is the controlling order; or

8618 (b) if two or more child support orders exist and the identity of the controlling order has
8619 not been determined, to ensure that a request for such a determination is made in a
8620 tribunal having jurisdiction to do so.

8621 (4) A ~~[support-enforcement]~~ child support services agency of this state that requests
8622 registration and enforcement of a support order, arrears, or judgment stated in a foreign
8623 currency shall convert the amounts stated in the foreign currency into the equivalent
8624 amounts in dollars under the applicable official or market exchange rate as publicly
8625 reported.

8626 (5) A ~~[support-enforcement]~~ child support services agency of this state shall issue or request
8627 a tribunal of this state to issue a child support order and an income-withholding order
8628 that redirects payment of current support, arrears, and interest if requested to do so by a [

8629 support enforcement] child support services agency of another state [pursuant to Section
8630 78B-14-319] in accordance with Section 81-8-319.

8631 (6) This chapter does not create or negate a relationship of attorney and client or other
8632 fiduciary relationship between a [~~support enforcement~~] child support services agency or
8633 the attorney for the agency and the individual being assisted by the agency.

8634 Section 187. Section **81-8-308**, which is renumbered from Section 78B-14-308 is renumbered
8635 and amended to read:

8636 **[78B-14-308] 81-8-308 . Duty of attorney general.**

8637 (1) If the attorney general determines that the [~~support enforcement~~] child support services
8638 agency is neglecting or refusing to provide services to an individual, the attorney general
8639 may order the agency to perform [its] the agency's duties under this chapter or may
8640 provide those services directly to the individual.

8641 (2) The attorney general may determine that a foreign country has established a reciprocal
8642 arrangement for child support with this state and take appropriate action for notification
8643 of the determination.

8644 Section 188. Section **81-8-309**, which is renumbered from Section 78B-14-309 is renumbered
8645 and amended to read:

8646 **[78B-14-309] 81-8-309 . Private counsel.**

8647 An individual may employ private counsel to represent the individual in proceedings
8648 authorized by this chapter.

8649 Section 189. Section **81-8-310**, which is renumbered from Section 78B-14-310 is renumbered
8650 and amended to read:

8651 **[78B-14-310] 81-8-310 . Duties of state information agency.**

8652 (1) The Office of Recovery Services is the state information agency under this chapter.

8653 (2) The state information agency shall:

8654 (a) compile and maintain a current list, including addresses, of the tribunals in this state
8655 which have jurisdiction under this chapter and any support enforcement agencies in
8656 this state and transmit a copy to the state information agency of every other state;

8657 (b) maintain a register of names and addresses of tribunals and support enforcement
8658 agencies received from other states;

8659 (c) forward to the appropriate tribunal in the county in this state in which the obligee
8660 who is an individual or the obligor resides, or in which the obligor's property is
8661 believed to be located, all documents concerning a proceeding under this chapter
8662 received from another state or a foreign country; and

8663 (d) obtain information concerning the location of the obligor and the obligor's property
8664 within this state not exempt from execution, by such means as postal verification and
8665 federal or state locator services, examination of telephone directories, requests for the
8666 obligor's address from employers, and examination of governmental records,
8667 including, to the extent not prohibited by law, those relating to real property, vital
8668 statistics, law enforcement, taxation, motor vehicles, driver licenses, and Social
8669 Security.

8670 Section 190. Section **81-8-311**, which is renumbered from Section 78B-14-311 is renumbered
8671 and amended to read:

8672 **~~[78B-14-311]~~ 81-8-311 . Pleadings and accompanying documents.**

8673 (1)(a) In a proceeding under this chapter, a petitioner seeking to establish a support
8674 order, to determine parentage of a child, or to register and modify a support order of a
8675 tribunal of another state or a foreign country shall file a petition.

8676 (b) Unless otherwise ordered under Section ~~[78B-14-312]~~ 81-8-312, the petition or
8677 accompanying documents shall provide, so far as known, the name, residential
8678 address, and ~~[Social Security]~~ social security numbers of the obligor and the obligee
8679 or the parent and alleged parent, and the name, sex, residential address, ~~[Social~~
8680 ~~Security]~~ social security number, and date of birth of each child for whose benefit
8681 support is sought or whose parentage is to be determined.

8682 (c) Unless filed at the time of registration, the petition shall be accompanied by a copy
8683 of any support order known to have been issued by another tribunal.

8684 (d) The petition may include any other information that may assist in locating or
8685 identifying the respondent.

8686 (2)(a) The petition shall specify the relief sought.

8687 (b) The petition and accompanying documents shall conform substantially with the
8688 requirements imposed by the forms mandated by federal law for use in cases filed by
8689 a ~~[support enforcement]~~ child support services agency.

8690 Section 191. Section **81-8-312**, which is renumbered from Section 78B-14-312 is renumbered
8691 and amended to read:

8692 **~~[78B-14-312]~~ 81-8-312 . Nondisclosure of information in exceptional**
8693 **circumstances.**

8694 (1) If a party alleges in an affidavit or a pleading under oath that the health, safety, or
8695 liberty of a party or child would be jeopardized by disclosure of specific identifying
8696 information, that information must be sealed and may not be disclosed to the other party

8697 or the public.

8698 (2) After a hearing in which a tribunal takes into consideration the health, safety, or liberty
8699 of the party or child, the tribunal may order disclosure of information that the tribunal
8700 determines to be in the interest of justice.

8701 Section 192. Section **81-8-313**, which is renumbered from Section 78B-14-313 is renumbered
8702 and amended to read:

8703 **~~[78B-14-313]~~ 81-8-313 . Costs and fees.**

8704 (1) The petitioner may not be required to pay a filing fee or other costs.

8705 (2)(a) If an obligee prevails, a responding tribunal of this state may assess against an
8706 obligor filing fees, reasonable attorney fees, other costs, and necessary travel and
8707 other reasonable expenses incurred by the obligee and the obligee's witnesses.

8708 (b) The tribunal may not assess fees, costs, or expenses against the obligee or the [
8709 ~~support enforcement~~] child support services agency of either the initiating or the
8710 responding state or a foreign country, except as provided by law.

8711 (c) Attorney fees may be taxed as costs, and may be ordered paid directly to the
8712 attorney, who may enforce the order in the attorney's own name.

8713 (d) Payment of support owed to the obligee has priority over fees, costs, and expenses.

8714 (3)(a) The tribunal shall order the payment of costs and reasonable attorney fees if it
8715 determines that a hearing was requested primarily for delay.

8716 (b) In a proceeding under Part 6, Registration, Enforcement, and Modification of
8717 Support Order, a hearing is presumed to have been requested primarily for delay if a
8718 registered support order is confirmed or enforced without change.

8719 Section 193. Section **81-8-314**, which is renumbered from Section 78B-14-314 is renumbered
8720 and amended to read:

8721 **~~[78B-14-314]~~ 81-8-314 . Limited immunity of petitioner.**

8722 (1) Participation by a petitioner in a proceeding under this chapter before a responding
8723 tribunal, whether in person, by private attorney, or through services provided by the [
8724 ~~support enforcement~~] child support services agency, does not confer personal jurisdiction
8725 over the petitioner in another proceeding.

8726 (2) A petitioner is not amenable to service of civil process while physically present in this
8727 state to participate in a proceeding under this chapter.

8728 (3) The immunity granted by this section does not extend to civil litigation based on acts
8729 unrelated to a proceeding under this chapter committed by a party while present in this
8730 state to participate in the proceeding.

8731 Section 194. Section **81-8-315**, which is renumbered from Section 78B-14-315 is renumbered
8732 and amended to read:

8733 **[78B-14-315] 81-8-315 . Nonparentage as defense.**

8734 A party whose parentage of a child has been previously determined by or pursuant to
8735 law may not plead nonparentage as a defense to a proceeding under this chapter.

8736 Section 195. Section **81-8-316**, which is renumbered from Section 78B-14-316 is renumbered
8737 and amended to read:

8738 **[78B-14-316] 81-8-316 . Special rules of evidence and procedure.**

8739 (1) The physical presence of a nonresident party who is an individual in a tribunal of this
8740 state is not required for the establishment, enforcement, or modification of a support
8741 order or the rendition of a judgment determining parentage of a child.

8742 (2) An affidavit, a document substantially complying with federally mandated forms, or a
8743 document incorporated by reference in any of them, which would not be excluded under
8744 the hearsay rule if given in person, is admissible in evidence if given under penalty of
8745 perjury by a party or witness residing outside this state.

8746 (3)(a) A copy of the record of child support payments certified as a true copy of the
8747 original by the custodian of the record may be forwarded to a responding tribunal.

8748 (b) The copy is evidence of facts asserted in it and is admissible to show whether
8749 payments were made.

8750 (4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health
8751 care of the birth mother and child, furnished to the adverse party at least 10 days before
8752 trial, are admissible in evidence to prove the amount of the charges billed and that the
8753 charges were reasonable, necessary, and customary.

8754 (5) Documentary evidence transmitted from outside this state to a tribunal of this state by
8755 telephone, telecopier, or other electronic means that do not provide an original record
8756 may not be excluded from evidence on an objection based on the means of transmission.

8757 (6)(a) In a proceeding under this chapter, a tribunal of this state shall permit a party or
8758 witness residing outside this state to be deposed or to testify under penalty of perjury
8759 by telephone, audiovisual means, or other electronic means at a designated tribunal or
8760 other location.

8761 (b) A tribunal of this state shall cooperate with other tribunals in designating an
8762 appropriate location for the deposition or testimony.

8763 (7) If a party called to testify at a civil hearing refuses to answer on the ground that the
8764 testimony may be self-incriminating, the trier of fact may draw an adverse inference

8765 from the refusal.

8766 (8) A privilege against disclosure of communications between spouses does not apply in a
8767 proceeding under this chapter.

8768 (9) The defense of immunity based on the relationship of husband and wife or parent and
8769 child does not apply in a proceeding under this chapter.

8770 (10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to
8771 establish parentage of the child.

8772 Section 196. Section **81-8-317**, which is renumbered from Section 78B-14-317 is renumbered
8773 and amended to read:

8774 **~~[78B-14-317]~~ 81-8-317 . Communications between tribunals.**

8775 (1) A tribunal of this state may communicate with a tribunal outside this state in a
8776 record, or by telephone, electronic mail, or other means, to obtain information
8777 concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and
8778 the status of a proceeding.

8779 (2) A tribunal of this state may furnish similar information by similar means to a tribunal
8780 outside this state.

8781 Section 197. Section **81-8-318**, which is renumbered from Section 78B-14-318 is renumbered
8782 and amended to read:

8783 **~~[78B-14-318]~~ 81-8-318 . Assistance with discovery.**

8784 A tribunal of this state may:

8785 (1) request a tribunal outside this state to assist in obtaining discovery; and

8786 (2) upon request, compel a person over whom it has jurisdiction to respond to a discovery
8787 order issued by a tribunal outside this state.

8788 Section 198. Section **81-8-319**, which is renumbered from Section 78B-14-319 is renumbered
8789 and amended to read:

8790 **~~[78B-14-319]~~ 81-8-319 . Receipt and disbursement of payments.**

8791 (1)(a) A ~~[support enforcement]~~ child support services agency or tribunal of this state
8792 shall disburse promptly any amounts received pursuant to a support order, as directed
8793 by the order.

8794 (b) The agency or tribunal shall furnish to a requesting party or tribunal of another state
8795 or a foreign country a certified statement by the custodian of the record of the
8796 amounts and dates of all payments received.

8797 (2) If neither the obligor, nor the obligee who is an individual, nor the child resides in this
8798 state, upon request from the ~~[support enforcement]~~ child support services agency of this

- 8799 state or another state, the Office of Recovery Services or a tribunal of this state shall:
- 8800 (a) direct that the support payment be made to the [~~support enforcement~~] child support
- 8801 services agency in the state in which the obligee is receiving services; and
- 8802 (b) issue and send to the obligor's employer a conforming income-withholding order or
- 8803 an administrative notice of change of payee, reflecting the redirected payments.
- 8804 (3) The [~~support enforcement~~] child support services agency of this state receiving
- 8805 redirected payments from another state pursuant to a law similar to Subsection (2) shall
- 8806 furnish to a requesting party or tribunal of the other state a certified statement by the
- 8807 custodian of the record of the amount and dates of all payments received.

8808 Section 199. Section **81-8-401**, which is renumbered from Section 78B-14-401 is renumbered

8809 and amended to read:

8810 **Part 4. Establishment of Support Order or Determination of Parentage**

8811 **~~[78B-14-401]~~ 81-8-401 . Establishment of support order.**

- 8812 (1) If a support order entitled to recognition under this chapter has not been issued, a
- 8813 responding tribunal of this state with personal jurisdiction over the parties may issue a
- 8814 support order if:
- 8815 (a) the individual seeking the order resides outside this state; or
- 8816 (b) the [~~support enforcement~~] child support services agency seeking the order is located
- 8817 outside this state.
- 8818 (2) The tribunal may issue a temporary child support order if the tribunal determines that an
- 8819 order is appropriate and the individual ordered to pay is:
- 8820 (a) a presumed father of the child;
- 8821 (b) petitioning to have [~~his paternity~~] the individual's parentage adjudicated;
- 8822 (c) identified as the father of the child through genetic testing;
- 8823 (d) an alleged father who has declined to submit to genetic testing;
- 8824 (e) shown by clear and convincing evidence to be the father of the child;
- 8825 (f) [~~an acknowledged~~] a declarant father, as defined in Section 81-5-102, determined in
- 8826 accordance with [~~Title 78B, Chapter 15, Part 3, Voluntary Declaration of Paternity~~
- 8827 Act] Chapter 5, Part 3, Voluntary Declaration of Paternity;
- 8828 (g) the birth mother of the child; or
- 8829 (h) an individual who has been ordered to pay child support in a previous proceeding
- 8830 and the order has not been reversed or vacated.
- 8831 (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of
- 8832 support, the tribunal shall issue a support order directed to the obligor and may issue

8833 other orders [~~pursuant to Section 78B-14-305~~] in accordance with Section 81-8-305.

8834 Section 200. Section **81-8-402**, which is renumbered from Section 78B-14-402 is renumbered
8835 and amended to read:

8836 **[~~78B-14-402~~] 81-8-402 . Proceeding to determine parentage.**

8837 A tribunal of this state authorized to determine parentage of a child may serve as a
8838 responding tribunal in a proceeding to determine parentage brought under this chapter or a law
8839 or procedure substantially similar to this chapter.

8840 Section 201. Section **81-8-501**, which is renumbered from Section 78B-14-501 is renumbered
8841 and amended to read:

8842 **Part 5. Enforcement of Support Order Without Registration**

8843 **[~~78B-14-501~~] 81-8-501 . Employer's receipt of income-withholding order of**
8844 **another state.**

8845 An income-withholding order issued in another state may be sent by or on behalf of the
8846 obligee, or by the [~~support-enforcement~~] child support services agency, to the person defined as
8847 the obligor's employer under Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,
8848 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases, without first filing a
8849 petition or comparable pleading or registering the order with a tribunal of this state.

8850 Section 202. Section **81-8-502**, which is renumbered from Section 78B-14-502 is renumbered
8851 and amended to read:

8852 **[~~78B-14-502~~] 81-8-502 . Employer's compliance with income-withholding order**
8853 **of another state.**

8854 (1) Upon receipt of an income-withholding order, the obligor's employer shall immediately
8855 provide a copy of the order to the obligor.

8856 (2) The employer shall treat an income-withholding order issued in another state which
8857 appears regular on its face as if it had been issued by a tribunal of this state.

8858 (3) Except as otherwise provided in Subsection (4) and Section [~~78B-14-503~~] 81-8-503, the
8859 employer shall withhold and distribute the funds as directed in the withholding order by
8860 complying with terms of the order which specify:

8861 (a) the duration and amount of periodic payments of current child support, stated as a
8862 sum certain;

8863 (b) the person designated to receive payments and the address to which the payments are
8864 to be forwarded;

8865 (c) medical support, whether in the form of periodic cash payment, stated as a sum
8866 certain, or ordering the obligor to provide health [~~insurance~~] care coverage for the

- 8867 child under a policy available through the obligor's employment;
- 8868 (d) the amount of periodic payments of fees and costs for a [~~support-enforcement~~] child
- 8869 support services agency, the issuing tribunal, and the obligee's attorney, stated as
- 8870 sums certain; and
- 8871 (e) the amount of periodic payments of arrearages and interest on arrearages, stated as
- 8872 sums certain.
- 8873 (4) An employer shall comply with the law of the state of the obligor's principal place of
- 8874 employment for withholding from income with respect to:
- 8875 (a) the employer's fee for processing an income withholding order;
- 8876 (b) the maximum amount permitted to be withheld from the obligor's income; and
- 8877 (c) the times within which the employer must implement the withholding order and
- 8878 forward the child support payment.

8879 Section 203. Section **81-8-503**, which is renumbered from Section 78B-14-503 is renumbered

8880 and amended to read:

8881 **[78B-14-503] 81-8-503 . Employer's compliance with two or more**

8882 **income-withholding orders.**

8883 If an obligor's employer receives two or more income-withholding orders with respect to

8884 the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the

8885 employer complies with the law of the state of the obligor's principal place of employment to

8886 establish the priorities for the withholding and allocating income withheld for two or more

8887 child support obligees.

8888 Section 204. Section **81-8-504**, which is renumbered from Section 78B-14-504 is renumbered

8889 and amended to read:

8890 **[78B-14-504] 81-8-504 . Immunity from civil liability.**

8891 An employer that complies with an income withholding order issued in another state in

8892 accordance with this part is not subject to civil liability to an individual or agency with regard

8893 to the employer's withholding of child support from the obligor's income.

8894 Section 205. Section **81-8-505**, which is renumbered from Section 78B-14-505 is renumbered

8895 and amended to read:

8896 **[78B-14-505] 81-8-505 . Penalties for noncompliance.**

8897 An employer that willfully fails to comply with an income withholding order issued in

8898 another state and received for enforcement is subject to the same penalties that may be

8899 imposed for noncompliance with an order issued by a tribunal of this state.

8900 Section 206. Section **81-8-506**, which is renumbered from Section 78B-14-506 is renumbered

8901 and amended to read:

8902 **[78B-14-506] 81-8-506 . Contest by obligor.**

- 8903 (1) An obligor may contest the validity or enforcement of an income-withholding order
 8904 issued in another state and received directly by an employer in this state by registering
 8905 the order in a tribunal of this state and filing a contest to that order as provided in Part 6,
 8906 Registration, Enforcement, and Modification of Support Order, or otherwise contesting
 8907 the order in the same manner as if the order had been issued by a tribunal of this state.
- 8908 (2) The obligor shall give notice of the contest to:
- 8909 (a) a ~~[support-enforcement]~~ child support services agency providing services to the
 8910 obligee;
- 8911 (b) each employer that has directly received an income-withholding order relating to the
 8912 obligor; and
- 8913 (c) the person designated to receive payments in the income-withholding order or if no
 8914 person is designated, to the obligee.

8915 Section 207. Section **81-8-507**, which is renumbered from Section 78B-14-507 is renumbered
 8916 and amended to read:

8917 **[78B-14-507] 81-8-507 . Administrative enforcement of orders.**

- 8918 (1) A party or ~~[support-enforcement]~~ child support services agency seeking to enforce a
 8919 support order or an income-withholding order, or both, issued in another state, or
 8920 seeking to enforce a foreign support order, may send the documents required for
 8921 registering the order to a ~~[support-enforcement]~~ child support services agency of this
 8922 state.
- 8923 (2)(a)(i) Upon receipt of the documents, the ~~[support-enforcement]~~ child support
 8924 services agency, without initially seeking to register the order, shall consider and,
 8925 if appropriate, use any administrative procedure authorized by the law of this state
 8926 to enforce a support order or an income-withholding order, or both.
- 8927 (ii) If the obligor does not contest administrative enforcement, the order need not be
 8928 registered.
- 8929 (b) If the obligor contests the validity or administrative enforcement of the order, the [
 8930 ~~support-enforcement]~~ child support services agency shall register the order [~~pursuant~~
 8931 ~~to~~] in accordance with this chapter.

8932 Section 208. Section **81-8-601**, which is renumbered from Section 78B-14-601 is renumbered
 8933 and amended to read:

8934 **Part 6. Registration, Enforcement, and Modification of Support Order**

8935 **[78B-14-601] 81-8-601 . Registration of order for enforcement.**

8936 A support order or income-withholding order issued in another state, or a foreign
8937 support order, may be registered in this state for enforcement.

8938 Section 209. Section **81-8-602**, which is renumbered from Section 78B-14-602 is renumbered
8939 and amended to read:

8940 **[78B-14-602] 81-8-602 . Procedure to register order for enforcement.**

8941 (1) Except as otherwise provided in Section [78B-14-706] 81-8-706, a support order or
8942 income-withholding order of another state, or a foreign support order, may be registered
8943 in this state by sending the following records to the appropriate tribunal in this state:

- 8944 (a) a letter of transmittal to the tribunal requesting registration and enforcement;
8945 (b) two copies, including one certified copy, of the order to be registered, including any
8946 modification of the order;
8947 (c) a sworn statement by the person requesting registration or a certified statement by the
8948 custodian of the records showing the amount of any arrearage;
8949 (d) the name of the obligor and, if known:
8950 (i) the obligor's address and [Social Security] social security number;
8951 (ii) the name and address of the obligor's employer and any other source of income of
8952 the obligor; and
8953 (iii) a description and the location of property of the obligor in this state not exempt
8954 from execution; and
8955 (e) except as otherwise provided in Section [78B-14-312] 81-8-312, the name and
8956 address of the obligee and, if applicable, the person to whom support payments are to
8957 be remitted.

8958 (2) On receipt of a request for registration, the registering tribunal shall cause the order to
8959 be filed as an order of a tribunal of another state, or a foreign support order, together
8960 with one copy of the documents and information, regardless of their form.

8961 (3)(a) A petition or comparable pleading seeking a remedy that shall be affirmatively
8962 sought under law of this state may be filed at the same time as the request for
8963 registration or later.

8964 (b) The pleading shall specify the grounds for the remedy sought.

8965 (4) If two or more orders are in effect, the person requesting registration shall:

- 8966 (a) furnish to the tribunal a copy of every support order asserted to be in effect in
8967 addition to the documents specified in this section;
8968 (b) specify the order alleged to be the controlling order, if any; and

8969 (c) specify the amount of consolidated arrears, if any.

8970 (5)(a) A request for a determination of which is the controlling order may be filed
8971 separately or with a request for registration and enforcement or for registration and
8972 modification.

8973 (b) The person requesting registration shall give notice of the request to each party
8974 whose rights may be affected by the determination.

8975 Section 210. Section **81-8-603**, which is renumbered from Section 78B-14-603 is renumbered
8976 and amended to read:

8977 **[78B-14-603] 81-8-603 . Effect of registration for enforcement.**

8978 (1) A support order or income-withholding order issued in another state, or a foreign
8979 support order, is registered when the order is filed in the registering tribunal of this state.

8980 (2) A registered support order issued in another state or a foreign country is enforceable in
8981 the same manner and is subject to the same procedures as an order issued by a tribunal
8982 of this state.

8983 (3) Except as otherwise provided in this chapter, a tribunal of this state shall recognize and
8984 enforce, but may not modify, a registered support order if the issuing tribunal had
8985 jurisdiction.

8986 Section 211. Section **81-8-604**, which is renumbered from Section 78B-14-604 is renumbered
8987 and amended to read:

8988 **[78B-14-604] 81-8-604 . Choice of law.**

8989 (1) Except as otherwise provided in Subsection (4), the law of the issuing state or foreign
8990 country governs:

8991 (a) the nature, extent, amount, and duration of current payments under a registered
8992 support order;

8993 (b) the computation and payment of arrearages and accrual of interest on the arrearages
8994 under the support order; and

8995 (c) the existence and satisfaction of other obligations under the support order.

8996 (2) In a proceeding for arrears under a registered support order, the statute of limitation of
8997 this state or of the issuing state or foreign country, whichever is longer, applies.

8998 (3) A responding tribunal of this state shall apply the procedures and remedies of this state
8999 to enforce current support and collect arrears and interest due on a support order of
9000 another state or a foreign country registered in this state.

9001 (4) After a tribunal of this or another state determines which is the controlling order and
9002 issues an order consolidating arrears, if any, a tribunal of this state shall prospectively

9003 apply the law of the state or foreign country issuing the controlling order, including its
 9004 law on interest on arrears, on current and future support, and on consolidated arrears.

9005 Section 212. Section **81-8-605**, which is renumbered from Section 78B-14-605 is renumbered
 9006 and amended to read:

9007 **[78B-14-605] 81-8-605 . Notice of registration of order.**

9008 (1)(a) When a support order or income-withholding order issued in another state, or a
 9009 foreign support order, is registered, the registering tribunal of this state shall notify
 9010 the nonregistering party.

9011 (b) The notice shall be accompanied by a copy of the registered order and the documents
 9012 and relevant information accompanying the order.

9013 (2) A notice shall inform the nonregistering party:

9014 (a) that a registered order is enforceable as of the date of registration in the same manner
 9015 as an order issued by a tribunal of this state;

9016 (b) that a hearing to contest the validity or enforcement of the registered order shall be
 9017 requested within 20 days after notice, unless the registered order is under Section [
 9018 ~~78B-14-707~~] 81-8-707;

9019 (c) that failure to contest the validity or enforcement of the registered order in a timely
 9020 manner will result in confirmation of the order and enforcement of the order and the
 9021 alleged arrearages; and

9022 (d) of the amount of any alleged arrearages.

9023 (3) If the registering party asserts that two or more orders are in effect, a notice shall also:

9024 (a) identify the two or more orders and the order alleged by the registering party to be
 9025 the controlling order and the consolidated arrears, if any;

9026 (b) notify the nonregistering party of the right to a determination of which is the
 9027 controlling order;

9028 (c) state that the procedures provided in Subsection (2) apply to the determination of
 9029 which is the controlling order; and

9030 (d) state that failure to contest the validity or enforcement of the order alleged to be the
 9031 controlling order in a timely manner may result in confirmation that the order is the
 9032 controlling order.

9033 (4) Upon registration of an income-withholding order for enforcement, the [support
 9034 enforcement] child support services agency or the registering tribunal shall notify the
 9035 obligor's employer [~~pursuant to~~] in accordance with Title 26B, Chapter 9, Part 3, Income
 9036 Withholding in IV-D Cases.

9037 Section 213. Section **81-8-606**, which is renumbered from Section 78B-14-606 is renumbered
9038 and amended to read:

9039 **~~[78B-14-606]~~ 81-8-606 . Procedure to contest validity or enforcement of**
9040 **registered support order.**

9041 (1)(a) A nonregistering party seeking to contest the validity or enforcement of a
9042 registered support order in this state shall request a hearing within the time required
9043 by Section ~~[78B-14-605]~~ 81-8-605.

9044 (b) The nonregistering party may seek to vacate the registration, to assert any defense to
9045 an allegation of noncompliance with the registered order, or to contest the remedies
9046 being sought or the amount of any alleged arrearages pursuant to Section ~~[78B-14-607]~~
9047 81-8-607.

9048 (2) If the nonregistering party fails to contest the validity or enforcement of the registered
9049 support order in a timely manner, the order is confirmed by operation of law.

9050 (3) If a nonregistering party requests a hearing to contest the validity or enforcement of the
9051 registered support order, the registering tribunal shall schedule the matter for hearing
9052 and give notice to the parties of the date, time, and place of the hearing.

9053 Section 214. Section **81-8-607**, which is renumbered from Section 78B-14-607 is renumbered
9054 and amended to read:

9055 **~~[78B-14-607]~~ 81-8-607 . Contest of registration or enforcement.**

9056 (1) A party contesting the validity or enforcement of a registered support order or seeking
9057 to vacate the registration has the burden of proving one or more of the following
9058 defenses:

9059 (a) the issuing tribunal lacked personal jurisdiction over the contesting party;

9060 (b) the order was obtained by fraud;

9061 (c) the order has been vacated, suspended, or modified by a later order;

9062 (d) the issuing tribunal has stayed the order pending appeal;

9063 (e) there is a defense under the law of this state to the remedy sought;

9064 (f) full or partial payment has been made;

9065 (g) the statute of limitation under Section ~~[78B-14-604]~~ 81-8-604 precludes enforcement
9066 of some or all of the alleged arrearages; or

9067 (h) the alleged controlling order is not the controlling order.

9068 (2)(a) If a party presents evidence establishing a full or partial defense under Subsection
9069 (1), a tribunal may stay enforcement of a registered support order, continue the
9070 proceeding to permit production of additional relevant evidence, and issue other

9071 appropriate orders.

9072 (b) An uncontested portion of the registered support order may be enforced by all
9073 remedies available under the law of this state.

9074 (3) If the contesting party does not establish a defense under Subsection (1) to the validity
9075 or enforcement of a registered support order, the registering tribunal shall issue an order
9076 confirming the order.

9077 Section 215. Section **81-8-608**, which is renumbered from Section 78B-14-608 is renumbered
9078 and amended to read:

9079 **[78B-14-608] 81-8-608 . Confirmed order.**

9080 Confirmation of a registered support order, whether by operation of law or after notice
9081 and hearing, precludes further contest of the order with respect to any matter that could have
9082 been asserted at the time of registration.

9083 Section 216. Section **81-8-609**, which is renumbered from Section 78B-14-609 is renumbered
9084 and amended to read:

9085 **[78B-14-609] 81-8-609 . Procedure to register child support order of another**
9086 **state for modification.**

9087 (1) A party or [~~support enforcement~~] child support services agency seeking to modify,
9088 or to modify and enforce, a child support order issued in another state shall register that
9089 order in this state in the same manner provided in Sections [~~78B-14-601 through~~
9090 ~~78B-14-608~~] 81-8-601 through 81-8-608 if the order has not been registered.

9091 (2) A petition for modification may be filed at the same time as a request for registration, or
9092 later.

9093 (3) The pleading shall specify the grounds for modification.

9094 Section 217. Section **81-8-610**, which is renumbered from Section 78B-14-610 is renumbered
9095 and amended to read:

9096 **[78B-14-610] 81-8-610 . Effect of registration for modification.**

9097 A tribunal of this state may enforce a child support order of another state registered for
9098 purposes of modification, in the same manner as if the order had been issued by a tribunal of
9099 this state, but the registered support order may be modified only if the requirements of Section [
9100 ~~78B-14-611 or 78B-14-613~~] 81-8-611 or 81-8-613 have been met.

9101 Section 218. Section **81-8-611**, which is renumbered from Section 78B-14-611 is renumbered
9102 and amended to read:

9103 **[78B-14-611] 81-8-611 . Modification of child support order of another state.**

9104 (1) If Section [~~78B-14-613~~] 81-8-613 does not apply, upon petition a tribunal of this state

- 9105 may modify a child support order issued in another state which is registered in this state
9106 if, after notice and hearing, the tribunal finds that:
- 9107 (a) the following requirements are met:
- 9108 (i) neither the child, nor the obligee who is an individual, nor the obligor resides in
9109 the issuing state;
- 9110 (ii) a petitioner who is a nonresident of this state seeks modification; and
- 9111 (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state;
9112 or
- 9113 (b) this state is the residence of the child, or a party who is an individual, is subject to
9114 the personal jurisdiction of the tribunal of this state and all of the parties who are
9115 individuals have filed consents in a record in the issuing tribunal for a tribunal of this
9116 state to modify the support order and assume continuing, exclusive jurisdiction.
- 9117 (2) Modification of a registered child support order is subject to the same requirements,
9118 procedures, and defenses that apply to the modification of an order issued by a tribunal
9119 of this state and the order may be enforced and satisfied in the same manner.
- 9120 (3)(a) A tribunal of this state may not modify any aspect of a child support order that
9121 may not be modified under the law of the issuing state, including the duration of the
9122 obligation of support.
- 9123 (b) If two or more tribunals have issued child support orders for the same obligor and
9124 same child, the order that controls and shall be so recognized under Section [
9125 ~~78B-14-207~~] 81-8-207 establishes the aspects of the support order [~~which~~] that are
9126 nonmodifiable.
- 9127 (4)(a) In a proceeding to modify a child support order, the law of the state that is
9128 determined to have issued the initial controlling order governs the duration of the
9129 obligation of support.
- 9130 (b) The obligor's fulfillment of the duty of support established by that order precludes
9131 imposition of a further obligation of support by a tribunal of this state.
- 9132 (5) On issuance of an order by a tribunal of this state modifying a child support order issued
9133 in another state, the tribunal of this state becomes the tribunal of continuing, exclusive
9134 jurisdiction.
- 9135 (6) Notwithstanding Subsections (1) through (5) and Subsection [~~78B-14-201(2)~~]
9136 81-8-201(2), a tribunal of this state retains jurisdiction to modify an order issued by a
9137 tribunal of this state if:
- 9138 (a) one party resides in another state; and

9139 (b) the other party resides outside the United States.

9140 Section 219. Section **81-8-612**, which is renumbered from Section 78B-14-612 is renumbered
9141 and amended to read:

9142 **[78B-14-612] 81-8-612 . Recognition of order modified in another state.**

9143 If a child support order issued by a tribunal of this state is modified by a tribunal of
9144 another state that assumed jurisdiction [~~pursuant to~~] in accordance with the Uniform Interstate
9145 Family Support Act, a tribunal of this state:

9146 (1) may enforce [~~its~~] the tribunal's order that was modified only as to arrears and interest
9147 accruing before the modification;

9148 (2) may provide appropriate relief for violations of [~~its~~] the tribunal's order which occurred
9149 before the effective date of the modification; and

9150 (3) shall recognize the modifying order of the other state, upon registration, for the purpose
9151 of enforcement.

9152 Section 220. Section **81-8-613**, which is renumbered from Section 78B-14-613 is renumbered
9153 and amended to read:

9154 **[78B-14-613] 81-8-613 . Jurisdiction to modify child support order of another**
9155 **state when individual parties reside in this state.**

9156 (1) If all of the parties who are individuals reside in this state and the child does not reside
9157 in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the
9158 issuing state's child support order in a proceeding to register that order.

9159 (2) A tribunal of this state exercising jurisdiction under this section shall apply the
9160 provisions of this part, Part 1, General Provisions, and Part 2, Jurisdiction, and the
9161 procedural and substantive law of this state to the proceeding for enforcement or
9162 modification. Part 3, Civil Provisions of General Application, Part 4, Establishment of
9163 Support Order or Determination of Parentage, Part 5, Enforcement of Support Order
9164 Without Registration, Part 7, Support Proceedings Under Convention, and Part 8,
9165 Rendition, do not apply.

9166 Section 221. Section **81-8-614**, which is renumbered from Section 78B-14-614 is renumbered
9167 and amended to read:

9168 **[78B-14-614] 81-8-614 . Notice to issuing tribunal of modification.**

9169 (1) Within 30 days after issuance of a modified child support order, the party obtaining
9170 the modification shall file a certified copy of the order with the issuing tribunal that had
9171 continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which
9172 the party knows the earlier order has been registered.

9173 (2) A party who obtains the order and fails to file a certified copy is subject to appropriate
9174 sanctions by a tribunal in which the issue of failure to file arises.

9175 (3) The failure to file does not affect the validity or enforceability of the modified order of
9176 the new tribunal having continuing, exclusive jurisdiction.

9177 Section 222. Section **81-8-615**, which is renumbered from Section 78B-14-615 is renumbered
9178 and amended to read:

9179 **~~[78B-14-615]~~ 81-8-615 . Jurisdiction to modify child support order of foreign
9180 country.**

9181 (1) Except as otherwise provided in Section ~~[78B-14-711]~~ 81-8-711, if a foreign country
9182 lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its
9183 laws, a tribunal of this state may assume jurisdiction to modify the child support order
9184 and bind all individuals subject to the personal jurisdiction of the tribunal whether or not
9185 the consent to modification of a child support order otherwise required of the individual [
9186 ~~pursuant to Section 78B-14-611]~~ in accordance with Section 81-8-611 has been given or
9187 whether the individual seeking modification is a resident of this state or of the foreign
9188 country.

9189 (2) An order issued by a tribunal of this state modifying a foreign child support order [
9190 ~~pursuant to]~~ in accordance with this section is the controlling order.

9191 Section 223. Section **81-8-616**, which is renumbered from Section 78B-14-616 is renumbered
9192 and amended to read:

9193 **~~[78B-14-616]~~ 81-8-616 . Procedure to register child support order of foreign
9194 country for modification.**

9195 (1) A party or ~~[support enforcement]~~ child support services agency seeking to modify,
9196 or to modify and enforce, a foreign child support order not under the convention may
9197 register that order in this state under Sections ~~[78B-14-601 through 78B-14-608]~~
9198 81-8-601 through 81-8-608 if the order has not been registered.

9199 (2) A petition for modification may be filed at the same time as a request for registration, or
9200 at another time.

9201 (3) The petition shall specify the grounds for modification.

9202 Section 224. Section **81-8-701**, which is renumbered from Section 78B-14-701.5 is renumbered
9203 and amended to read:

9204 **Part 7. Support Proceedings Under Convention**

9205 **~~[78B-14-701.5]~~ 81-8-701 . Definitions for part.**

9206 As used in this part:

- 9207 (1) "Application" means a request under the convention by an obligee or obligor, or on
9208 behalf of a child, made through a central authority for assistance from another central
9209 authority.
- 9210 (2) "Central authority" means the entity designated by the United States or a foreign
9211 country described in Subsection [~~78B-14-102(5)(d)~~] 81-8-102(8)(d) to perform the
9212 functions specified in the convention.
- 9213 (3) "Convention support order" means a support order of a tribunal of a foreign country
9214 described in Subsection [~~78B-14-102(5)(d)~~] 81-8-102(8)(d).
- 9215 (4) "Direct request" means a petition filed by an individual in a tribunal of this state in a
9216 proceeding involving an obligee, obligor, or child residing outside the United States.
- 9217 (5) "Foreign central authority" means the entity designated by a foreign country described
9218 in Subsection [~~78B-14-102(5)(d)~~] 81-8-102(8)(d) to perform the functions specified in
9219 the convention.
- 9220 (6) "Foreign support agreement":
- 9221 (a) means an agreement for support in a record that:
- 9222 (i) is enforceable as a support order in the country of origin;
- 9223 (ii) has been:
- 9224 (A) formally drawn up or registered as an authentic instrument by a foreign
9225 tribunal; or
- 9226 (B) authenticated by, or concluded, registered, or filed with a foreign tribunal; and
- 9227 (iii) may be reviewed and modified by a foreign tribunal; and
- 9228 (b) includes a maintenance arrangement or authentic instrument under the convention.
- 9229 (7) "United States central authority" means the Secretary of the United States Department
9230 of Health and Human Services.
- 9231 Section 225. Section **81-8-702**, which is renumbered from Section 78B-14-702 is renumbered
9232 and amended to read:
- 9233 **[~~78B-14-702~~] 81-8-702 . Applicability.**
- 9234 (1) This part applies only to a support proceeding under the convention.
- 9235 (2) In such a proceeding, if a provision of this part is inconsistent with Part 1, General
9236 Provisions, Part 2, Jurisdiction, Part 3, Civil Provisions of General Application, Part 4,
9237 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of
9238 Support Order Without Registration, and Part 6, Registration, Enforcement, and
9239 Modification of Support Order, this part controls.
- 9240 Section 226. Section **81-8-703**, which is renumbered from Section 78B-14-703 is renumbered

9241 and amended to read:

9242 **[78B-14-703] 81-8-703 . Relationship of Department of Health and Human**
 9243 **Services to United States central authority.**

9244 The Utah Department of Health and Human Services is recognized as the agency
 9245 designated by the United States central authority to perform specific functions under the
 9246 convention.

9247 Section 227. Section **81-8-704**, which is renumbered from Section 78B-14-704 is renumbered
 9248 and amended to read:

9249 **[78B-14-704] 81-8-704 . Initiation by Department of Health and Human Services**
 9250 **of support proceeding under convention.**

9251 (1) In a support proceeding under this part, the Utah Department of Health and Human
 9252 Services shall:

9253 (a) transmit and receive applications; and

9254 (b) initiate or facilitate the institution of a proceeding regarding an application in a
 9255 tribunal of this state.

9256 (2) The following support proceedings are available to an obligee under the convention:

9257 (a) recognition or recognition and enforcement of a foreign support order;

9258 (b) enforcement of a support order issued or recognized in this state;

9259 (c) establishment of a support order if there is no existing order, including, if necessary,
 9260 determination of parentage of a child;

9261 (d) establishment of a support order if recognition of a foreign support order is refused
 9262 under Subsection ~~[78B-14-708(2)(b)]~~ **81-8-708(2)(b)**, (d), or (i);

9263 (e) modification of a support order of a tribunal of this state; and

9264 (f) modification of a support order of a tribunal of another state or a foreign country.

9265 (3) The following support proceedings are available under the convention to an obligor
 9266 against which there is an existing support order:

9267 (a) recognition of an order suspending or limiting enforcement of an existing support
 9268 order of a tribunal of this state;

9269 (b) modification of a support order of a tribunal of this state; and

9270 (c) modification of a support order of a tribunal of another state or a foreign country.

9271 (4) A tribunal of this state may not require security, bond, or deposit, however described, to
 9272 guarantee the payment of costs and expenses in proceedings under the convention.

9273 Section 228. Section **81-8-705**, which is renumbered from Section 78B-14-705 is renumbered
 9274 and amended to read:

9275 **[78B-14-705] 81-8-705 . Direct request.**

9276 (1)(a) A petitioner may file a direct request seeking establishment or modification of a
 9277 support order or determination of parentage of a child.

9278 (b) In the proceeding, the law of this state applies.

9279 (2)(a) A petitioner may file a direct request seeking recognition and enforcement of a
 9280 support order or support agreement.

9281 (b) In the proceeding, Sections ~~[78B-14-706 through 78B-14-713]~~ 81-8-706 through
 9282 81-8-713 apply.

9283 (3) In a direct request for recognition and enforcement of a convention support order or
 9284 foreign support agreement:

9285 (a) a security, bond, or deposit is not required to guarantee the payment of costs and
 9286 expenses; and

9287 (b) an obligee or obligor that in the issuing country has benefitted from free legal
 9288 assistance is entitled to benefit, at least to the same extent, from any free legal
 9289 assistance provided for by the law of this state under the same circumstances.

9290 (4) A petitioner filing a direct request is not entitled to assistance from the ~~[Department of~~
 9291 ~~Human Services]~~ Utah Department of Health and Human Services.

9292 (5) This part does not prevent the application of laws of this state that provide simplified,
 9293 more expeditious rules regarding a direct request for recognition and enforcement of a
 9294 foreign support order or foreign support agreement.

9295 Section 229. Section **81-8-706**, which is renumbered from Section 78B-14-706 is renumbered
 9296 and amended to read:

9297 **[78B-14-706] 81-8-706 . Registration of convention support order.**

9298 (1) Except as otherwise provided in this part, a party who is an individual or a ~~[support~~
 9299 ~~enforcement]~~ child support services agency seeking recognition of a convention support
 9300 order shall register the order in this state as provided in Part 6, Registration,
 9301 Enforcement, and Modification of Support Order.

9302 (2) Notwithstanding Section ~~[78B-14-311]~~ 81-8-311 and Subsection ~~[78B-14-602(1)]~~
 9303 81-8-602(1), a request for registration of a convention support order shall be
 9304 accompanied by:

9305 (a) a complete text of the support order or an abstract or extract of the support order
 9306 drawn up by the issuing foreign tribunal, which may be in the form recommended by
 9307 the Hague Conference on Private International Law;

9308 (b) a record stating that the support order is enforceable in the issuing country;

- 9309 (c) if the respondent did not appear and was not represented in the proceedings in the
9310 issuing country, a record attesting, as appropriate, either that the respondent had
9311 proper notice of the proceedings and an opportunity to be heard or that the
9312 respondent had proper notice of the support order and an opportunity to be heard in a
9313 challenge or appeal on fact or law before a tribunal;
- 9314 (d) a record showing the amount of arrears, if any, and the date the amount was
9315 calculated;
- 9316 (e) a record showing a requirement for automatic adjustment of the amount of support, if
9317 any, and the information necessary to make the appropriate calculations; and
- 9318 (f) if necessary, a record showing the extent to which the applicant received free legal
9319 assistance in the issuing country.

9320 (3) A request for registration of a convention support order may seek recognition and
9321 partial enforcement of the order.

9322 (4) A tribunal of this state may vacate the registration of a convention support order without
9323 the filing of a contest under Section ~~[78B-14-707]~~ 81-8-707 only if, acting on its own
9324 motion, the tribunal finds that recognition and enforcement of the order would be
9325 manifestly incompatible with public policy.

9326 (5) The tribunal shall promptly notify the parties of the registration or the order vacating the
9327 registration of a convention support order.

9328 Section 230. Section **81-8-707**, which is renumbered from Section 78B-14-707 is renumbered
9329 and amended to read:

9330 **~~[78B-14-707]~~ 81-8-707 . Contest of registered convention support order.**

9331 (1) Except as otherwise provided in this part, Sections ~~[78B-14-605 through 78B-14-608]~~
9332 81-8-605 through 81-8-608 apply to a contest of a registered convention support order.

9333 (2) A party contesting a registered convention support order shall file a contest not later
9334 than 30 days after notice of the registration, but if the contesting party does not reside in
9335 the United States, the contest shall be filed not later than 60 days after notice of the
9336 registration.

9337 (3) If the nonregistering party fails to contest the registered convention support order by the
9338 time specified in Subsection (2), the order is enforceable.

9339 (4)(a) A contest of a registered convention support order may be based only on grounds
9340 set forth in Section ~~[78B-14-708]~~ 81-8-708.

9341 (b) The contesting party bears the burden of proof.

9342 (5) In a contest of a registered convention support order, a tribunal of this state:

9343 (a) is bound by the findings of fact on which the foreign tribunal based its jurisdiction;
9344 and

9345 (b) may not review the merits of the order.

9346 (6) A tribunal of this state deciding a contest of a registered convention support order shall
9347 promptly notify the parties of [its] the tribunal's decision.

9348 (7) A challenge or appeal, if any, does not stay the enforcement of a convention support
9349 order unless there are exceptional circumstances.

9350 Section 231. Section **81-8-708**, which is renumbered from Section 78B-14-708 is renumbered
9351 and amended to read:

9352 **[78B-14-708] 81-8-708 . Recognition and enforcement of registered convention**
9353 **support order.**

9354 (1) Except as otherwise provided in Subsection (2), a tribunal of this state shall recognize
9355 and enforce a registered convention support order.

9356 (2) The following grounds are the only grounds on which a tribunal of this state may refuse
9357 recognition and enforcement of a registered convention support order:

9358 (a) recognition and enforcement of the order is manifestly incompatible with public
9359 policy, including the failure of the issuing tribunal to observe minimum standards of
9360 due process, which include notice and an opportunity to be heard;

9361 (b) the issuing tribunal lacked personal jurisdiction consistent with Section ~~[78B-14-201]~~
9362 81-8-201;

9363 (c) the order is not enforceable in the issuing country;

9364 (d) the order was obtained by fraud in connection with a matter of procedure;

9365 (e) a record transmitted in accordance with Section ~~[78B-14-706]~~ 81-8-706 lacks
9366 authenticity or integrity;

9367 (f) a proceeding between the same parties and having the same purpose is pending
9368 before a tribunal of this state and that proceeding was the first to be filed;

9369 (g) the order is incompatible with a more recent support order involving the same parties
9370 and having the same purpose if the more recent support order is entitled to
9371 recognition and enforcement under this chapter in this state;

9372 (h) payment, to the extent alleged arrears have been paid in whole or in part;

9373 (i) in a case in which the respondent neither appeared nor was represented in the
9374 proceeding in the issuing foreign country:

9375 (i) if the law of that country provides for prior notice of proceedings, the respondent
9376 did not have proper notice of the proceedings and an opportunity to be heard; or

9377 (ii) if the law of that country does not provide for prior notice of the proceedings, the
 9378 respondent did not have proper notice of the order and an opportunity to be heard
 9379 in a challenge or appeal on fact or law before a tribunal; or

9380 (j) the order was made in violation of Section [~~78B-14-711~~] 81-8-711.

9381 (3) If a tribunal of this state does not recognize a convention support order under
 9382 Subsection (2)(b), (d), or (i):

9383 (a) the tribunal may not dismiss the proceeding without allowing a reasonable time for a
 9384 party to request the establishment of a new convention support order; and

9385 (b) the [~~Department of Human Services~~] the Utah Department of Health and Human
 9386 Services shall take all appropriate measures to request a child support order for the
 9387 obligee if the application for recognition and enforcement was received under Section [~~78B-14-704~~]
 9388 81-8-704.

9389 Section 232. Section **81-8-709**, which is renumbered from Section 78B-14-709 is renumbered
 9390 and amended to read:

9391 **[78B-14-709] 81-8-709 . Partial enforcement.**

9392 (1) If a tribunal of this state does not recognize and enforce a convention support order
 9393 in its entirety, [~~it~~] the tribunal shall enforce any severable part of the order.

9394 (2) An application or direct request may seek recognition and partial enforcement of a
 9395 convention support order.

9396 Section 233. Section **81-8-710**, which is renumbered from Section 78B-14-710 is renumbered
 9397 and amended to read:

9398 **[78B-14-710] 81-8-710 . Foreign support agreement.**

9399 (1) Except as otherwise provided in Subsections (3) and (4), a tribunal of this state shall
 9400 recognize and enforce a foreign support agreement registered in this state.

9401 (2) An application or direct request for recognition and enforcement of a foreign support
 9402 agreement shall be accompanied by:

9403 (a) a complete text of the foreign support agreement; and

9404 (b) a record stating that the foreign support agreement is enforceable as an order of
 9405 support in the issuing country.

9406 (3) A tribunal of this state may vacate the registration of a foreign support agreement only
 9407 if, acting on its own motion, the tribunal finds that recognition and enforcement would
 9408 be manifestly incompatible with public policy.

9409 (4) In a contest of a foreign support agreement, a tribunal of this state may refuse
 9410 recognition and enforcement of the agreement if [~~it~~] the tribunal finds:

- 9411 (a) recognition and enforcement of the agreement is manifestly incompatible with public
 9412 policy;
- 9413 (b) the agreement was obtained by fraud or falsification;
- 9414 (c) the agreement is incompatible with a support order involving the same parties and
 9415 having the same purpose in this state, another state, or a foreign country if the support
 9416 order is entitled to recognition and enforcement under this chapter in this state; or
- 9417 (d) the record submitted under Subsection (2) lacks authenticity or integrity.
- 9418 (5) A proceeding for recognition and enforcement of a foreign support agreement shall be
 9419 suspended during the pendency of a challenge to or appeal of the agreement before a
 9420 tribunal of another state or a foreign country.

9421 Section 234. Section **81-8-711**, which is renumbered from Section 78B-14-711 is renumbered
 9422 and amended to read:

9423 **[78B-14-711] 81-8-711 . Modification of convention child support order.**

- 9424 (1) A tribunal of this state may not modify a convention child support order if the obligee
 9425 remains a resident of the foreign country where the support order was issued unless:
- 9426 (a) the obligee submits to the jurisdiction of a tribunal of this state, either expressly or by
 9427 defending on the merits of the case without objecting to the jurisdiction at the first
 9428 available opportunity; or
- 9429 (b) the foreign tribunal lacks or refuses to exercise jurisdiction to modify [its] the foreign
 9430 tribunal's support order or issue a new support order.

- 9431 (2) If a tribunal of this state does not modify a convention child support order because the
 9432 order is not recognized in this state, Subsection [78B-14-708(3)] 81-8-708(3) applies.

9433 Section 235. Section **81-8-712**, which is renumbered from Section 78B-14-712 is renumbered
 9434 and amended to read:

9435 **[78B-14-712] 81-8-712 . Personal information -- Limit on use.**

9436 Personal information gathered or transmitted under this part may be used only for the
 9437 purposes for which it was gathered or transmitted.

9438 Section 236. Section **81-8-713**, which is renumbered from Section 78B-14-713 is renumbered
 9439 and amended to read:

9440 **[78B-14-713] 81-8-713 . Record in original language -- English translation.**

9441 A record filed with a tribunal of this state under this part shall be in the original
 9442 language and, if not in English, shall be accompanied by an English translation.

9443 Section 237. Section **81-8-801**, which is renumbered from Section 78B-14-801 is renumbered
 9444 and amended to read:

Part 8. Rendition

- 9445
- 9446 **[78B-14-801] 81-8-801 . Definitions for part -- Grounds for rendition.**
- 9447 (1) ~~[For purposes of]~~ As used in this part, "governor" includes an individual performing the
- 9448 functions of governor or the executive authority of a state covered by this chapter.
- 9449 (2) The governor of this state may:
- 9450 (a) demand that the governor of another state surrender an individual found in the other
- 9451 state who is charged criminally in this state with having failed to provide for the
- 9452 support of an obligee; or
- 9453 (b) on the demand of the governor of another state, surrender an individual found in this
- 9454 state who is charged criminally in the other state with having failed to provide for the
- 9455 support of an obligee.
- 9456 (3) A provision for extradition of individuals not inconsistent with this chapter applies to
- 9457 the demand even if the individual whose surrender is demanded was not in the
- 9458 demanding state when the crime was allegedly committed and has not fled therefrom.
- 9459 Section 238. Section **81-8-802**, which is renumbered from Section 78B-14-802 is renumbered
- 9460 and amended to read:
- 9461 **[78B-14-802] 81-8-802 . Conditions of rendition.**
- 9462 (1) Before making demand that the governor of another state surrender an individual
- 9463 charged criminally in this state with having failed to provide for the support of an
- 9464 obligee, the governor of this state may require a prosecutor of this state to demonstrate
- 9465 that at least 60 days previously the obligee had initiated proceedings for support
- 9466 pursuant to this chapter or that the proceeding would be of no avail.
- 9467 (2)(a) If, under this chapter or a law substantially similar to this chapter, the governor of
- 9468 another state makes a demand that the governor of this state surrender an individual
- 9469 charged criminally in that state with having failed to provide for the support of a
- 9470 child or other individual to whom a duty of support is owed, the governor may
- 9471 require a prosecutor to investigate the demand and report whether a proceeding for
- 9472 support has been initiated or would be effective.
- 9473 (b) If it appears that a proceeding would be effective but has not been initiated, the
- 9474 governor may delay honoring the demand for a reasonable time to permit the
- 9475 initiation of a proceeding.
- 9476 (3)(a) If a proceeding for support has been initiated and the individual whose rendition is
- 9477 demanded prevails, the governor may decline to honor the demand.
- 9478 (b) If the petitioner prevails and the individual whose rendition is demanded is subject to

9479 a support order, the governor may decline to honor the demand if the individual is
9480 complying with the support order.

9481 Section 239. Section **81-8-901**, which is renumbered from Section 78B-14-901 is renumbered
9482 and amended to read:

9483 **Part 9. Applicability Provisions**

9484 **~~[78B-14-901]~~ 81-8-901 . Uniformity of application and construction.**

- 9485
- 9486 (1) This chapter is a uniform act.
- 9487 (2) In applying and construing ~~[it]~~ this chapter, consideration shall be given to the need to
9488 promote uniformity of the law with respect to ~~[its]~~ this uniform law's subject matter
9489 among states that enact ~~[it]~~ this uniform law.

9490 Section 240. Section **81-8-902**, which is renumbered from Section 78B-14-902 is renumbered
9491 and amended to read:

9492 **~~[78B-14-902]~~ 81-8-902 . Transitional provision.**

9493 This chapter applies to proceedings begun on or after July 1, 2015:

- 9494 (1) to establish a support order or determine parentage of a child; or
- 9495 (2) to register, recognize, enforce, or modify a prior support order, determination, or
9496 agreement, whenever issued or entered.

9497 Section 241. Section **81-9-202** is amended to read:

9498 **81-9-202 . Advisory guidelines for a custody and parent-time arrangement.**

- 9499 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,
9500 the following advisory guidelines are suggested to govern a custody and parent-time
9501 arrangement between parents.
- 9502 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a
9503 court-imposed solution.
- 9504 (3) A parent-time schedule shall be used to maximize the continuity and stability of the
9505 minor child's life.
- 9506 (4) Each parent shall give special consideration to make the minor child available to attend
9507 family functions including funerals, weddings, family reunions, religious holidays,
9508 important ceremonies, and other significant events in the life of the minor child or in the
9509 life of either parent which may inadvertently conflict with the parent-time schedule.
- 9510 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return of
9511 the minor child when the parent-time order is entered.
- 9512 (b) The court may change the responsibility described in Subsection (5)(a) at any time a

- 9513 subsequent modification is made to the parent-time order.
- 9514 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
- 9515 (i) have the minor child ready for parent-time at the time the minor child is to be
- 9516 picked up[-]; and
- 9517 (ii) be present at the custodial home or make reasonable alternate arrangements to
- 9518 receive the minor child at the time the minor child is returned.
- 9519 (d) If the custodial parent will be transporting the minor child, the noncustodial parent
- 9520 shall:
- 9521 (i) be at the appointed place at the time the noncustodial parent is to receive the
- 9522 minor child; and
- 9523 (ii) have the minor child ready to be picked up at the appointed time and place or
- 9524 have made reasonable alternate arrangements for the custodial parent to pick up
- 9525 the minor child.
- 9526 (6) A parent may not interrupt regular school hours for a school-age minor child for the
- 9527 exercise of parent-time.
- 9528 (7) The court may:
- 9529 (a) make alterations in the parent-time schedule to reasonably accommodate the work
- 9530 schedule of both parents; and
- 9531 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
- 9532 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 9533 (8) The court may make alterations in the parent-time schedule to reasonably accommodate
- 9534 the distance between the parties and the expense of exercising parent-time.
- 9535 (9) A parent may not withhold parent-time or child support due to the other parent's failure
- 9536 to comply with a court-ordered parent-time schedule.
- 9537 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of
- 9538 receiving notice of all significant school, social, sports, and community functions in
- 9539 which the minor child is participating or being honored.
- 9540 (b) The noncustodial parent is entitled to attend and participate fully in the functions
- 9541 described in Subsection (10)(a).
- 9542 (c) The noncustodial parent shall have access directly to all school reports including
- 9543 preschool and daycare reports and medical records.
- 9544 (d) A parent shall immediately notify the other parent in the event of a medical
- 9545 emergency.
- 9546 (11) Each parent shall provide the other with the parent's current address and telephone

9547 number, email address, and other virtual parent-time access information within 24 hours
9548 of any change.

9549 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable and
9550 uncensored communications with the minor child, in the form of mail privileges and
9551 virtual parent-time if the equipment is reasonably available.

9552 (b) If the parents cannot agree on whether the equipment is reasonably available, the
9553 court shall decide whether the equipment for virtual parent-time is reasonably
9554 available by taking into consideration:

9555 (i) the best interests of the minor child;

9556 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

9557 (iii) any other factors the court considers material.

9558 (13)(a) Parental care is presumed to be better care for the minor child than surrogate care.

9559 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
9560 parent, if willing and able to transport the minor child, to provide the child care.

9561 (c) Child care arrangements existing during the marriage are preferred as are child care
9562 arrangements with nominal or no charge.

9563 (14) Each parent shall:

9564 (a) provide all surrogate care providers with the name, current address, and telephone
9565 number of the other parent; and

9566 (b) provide the noncustodial parent with the name, current address, and telephone
9567 number of all surrogate care providers unless the court for good cause orders
9568 otherwise.

9569 (15)(a) Each parent is entitled to an equal division of major religious holidays celebrated
9570 by the parents.

9571 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
9572 shall have the right to be together with the minor child on the religious holiday.

9573 (16) If the minor child is on a different parent-time schedule than a sibling, based on
9574 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
9575 parent-time with all the minor children so that parent-time is uniform between school
9576 aged and nonschool aged children, is appropriate.

9577 (17)(a) When one or both parents are servicemembers or contemplating joining a
9578 uniformed service, the parents should resolve issues of custodial responsibility in the
9579 event of deployment as soon as practicable through reaching a voluntary agreement
9580 pursuant to Section ~~[78B-20-201]~~ 81-10-201 or through court order obtained pursuant

9581 to this part.

9582 (b) Service members shall ensure their family care plan reflects orders and agreements
 9583 entered and filed pursuant to ~~[Title 78B, Chapter 20,]~~ Chapter 10, Uniform Deployed
 9584 Parents Custody, Parent-time, and Visitation Act.

9585 (18) A parent shall immediately notify the other parent if:

9586 (a) the parent resides with an individual or provides an individual with access to the
 9587 minor child; and

9588 (b) the parent knows that the individual:

9589 (i) is required to register as a sex offender~~[-or]~~ , a kidnap offender, or a child abuse
 9590 offender for an offense against a minor child under Title 77, Chapter 41, ~~[Sex and~~
 9591 ~~Kidnap Offender Registry]~~ Sex, Kidnap, and Child Abuse Offender Registry; or

9592 ~~[(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child~~
 9593 ~~Abuse Offender Registry; or]~~

9594 ~~[(iii)]~~ (ii) has been convicted of:

9595 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
 9596 76-5-114, or 76-5-208;

9597 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
 9598 Offenses;

9599 (C) an offense for kidnapping or human trafficking of a minor child under Title
 9600 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

9601 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
 9602 Sexual Exploitation Act; or

9603 (E) an offense that is substantially similar to an offense under Subsections [
 9604 ~~(18)(b)(iii)(A)]~~ (18)(b)(ii)(A) through (D).

9605 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the
 9606 parent shall provide the following information to the other parent:

9607 (i) an itinerary of travel dates;

9608 (ii) destinations;

9609 (iii) places where the minor child or traveling parent can be reached; and

9610 (iv) the name and telephone number of an available third person who would be
 9611 knowledgeable of the minor child's location.

9612 (b) Unchaperoned travel of a minor child under the age of five years is not
 9613 recommended.

9614 Section 242. Section **81-9-203** is amended to read:

9615 **81-9-203 . Custody and parent-time proceedings -- Requirements for parenting**
9616 **plan.**

9617 (1) In a custody or parent-time proceeding that is not a divorce action, the court may require
9618 the parents to attend the mandatory educational course described in Section [~~81-4-106~~
9619 81-4-105].

9620 (2)(a) In a proceeding between parents regarding the custody or parent-time for a minor
9621 child, the parent shall file and serve a proposed parenting plan at the time of the filing
9622 of the parent's original petition or at the time of filing the parent's answer or
9623 counterclaim.

9624 (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting
9625 plan, the parent shall file the proposed parenting plan with the petition to modify or
9626 the answer or counterclaim to the petition to modify.

9627 (c) A parent who desires joint legal custody shall file a proposed parenting plan in
9628 accordance with this section.

9629 (3) If a parent files a proposed parenting plan in compliance with this section, the parent
9630 may move the court for an order of default to adopt the plan if the other parent fails to
9631 file a proposed parenting plan as required by this section.

9632 (4) A parent may file and serve an amended proposed parenting plan according to the Utah
9633 Rules of Civil Procedure.

9634 (5) The parent submitting a proposed parenting plan shall attach a verified statement that
9635 the plan is proposed by that parent in good faith.

9636 (6)(a) Both parents may submit a parenting plan which has been agreed upon.

9637 (b) The parents shall attach a verified statement to the parenting plan that is signed by
9638 both parents.

9639 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad
9640 litem to represent the best interests of the minor child, who may, if necessary, file a
9641 separate parenting plan reflecting the best interests of the minor child.

9642 (8)(a) If a parent is a service member, the parenting plan shall be consistent with
9643 Subsection (16).

9644 (b) If a parent becomes a service member after a parenting plan is adopted, the parents
9645 shall amend the existing parenting plan as soon as practical to comply with
9646 Subsection (16).

9647 (9) The objectives of a parenting plan are to:

9648 (a) provide for the minor child's physical care;

- 9649 (b) maintain the minor child's emotional stability;
- 9650 (c) provide for the minor child's changing needs as the minor child grows and matures in
9651 a way that minimizes the need for future modifications to the parenting plan;
- 9652 (d) set forth the authority and responsibilities of each parent with respect to the minor
9653 child consistent with the definitions outlined in this chapter;
- 9654 (e) minimize the minor child's exposure to harmful parental conflict;
- 9655 (f) encourage the parents, where appropriate, to meet the responsibilities to their minor
9656 child through agreements in the parenting plan rather than relying on judicial
9657 intervention; and
- 9658 (g) protect the best interests of the minor child.
- 9659 (10)(a) The parenting plan shall contain:
- 9660 (i) provisions for resolution of future disputes between the parents, allocation of
9661 decision-making authority, and residential provisions for the minor child;
- 9662 (ii) provisions addressing notice and parent-time responsibilities in the event of the
9663 relocation of a party; and
- 9664 (iii) a process for resolving disputes, unless precluded or limited by statute.
- 9665 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:
- 9666 (i) counseling;
- 9667 (ii) mediation or arbitration by a specified individual or agency; or
- 9668 (iii) court action.
- 9669 (c) In the dispute resolution process under Subsection (10)(b):
- 9670 (i) preference shall be given to the provisions in the parenting plan;
- 9671 (ii) parents shall use the designated process to resolve disputes relating to
9672 implementation of the plan, except those related to financial support, unless an
9673 emergency exists;
- 9674 (iii) a written record shall be prepared of any agreement reached in counseling or
9675 mediation and provided to each party;
- 9676 (iv) if arbitration becomes necessary, a written record shall be prepared and a copy of
9677 the arbitration award shall be provided to each party;
- 9678 (v) if the court finds that a parent has used or frustrated the dispute resolution process
9679 without good reason, the court may award attorney fees and financial sanctions to
9680 the prevailing parent;
- 9681 (vi) the district court has the right of review from the dispute resolution process; and
- 9682 (vii) the provisions of this Subsection (10)(c) shall be set forth in any final decree or

- 9683 order.
- 9684 (11)(a) Subject to the other provisions of this Subsection (11), the parenting plan shall
9685 allocate decision-making authority to one or both parties regarding the minor child's
9686 education, healthcare, and religious upbringing.
- 9687 (b) The parties may incorporate an agreement related to the care and growth of the minor
9688 child in these specified areas or in other areas into the plan that are consistent with
9689 parenting functions and the criteria outlined in Subsection (9).
- 9690 (c) Regardless of the allocation of decision-making in the parenting plan, a parent may
9691 make emergency decisions affecting the health or safety of the minor child.
- 9692 (d) A minor child's education plan shall designate the following:
- 9693 (i) the home residence for purposes of identifying the appropriate school or another
9694 specific plan that provides for where the minor child will attend school;
- 9695 (ii) which parent has authority to make education decisions for the minor child if the
9696 parents cannot agree; and
- 9697 (iii) whether one or both parents have access to the minor child during school and
9698 authority to check the minor child out of school.
- 9699 (e) If an education provision is not included in the parenting plan:
- 9700 (i) a parent with sole physical custody shall make the decisions listed in Subsection
9701 (11)(d);
- 9702 (ii) in the event of joint physical custody when one parent has custody a majority of
9703 the time as described in Subsection 81-9-205(10):
- 9704 (A) the parent having the minor child the majority of the time shall make the
9705 decisions listed in Subsections (11)(d)(i) and (ii); and
- 9706 (B) both parents with joint physical custody shall have access to the minor child
9707 during school and authority to check the child out of school; or
- 9708 (iii) in the event of joint physical custody when the parents have custody an equal
9709 amount of time:
- 9710 (A) the court shall determine how the decisions listed in Subsections (11)(d)(i)
9711 and (ii) are made; and
- 9712 (B) both parents with joint physical custody shall have access to the minor child
9713 during school and authority to check the minor child out of school.
- 9714 (12) Each parent may make decisions regarding the day-to-day care and control of the
9715 minor child while the minor child is residing with that parent.
- 9716 (13) When mutual decision-making is designated but cannot be achieved, the parties shall

- 9717 make a good faith effort to resolve the issue through the dispute resolution process.
- 9718 (14) The parenting plan shall include a residential schedule that designates in which parent's
9719 home a minor child shall reside on given days of the year, including provisions for
9720 holidays, birthdays of family members, vacations, and other special occasions.
- 9721 (15)(a) If a parent fails to comply with a provision of the parenting plan or a child
9722 support order, the other parent's obligations under the parenting plan or the child
9723 support order are not affected.
- 9724 (b) Failure to comply with a provision of the parenting plan or a child support order
9725 may result in a finding of contempt of court.
- 9726 (16)(a) If a parent is a service member, the parenting plan shall contain provisions that
9727 address the foreseeable parenting and custodial issues likely to arise in the event of
9728 notification of deployment or other contingency, including long-term deployments,
9729 short-term deployments, death, incapacity, and noncombatant evacuation operations.
- 9730 (b) The provisions in the parenting plan described in Subsection (16)(a) shall comport
9731 substantially with the requirements of an agreement made pursuant to Section [
9732 ~~78B-20-201~~] 81-10-201.
- 9733 Section 243. Section **81-9-204** is amended to read:
- 9734 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**
9735 **Preferences.**
- 9736 (1) In a proceeding between parents in which the custody and parent-time of a minor child
9737 is at issue, the court shall consider the best interests of the minor child in determining
9738 any form of custody and parent-time.
- 9739 (2) The court shall determine whether an order for custody or parent-time is in the best
9740 interests of the minor child by a preponderance of the evidence.
- 9741 (3) In determining any form of custody and parent-time under Subsection (1), the court
9742 shall consider:
- 9743 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
9744 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
9745 household member of the parent;
- 9746 (b) whether the parent has intentionally exposed the minor child to pornography or
9747 material harmful to minors, as "material" and "harmful to minors" are defined in
9748 Section 76-10-1201; and
- 9749 (c) whether custody and parent-time would endanger the minor child's health or physical
9750 or psychological safety.

- 9751 (4) In determining the form of custody and parent-time that is in the best interests of the
9752 minor child, the court may consider, among other factors the court finds relevant, the
9753 following for each parent:
- 9754 (a) evidence of psychological maltreatment;
 - 9755 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
9756 developmental needs of the minor child, including the minor child's:
 - 9757 (i) physical needs;
 - 9758 (ii) emotional needs;
 - 9759 (iii) educational needs;
 - 9760 (iv) medical needs; and
 - 9761 (v) any special needs;
 - 9762 (c) the parent's capacity and willingness to function as a parent, including:
 - 9763 (i) parenting skills;
 - 9764 (ii) co-parenting skills, including:
 - 9765 (A) ability to appropriately communicate with the other parent;
 - 9766 (B) ability to encourage the sharing of love and affection; and
 - 9767 (C) willingness to allow frequent and continuous contact between the minor child
9768 and the other parent, except that, if the court determines that the parent is
9769 acting to protect the minor child from domestic violence, neglect, or abuse, the
9770 parent's protective actions may be taken into consideration; and
 - 9771 (iii) ability to provide personal care rather than surrogate care;
 - 9772 (d) the past conduct and demonstrated moral character of the parent as described in
9773 Subsection (9);
 - 9774 (e) the emotional stability of the parent;
 - 9775 (f) the parent's inability to function as a parent because of drug abuse, excessive
9776 drinking, or other causes;
 - 9777 (g) the parent's reason for having relinquished custody or parent-time in the past;
 - 9778 (h) duration and depth of desire for custody or parent-time;
 - 9779 (i) the parent's religious compatibility with the minor child;
 - 9780 (j) the parent's financial responsibility;
 - 9781 (k) the child's interaction and relationship with step-parents, extended family members
9782 of other individuals who may significantly affect the minor child's best interests;
 - 9783 (l) who has been the primary caretaker of the minor child;
 - 9784 (m) previous parenting arrangements in which the minor child has been happy and

- 9785 well-adjusted in the home, school, and community;
- 9786 (n) the relative benefit of keeping siblings together;
- 9787 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 9788 minor child's cognitive ability and emotional maturity;
- 9789 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 9790 quality, and nature of the relationship between the parent and the minor child; and
- 9791 (q) any other factor the court finds relevant.
- 9792 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
- 9793 determines that extenuating circumstances exist that would necessitate the testimony
- 9794 of the minor child be heard and there is no other reasonable method to present the
- 9795 minor child's testimony.
- 9796 (b)(i) The court may inquire and take into consideration the minor child's desires
- 9797 regarding future custody or parent-time schedules, but the expressed desires are
- 9798 not controlling and the court may determine the minor child's custody or
- 9799 parent-time otherwise.
- 9800 (ii) The desires of a minor child who is 14 years old or older shall be given added
- 9801 weight, but is not the single controlling factor.
- 9802 (c)(i) If an interview with a minor child is conducted by the court in accordance with
- 9803 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 9804 (ii) The prior consent of the parties may be obtained but is not necessary if the court
- 9805 finds that an interview with a minor child is the only method to ascertain the
- 9806 minor child's desires regarding custody.
- 9807 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
- 9808 parent due to a disability, as defined in Section 57-21-2, in awarding custody or
- 9809 determining whether a substantial change has occurred for the purpose of modifying
- 9810 an award of custody.
- 9811 (b) The court may not consider the disability of a parent as a factor in awarding custody
- 9812 or modifying an award of custody based on a determination of a substantial change in
- 9813 circumstances, unless the court makes specific findings that:
- 9814 (i) the disability significantly or substantially inhibits the parent's ability to provide
- 9815 for the physical and emotional needs of the minor child at issue; and
- 9816 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
- 9817 available to supplement the parent's ability to provide for the physical and
- 9818 emotional needs of the minor child at issue.

- 9819 (c) Nothing in this section may be construed to apply to adoption proceedings under [
9820 Title ~~78B, Chapter 6, Part 1, Utah Adoption Act~~] Chapter 13, Adoption.
- 9821 (7) This section does not establish:
- 9822 (a) a preference for either parent solely because of the gender of the parent; or
- 9823 (b) a preference for or against joint physical custody or sole physical custody, but allows
9824 the court and the family the widest discretion to choose a parenting plan that is in the
9825 best interest of the minor child.
- 9826 (8) When an issue before the court involves custodial responsibility in the event of a
9827 deployment of a parent who is a service member and the service member has not yet
9828 been notified of deployment, the court shall resolve the issue based on the standards in
9829 Sections [~~78B-20-306 through 78B-20-309~~] 81-10-306 through 81-10-309.
- 9830 (9) In considering the past conduct and demonstrated moral standards of each party under
9831 Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 9832 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
9833 dosage form, a cannabis product in a medicinal dosage form, or a medical
9834 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
9835 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
9836 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently
9837 than the court would consider or treat the lawful possession or use of any
9838 prescribed controlled substance; or
- 9839 (ii) discriminate against a parent because of the parent's status as a:
- 9840 (A) cannabis production establishment agent, as that term is defined in Section
9841 4-41a-102;
- 9842 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 9843 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 9844 or
- 9845 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
9846 Cannabinoid Research and Medical Cannabis; or
- 9847 (b) discriminate against a parent based upon the parent's agreement or disagreement with
9848 a minor child of the couple's:
- 9849 (i) assertion that the minor child's gender identity is different from the minor child's
9850 biological sex; or
- 9851 (ii) practice of having or expressing a different gender identity than the minor child's
9852 biological sex.

- 9853 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
9854 violence is presented.
- 9855 (b) The court shall consider as primary, the safety and well-being of the minor child and
9856 the parent who experiences domestic violence.
- 9857 (c) A court shall consider an order issued by a court in accordance with Title 78B,
9858 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
9859 substantiated potential harm to the minor child.
- 9860 (d) If a parent relocates because of an act of domestic violence or family violence by the
9861 other parent, the court shall make specific findings and orders with regards to the
9862 application of Section 81-9-209.
- 9863 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
9864 potential harm to the minor child:
- 9865 (a) it is in the best interest of the minor child to have frequent, meaningful, and
9866 continuing access to each parent following separation or divorce;
- 9867 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
9868 access with the parent's minor child consistent with the minor child's best interests;
9869 and
- 9870 (c) it is in the best interest of the minor child to have both parents actively involved in
9871 parenting the minor child.
- 9872 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
9873 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
9874 Section 77-37-2, that resulted in the conception of the minor child unless:
- 9875 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
9876 to custody or parent-time and the court determines it is in the best interest of the
9877 minor child to award custody or parent-time to the convicted parent; or
- 9878 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
9879 cohabit and establish a mutual custodial environment for the minor child.
- 9880 (13) A denial of custody or parent-time under Subsection (12) does not:
- 9881 (a) terminate the parental rights of the parent denied parent-time or custody; or
- 9882 (b) affect the obligation of the convicted parent to financially support the minor child.
- 9883 Section 244. Section **81-9-208** is amended to read:
- 9884 **81-9-208 . Modification or termination of a custody or parent-time order --**
9885 **Noncompliance with a parent-time order.**
- 9886 (1) The court has continuing jurisdiction to make subsequent changes to modify:

- 9887 (a) custody of a minor child if there is a showing of a substantial and material change in
 9888 circumstances since the entry of the order; and
- 9889 (b) parent-time for a minor child if there is a showing that there is a change in
 9890 circumstances since the entry of the order.
- 9891 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
 9892 showing by a parent that the other parent:
- 9893 (a) resides with an individual or provides an individual with access to the minor child;
 9894 and
- 9895 (b) knows that the individual:
- 9896 (i) is required to register as a sex offender~~[or]~~, a kidnap offender, or a child abuse
 9897 offender for an offense against a minor child under Title 77, Chapter 41, [~~Sex and~~
 9898 ~~Kidnap Offender Registry~~] Sex, Kidnap, and Child Abuse Offender Registry; or
- 9899 [~~(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child~~
 9900 ~~Abuse Offender Registry; or~~]
- 9901 [~~(iii)~~] (ii) has been convicted of:
- 9902 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
 9903 76-5-114, or 76-5-208;
- 9904 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
 9905 Offenses;
- 9906 (C) an offense for kidnapping or human trafficking of a minor child under Title
 9907 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 9908 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
 9909 Sexual Exploitation Act; or
- 9910 (E) an offense that is substantially similar to an offense under Subsections [
 9911 ~~(2)(b)(iii)(A)~~] (2)(b)(ii)(A) through (D).
- 9912 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if
 9913 they are not the parents, the court may, after a hearing, modify or terminate an order that
 9914 established joint legal custody or joint physical custody if:
- 9915 (a) the verified petition or accompanying affidavit initially alleges that admissible
 9916 evidence will show that there has been a substantial and material change in the
 9917 circumstances of the minor child or one or both parents or joint legal or physical
 9918 custodians since the entry of the order to be modified;
- 9919 (b) a modification of the terms and conditions of the order would be an improvement for
 9920 and in the best interest of the minor child; and

- 9921 (c)(i) both parents have complied in good faith with the dispute resolution procedure
9922 in accordance with Subsection 81-9-205(8); or
9923 (ii) if no dispute resolution procedure is contained in the order that established joint
9924 legal custody or joint physical custody, the court orders the parents to participate
9925 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
9926 unless the parents certify that, in good faith, they have used a dispute resolution
9927 procedure to resolve their dispute.
- 9928 (4)(a) In determining whether the best interest of a minor child will be served by either
9929 modifying or terminating the joint legal custody or joint physical custody order, the
9930 court shall, in addition to other factors the court considers relevant, consider the
9931 factors described in Sections 81-9-204 and 81-9-205.
- 9932 (b) A court order modifying or terminating an existing joint legal custody or joint
9933 physical custody order shall contain written findings that:
9934 (i) a substantial and material change of circumstance has occurred; and
9935 (ii) a modification of the terms and conditions of the order would be an improvement
9936 for and in the best interest of the minor child.
- 9937 (c) The court shall give substantial weight to the existing joint legal custody or joint
9938 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 9939 (5) The court shall, in every case regarding a petition for termination of a joint legal
9940 custody or joint physical custody order, consider reasonable alternatives to preserve the
9941 existing order in accordance with Section 81-9-204.
- 9942 (6) The court may modify the terms and conditions of the existing order in accordance with
9943 this chapter and may order the parents to file a parenting plan in accordance with
9944 Section 81-9-203.
- 9945 (7) A parent requesting a modification from sole custody to joint legal custody or joint
9946 physical custody or both, or any other type of shared parenting arrangement, shall file
9947 and serve a proposed parenting plan with the petition to modify in accordance with
9948 Section 81-9-203.
- 9949 (8) If an issue before the court involves custodial responsibility in the event of deployment
9950 of one or both parents who are service members, and the service member has not yet
9951 been notified of deployment, the court shall resolve the issue based on the standards in
9952 Sections ~~[78B-20-306 through 78B-20-309]~~ 81-10-306 through 81-10-309.
- 9953 (9) If the court finds that an action to modify custody or parent-time is filed or answered
9954 frivolously and, in a manner, designed to harass the other party, the court shall assess

- 9955 attorney fees as costs against the offending party.
- 9956 (10) If a petition to modify custody or parent-time provisions of a court order is made and
 9957 denied, the court shall order the petitioner to pay the reasonable attorney fees expended
 9958 by the prevailing party in that action if the court determines that the petition was without
 9959 merit and not asserted or defended against in good faith.
- 9960 (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a
 9961 visitation order by a grandparent or other member of the immediate family where a
 9962 visitation or parent-time right has been previously granted by the court, the court:
- 9963 (a) may award to the prevailing party:
- 9964 (i) actual attorney fees incurred;
- 9965 (ii) the costs incurred by the prevailing party because of the other party's failure to
 9966 provide or exercise court-ordered visitation or parent-time, including:
- 9967 (A) court costs;
- 9968 (B) child care expenses;
- 9969 (C) transportation expenses actually incurred;
- 9970 (D) lost wages, if ascertainable; or
- 9971 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 9972 (iii) any other appropriate equitable remedy; and
- 9973 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
 9974 parent-time is not in the best interest of the minor child.
- 9975 Section 245. Section **81-9-209** is amended to read:
- 9976 **81-9-209 . Notice of relocation -- Effect of relocation on parent-time schedule.**
- 9977 (1) As used in this section, "relocation" means moving 150 miles or more from the
 9978 residence of the other parent.
- 9979 (2) The relocating parent shall provide written notice to the other parent at least 60 days
 9980 before the day on which the relocating parent intends to relocate.
- 9981 (3) The written notice of relocation under Subsection (2) shall contain statements affirming :
- 9982 (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by
 9983 both parties will be followed; and
- 9984 (b) that a parent will not interfere with the other's parental rights pursuant to court
 9985 ordered parent-time arrangements or the parent-time schedule approved by both
 9986 parties.
- 9987 (4) The court shall, upon motion of any party or upon the court's own motion, schedule a
 9988 hearing with notice to:

- 9989 (a) review the notice of relocation and the relevant parent-time schedule under Section [
9990 ~~81-8-302 or 81-8-304~~] 81-9-302 or 81-9-304; and
- 9991 (b) make appropriate orders regarding the parent-time schedule and costs for
9992 parent-time transportation.
- 9993 (5) In a hearing to review the notice of relocation, the court shall, in determining if the
9994 relocation of a custodial parent is in the best interest of the minor child, consider any
9995 other factors that the court considers relevant to the determination.
- 9996 (6) If the court determines that relocation is not in the best interest of the minor child, and
9997 the custodial parent relocates, the court may order a change of custody.
- 9998 (7)(a) If the court finds that the relocation is in the best interest of the minor child, the
9999 court shall determine the parent-time schedule and allocate the transportation costs
10000 that will be incurred for the minor child to visit the noncustodial parent.
- 10001 (b) In making a determination under Subsection (7)(a), the court shall consider:
- 10002 (i) the reason for the parent's relocation;
- 10003 (ii) the additional costs or difficulty to both parents in exercising parent-time;
- 10004 (iii) the economic resources of both parents; and
- 10005 (iv) other factors the court considers necessary and relevant.
- 10006 (8) If a parent relocates because of an act of domestic violence or family violence by the
10007 other parent, the court shall make specific findings and orders with regard to the
10008 application of this section.
- 10009 (9) Unless otherwise ordered by the court, upon the relocation of one of the parties, the
10010 following schedule is the minimum parent-time the noncustodial parent is entitled to a
10011 minor child who is five to 18 years old:
- 10012 (a) in years ending in an odd number, the minor child shall spend the following holidays
10013 with the noncustodial parent:
- 10014 (i) Thanksgiving holiday beginning Wednesday until Sunday; and
- 10015 (ii) Spring break, if applicable, beginning the last day of school before the holiday
10016 until the day before school resumes;
- 10017 (b) in years ending in an even number, the minor child shall spend the following
10018 holidays with the noncustodial parent:
- 10019 (i) the entire winter school break period; and
- 10020 (ii) the Fall school break beginning the last day of school before the holiday until the
10021 day before school resumes;
- 10022 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive

- 10023 weeks; and
- 10024 (d) one weekend per month, at the option and expense of the noncustodial parent.
- 10025 (10) For extended parent-time under Subsection (9)(c), the minor child should be returned
- 10026 to the custodial home no later than seven days before school begins, except that this
- 10027 week is counted when determining the amount of parent-time to be divided between the
- 10028 parents for the summer or off-track period.
- 10029 (11)(a) The court may also set a parent-time schedule for a minor child who is younger
- 10030 than five years old.
- 10031 (b) The schedule shall take into consideration the following:
- 10032 (i) the age of the minor child;
- 10033 (ii) the developmental needs of the minor child;
- 10034 (iii) the distance between the parents' homes;
- 10035 (iv) the travel arrangements and cost;
- 10036 (v) the level of attachment between the minor child and the noncustodial parent; and
- 10037 (vi) any other factors relevant to the best interest of the minor child.
- 10038 (12) The noncustodial parent's monthly weekend entitlement is subject to the following
- 10039 restrictions.
- 10040 (a)(i) If the noncustodial parent has not designated a specific weekend for
- 10041 parent-time, the noncustodial parent shall receive the last weekend of each month
- 10042 unless a holiday assigned to the custodial parent falls on that particular weekend.
- 10043 (ii) If a holiday assigned to the custodial parent falls on the last weekend of the
- 10044 month, the noncustodial parent is entitled to the next to the last weekend of the
- 10045 month.
- 10046 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends
- 10047 into or through the first weekend of the next month, that weekend shall be considered
- 10048 the noncustodial parent's monthly weekend entitlement for that month.
- 10049 (c) If a minor child is out of school for teacher development days or snow days after the
- 10050 minor child begins the school year, or other days not included in the list of holidays
- 10051 in Subsection (9) and those days are contiguous with the noncustodial parent's
- 10052 monthly weekend parent-time, those days shall be included in the weekend
- 10053 parent-time.
- 10054 (13) The custodial parent is entitled to all parent-time not specifically allocated to the
- 10055 noncustodial parent.
- 10056 (14) In the event finances and distance preclude the exercise of minimum parent-time for

10057 the noncustodial parent during the school year, the court should consider awarding more
10058 time for the noncustodial parent during the summer time if it is in the best interests of
10059 the the minor child.

10060 (15)(a) Upon the motion of any party, the court may order uninterrupted parent-time
10061 with the noncustodial parent for a minimum of 30 days during extended parent-time,
10062 unless the court finds it is not in the best interest of the minor child.

10063 (b) If the court orders uninterrupted parent-time during a period not covered by this
10064 section, the court shall specify in its order which parent is responsible for the minor
10065 child's travel expenses.

10066 (16)(a) Unless otherwise ordered by the court the relocating party shall be responsible
10067 for all the minor child's travel expenses relating to Subsections (9)(a) and (b) and 1/2
10068 of the minor child's travel expenses relating to Subsection (9)(c), provided the
10069 noncustodial parent is current on all support obligations.

10070 (b) If the noncustodial parent has been found in contempt for not being current on all
10071 support obligations, the noncustodial parent is responsible for all of the minor child's
10072 travel expenses under Subsection (9), unless the court rules otherwise.

10073 (c) A responsible party shall make a reimbursement to the other for the minor child's
10074 travel expenses within 30 days of receipt of documents detailing those expenses.

10075 (17) The court may apply this provision to any preexisting decree of divorce.

10076 (18) Any action under this section may be set for an expedited hearing.

10077 (19) A parent who fails to comply with the notice of relocation in Subsection (2) is in
10078 contempt of the court's order.

10079 Section 246. Section **81-9-303** is amended to read:

10080 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**
10081 **old.**

10082 (1)(a) The optional parent-time schedule in this section applies to a minor child who is
10083 five to 18 years old.

10084 (b) For purposes of calculating child support, the optional parent-time schedule in this
10085 section is 145 overnights.

10086 (c) Any impact on child support shall be consistent with joint physical custody.

10087 (2) The parents and the court may consider the increased parent-time schedule in this
10088 section as a minimum parent-time schedule when the parties agree or the noncustodial
10089 parent can demonstrate:

10090 (a) the noncustodial parent has been actively involved in the minor child's life;

- 10091 (b) the parties can communicate effectively regarding the minor child or the
10092 noncustodial parent has a plan to accomplish effective communications regarding the
10093 minor child;
- 10094 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
10095 (d) the increased parent-time would be in the best interest of the minor child; and
10096 (e) any other factor the court considers relevant.
- 10097 (3) In determining whether a noncustodial parent has been actively involved in the minor
10098 child's life, the court shall consider:
- 10099 (a) demonstrated responsibility in caring for the minor child;
10100 (b) involvement in childcare;
10101 (c) presence or volunteer efforts in the minor child's school and at extracurricular
10102 activities;
10103 (d) assistance with the minor child's homework;
10104 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
10105 (f) bonding with the minor child; and
10106 (g) any other factor the court considers relevant.
- 10107 (4) In determining whether a noncustodial parent has the ability to facilitate the increased
10108 parent-time, the court shall consider:
- 10109 (a) the geographic distance between the residences of the parents and the distance
10110 between the parents' residences and the minor child's school;
10111 (b) the noncustodial parent's ability to assist with after school care;
10112 (c) the health of the minor child and the noncustodial parent in accordance with
10113 Subsection [~~81-9-204(5)~~] 81-9-204(4);
10114 (d) flexibility of employment or another schedule of the noncustodial parent;
10115 (e) ability to provide appropriate playtime with the minor child;
10116 (f) history and ability of the noncustodial parent to implement a flexible schedule for the
10117 minor child;
10118 (g) physical facilities of the noncustodial parent's residence; and
10119 (h) any other factor the court considers relevant.
- 10120 (5) If the parties agree or the court enters an order for the optional parent-time schedule
10121 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed
10122 with any order incorporating the optional parent-time schedule described in Subsection
10123 (6).
- 10124 (6) The following schedule is considered the optional parent-time to which the noncustodial

- 10125 parent is entitled to the minor child:
- 10126 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
- 10127 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
- 10128 following day upon delivering the minor child to school or at 8 a.m. if there is no
- 10129 school; or
- 10130 (ii) at the election of the noncustodial parent, one weekday specified by the
- 10131 noncustodial parent or the court:
- 10132 (A) beginning at the time the minor child's school is regularly dismissed until the
- 10133 following day upon delivering the minor child to school or at 8 a.m. if there is
- 10134 no school; or
- 10135 (B) if there is no school, the noncustodial parent is available to be with the minor
- 10136 child, and in accommodation with the custodial parent's work schedule,
- 10137 beginning at 8 a.m. and ending on the following day upon delivering the minor
- 10138 child to school or at 8 a.m. if there is no school;
- 10139 (b)(i) beginning the first weekend after the entry of the decree, alternating weekends
- 10140 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor
- 10141 child to school or at 8 a.m. if there is no school; or
- 10142 (ii) at the election of the noncustodial parent, beginning the first weekend after the
- 10143 entry of the decree, alternating weekends:
- 10144 (A) beginning at the time the minor child's school is regularly dismissed on Friday
- 10145 and ending on Monday upon delivering the minor child to school or at 8 a.m. if
- 10146 there is no school; or
- 10147 (B) if there is no school, the noncustodial parent is available to be with the minor
- 10148 child, and in accommodation with the custodial parent's work schedule,
- 10149 beginning on Friday at 9 a.m. and ending on Monday upon delivering the
- 10150 minor child to school or at 8 a.m. if there is no school;
- 10151 (c) each holiday granted to the noncustodial parent in accordance with the holiday
- 10152 schedule described in Subsection (15); and
- 10153 (d) extended parent-time with the minor child when school is not in session for summer
- 10154 break in accordance with Subsection (7).
- 10155 (7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the
- 10156 election of the noncustodial parent, the noncustodial parent is entitled up to four
- 10157 weeks of parent-time with the minor child, which may be consecutive, when school is
- 10158 not in session for summer break.

- 10159 (b) For the four weeks of extended parent-time for a noncustodial parent under
10160 Subsection (7)(a):
- 10161 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
10162 noncustodial parent; and
- 10163 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
10164 for a weekday visit on the same day on which the noncustodial parent is granted
10165 weekday day parent-time.
- 10166 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
10167 two weeks, which may be consecutive, when school is not in session for summer
10168 break.
- 10169 (8)(a) Each parent shall provide notification to the other parent of the parent's plans for
10170 the exercise of parent-time for summer break under Subsection (7).
- 10171 (b) For the notification requirement under Subsection (8)(a):
- 10172 (i) in odd-numbered years:
- 10173 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
10174 and
- 10175 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
10176 and
- 10177 (ii) in even-numbered years:
- 10178 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
10179 and
- 10180 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 10181 (c)(i) If a parent fails to provide a notification within the time periods described in
10182 Subsection (8)(b), the complying parent may determine the schedule for summer
10183 break for the noncomplying parent.
- 10184 (ii) If both parents fail to provide notice within the time periods described in
10185 Subsection (8)(b), the first parent to provide notice may determine the schedule
10186 for summer break for the other parent.
- 10187 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
10188 Subsection (7)(b)(ii), the custodial parent shall provide notification to the
10189 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
10190 on which the custodial parent receives notification of the noncustodial parent's plans
10191 for the exercise of interrupted extended parent-time.
- 10192 (9)(a) An election should be made by the noncustodial parent at the time of entry of the

- 10193 divorce decree or court order, except that the election may be changed by mutual
10194 agreement, court order, or by the noncustodial parent in the event of a change in the
10195 minor child's schedule.
- 10196 (b) An election by either parent concerning parent-time shall be made a part of the
10197 decree and made a part of the parent-time order.
- 10198 (10)(a) Changes may not be made to the parent-time schedule under this section, except
10199 that if a conflict arises in the parent-time schedule, the following order of precedence
10200 shall be applied when determining which parent is entitled to parent-time:
- 10201 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
 - 10202 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
10203 uninterrupted extended parent-time under Subsection (7) and takes the minor child
10204 away from that parent's residence during the uninterrupted extended parent-time;
 - 10205 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
10206 Day, Mother's Day, or the minor child's birthday;
 - 10207 (iv) extended parent-time under Subsection (7); and
 - 10208 (v) the schedule for weekday or weekend parent-time.
- 10209 (b) A parent exercising parent-time for the minor child's birthday may bring other
10210 siblings along for the minor child's birthday.
- 10211 (11) A stepparent, grandparent, or other responsible adult designated by the noncustodial
10212 parent, may pick up the minor child for parent-time if the custodial parent is aware of
10213 the identity of the individual and the noncustodial parent will be with the minor child by
10214 7 p.m.
- 10215 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
10216 shall be responsible for the minor child's attendance at school for that school day.
- 10217 (13) If there is more than one minor child and the minor children's school schedules vary
10218 for purpose of a holiday, at the option of the parent exercising the holiday or the parent's
10219 half of the holiday, the minor children may remain together for the holiday period
10220 beginning the first evening that all minor children's schools are dismissed for the holiday
10221 and ending the evening before any minor child returns to school.
- 10222 (14) If there is a minor child five to 18 years old and a minor child under five years old and
10223 both minor children are the children of the parties, the parents and the court should
10224 consider an upward deviation for parent-time with all the minor children so that
10225 parent-time is uniform based on a schedule under this section.
- 10226 (15) The following table is the holiday schedule for parent-time under this section.

10227	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
10228	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. (2) Holiday ends: (a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or (b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.	Odd years	Even years
10229	President's 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 President's Day; or (b) at 8 a.m. on the day following President's Day if there is no school.	Even years	Odd years
10230	Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.	Odd years	Even years

		<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>		
10231	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> <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 Memorial Day; or</p> <p>(b) at 8 a.m. on the day following Memorial Day if there is no school.</p>	Even years	Odd years
10232	Mother's Day	<p>(1) Holiday begins on Mother's Day at 9 a.m.</p> <p>(2) Holiday ends on Mother's Day at 7 p.m.</p>	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.
10233	Father's Day	<p>(1) Holiday begins on Father's Day at 9 a.m.</p> <p>(2) Holiday ends on Father's Day at 7 p.m.</p>	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.

10234	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
10235	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
10236	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
10237	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
10238	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

10239	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
10240	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. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years
10241	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
10242	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
10243	Winter Break (First Half)	(1) Holiday begins at:	Odd years	Even years

		(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.		
10244	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
10245	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
10246	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

10247 Section 247. Section **81-9-305** is amended to read:

10248 **81-9-305 . Equal parent-time schedule.**

10249 (1)(a) A court may order the equal parent-time schedule described in this section if the
10250 court determines that:

10251 (i) the equal parent-time schedule is in the minor child's best interest;

10252 (ii) each parent has been actively involved in the minor child's life; and

10253 (iii) each parent can effectively facilitate the equal parent-time schedule.

10254 (b) To determine whether each parent has been actively involved in the minor child's
10255 life, the court shall consider:

10256 (i) each parent's demonstrated responsibility in caring for the minor child;

10257 (ii) each parent's involvement in child care;

10258 (iii) each parent's presence or volunteer efforts in the minor child's school and at
10259 extracurricular activities;

10260 (iv) each parent's assistance with the minor child's homework;

10261 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the

- 10262 minor child;
- 10263 (vi) each parent's bond with the minor child; and
- 10264 (vii) any other factor the court considers relevant.
- 10265 (c) To determine whether each parent can effectively facilitate the equal parent-time
- 10266 schedule, the court shall consider:
- 10267 (i) the geographic distance between the residence of each parent and the distance
- 10268 between each residence and the minor child's school;
- 10269 (ii) each parent's ability to assist with the minor child's after school care;
- 10270 (iii) the health of the minor child and each parent, consistent with Subsection [
- 10271 ~~81-9-204(5)~~] 81-9-204(4);
- 10272 (iv) the flexibility of each parent's employment or other schedule;
- 10273 (v) each parent's ability to provide appropriate playtime with the minor child;
- 10274 (vi) each parent's history and ability to implement a flexible schedule for the minor
- 10275 child;
- 10276 (vii) physical facilities of each parent's residence; and
- 10277 (viii) any other factor the court considers relevant.
- 10278 (2)(a) If the parties agree to or the court orders the equal parent-time schedule described
- 10279 in this section, a parenting plan in accordance with Section 81-9-203 shall be filed
- 10280 with an order incorporating the equal parent-time schedule.
- 10281 (b) An order under this section shall result in 182 overnights per year for one parent, and
- 10282 183 overnights per year for the other parent.
- 10283 (c) Under the equal parent-time schedule, a parent is not considered to have the minor
- 10284 child the majority of the time for the purposes of Subsection 81-9-203(11)(e)(ii) or
- 10285 81-9-205(10).
- 10286 (d) Child support for the equal parent-time schedule shall be consistent with Section
- 10287 81-6-206.
- 10288 (e) A court shall determine which parent receives 182 overnights and which parent
- 10289 receives 183 overnights for parent-time.
- 10290 (3)(a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time
- 10291 schedule is as follows:
- 10292 (i) one parent shall exercise parent-time starting Monday morning and ending
- 10293 Wednesday morning;
- 10294 (ii) the other parent shall exercise parent-time starting Wednesday morning and
- 10295 ending Friday morning; and

- 10296 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning
10297 and ending Monday morning.
- 10298 (b) The child exchange shall take place:
- 10299 (i) at the time the minor child's school begins; or
10300 (ii) if school is not in session, at 9 a.m.
- 10301 (4)(a) The parents may create a holiday schedule.
- 10302 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the
10303 court shall:
- 10304 (i) order the holiday schedule described in Section 81-9-302 or 81-9-304; and
10305 (ii) designate which parent shall exercise parent-time for each holiday described in
10306 Section 81-9-302 or 81-9-304.
- 10307 (5)(a) Each year, a parent may designate two consecutive weeks to exercise
10308 uninterrupted parent-time during the summer when school is not in session.
- 10309 (b)(i) One parent may make a designation at any time and the other parent may make
10310 a designation after May 1.
- 10311 (ii) A parent shall make a designation at least 30 days before the day on which the
10312 designated two-week period begins.
- 10313 (c) The court shall designate which parent may make the earlier designation described in
10314 Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make
10315 the earlier designation in an odd numbered year.
- 10316 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all
10317 holidays except for Mother's Day and Father's Day.
- 10318 Section 248. Section **81-9-402** is amended to read:
- 10319 **81-9-402 . Custody and visitation for individuals other than a parent -- Venue.**
- 10320 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a
10321 parent retain the fundamental right and duty to exercise primary control over the care,
10322 supervision, upbringing, and education of a minor child of the parent.
- 10323 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's
10324 best interests.
- 10325 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or
10326 visitation rights to an individual other than a parent who, by clear and convincing
10327 evidence, establishes that:
- 10328 (a) the individual has intentionally assumed the role and obligations of a parent;
10329 (b) the individual and the minor child have formed a substantial emotional bond and

- 10330 created a parent-child type relationship;
- 10331 (c) the individual substantially contributed emotionally or financially to the minor child's
- 10332 well being;
- 10333 (d) the assumption of the parental role is not the result of a financially compensated
- 10334 surrogate care arrangement;
- 10335 (e) the continuation of the relationship between the individual and the minor child is in
- 10336 the minor child's best interest;
- 10337 (f) the loss or cessation of the relationship between the individual and the minor child
- 10338 would substantially harm the minor child; and
- 10339 (g) the parent:
- 10340 (i) is absent; or
- 10341 (ii) is found by a court to have abused or neglected the minor child.
- 10342 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,
- 10343 an individual shall file a verified petition, or a petition supported by an affidavit, for
- 10344 custodial or visitation rights to the minor child in the juvenile court if a matter is pending
- 10345 in the juvenile court, or in the district court in the county where the minor child:
- 10346 (a) currently resides; or
- 10347 (b) lived with a parent or an individual other than a parent who acted as a parent within
- 10348 six months before the commencement of the action.
- 10349 (4) An individual may file a petition under this section in a pending divorce, parentage
- 10350 action, or other proceeding, including a proceeding in the juvenile court involving
- 10351 custody of or visitation with a minor child.
- 10352 (5) The petition shall include detailed facts supporting the petitioner's right to file the
- 10353 petition including the criteria set forth in Subsection (2) and residency information
- 10354 described in Section [~~78B-13-209~~] 81-11-209.
- 10355 (6) An individual may not file a petition under this section against a parent who is actively
- 10356 serving outside the state in any branch of the military.
- 10357 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the
- 10358 Utah Rules of Civil Procedure on all of the following:
- 10359 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- 10360 (b) any individual who has court-ordered custody or visitation rights;
- 10361 (c) the minor child's guardian;
- 10362 (d) the guardian ad litem, if one has been appointed;
- 10363 (e) an individual or agency that has physical custody of the minor child or that claims to

- 10364 have custody or visitation rights; and
- 10365 (f) any other individual or agency that has previously appeared in any action regarding
- 10366 custody of or visitation with the minor child.
- 10367 (8) The court may order a custody evaluation to be conducted in any proceeding brought
- 10368 under this section.
- 10369 (9) The court may enter temporary orders in a proceeding brought under this section
- 10370 pending the entry of final orders.
- 10371 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
- 10372 under this section to an individual:
- 10373 (a) who is not the parent of the minor child; and
- 10374 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
- 10375 contest to a felony or attempted felony involving conduct that constitutes any of the
- 10376 following:
- 10377 (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and
- 10378 76-5-114;
- 10379 (ii) child abuse homicide, as described in Section 76-5-208;
- 10380 (iii) child kidnapping, as described in Section 76-5-301.1;
- 10381 (iv) human trafficking of a child, as described in Section 76-5-308.5;
- 10382 (v) sexual abuse of a minor, as described in Section 76-5-401.1;
- 10383 (vi) rape of a child, as described in Section 76-5-402.1;
- 10384 (vii) object rape of a child, as described in Section 76-5-402.3;
- 10385 (viii) sodomy on a child, as described in Section 76-5-403.1;
- 10386 (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual
- 10387 abuse of a child, as described in Section 76-5-404.3;
- 10388 (x) sexual exploitation of a minor, as described in Section 76-5b-201;
- 10389 (xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- 10390 (xii) an offense in another state that, if committed in this state, would constitute an
- 10391 offense described in this Subsection (10).
- 10392 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed
- 10393 in Subsection (10) that prevents a court from granting custody except as provided in
- 10394 this Subsection (11).
- 10395 (b) An individual described in Subsection (10) may only be considered for custody of a
- 10396 minor child if the following criteria are met by clear and convincing evidence:
- 10397 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;

- 10398 (ii) at least 10 years have elapsed from the day on which the individual is
10399 successfully released from prison, jail, parole, or probation related to a
10400 disqualifying offense;
- 10401 (iii) during the 10 years before the day on which the individual files a petition with
10402 the court seeking custody the individual has not been convicted, plead guilty, or
10403 plead no contest to an offense greater than an infraction or traffic violation that
10404 would likely impact the health, safety, or well-being of the minor child;
- 10405 (iv) the individual can provide evidence of successful treatment or rehabilitation
10406 directly related to the disqualifying offense;
- 10407 (v) the court determines that the risk related to the disqualifying offense is unlikely to
10408 cause harm, as defined in Section 80-1-102, or potential harm to the minor child
10409 currently or at any time in the future when considering all of the following:
- 10410 (A) the minor child's age;
- 10411 (B) the minor child's gender;
- 10412 (C) the minor child's development;
- 10413 (D) the nature and seriousness of the disqualifying offense;
- 10414 (E) the preferences of a minor child who is 12 years old or older;
- 10415 (F) any available assessments, including custody evaluations, parenting
10416 assessments, psychological or mental health assessments, and bonding
10417 assessments; and
- 10418 (G) any other relevant information;
- 10419 (vi) the individual can provide evidence of the following:
- 10420 (A) the relationship with the minor child is of long duration;
- 10421 (B) that an emotional bond exists with the minor child; and
- 10422 (C) that custody by the individual who has committed the disqualifying offense
10423 ensures the best interests of the minor child are met;
- 10424 (vii)(A) there is no other responsible relative known to the court who has or likely
10425 could develop an emotional bond with the minor child and does not have a
10426 disqualifying offense; or
- 10427 (B) if there is a responsible relative known to the court that does not have a
10428 disqualifying offense, Subsection (11)(d) applies; and
- 10429 (viii) that the continuation of the relationship between the individual with the
10430 disqualifying offense and the minor child could not be sufficiently maintained
10431 through any type of visitation if custody were given to the relative with no

- 10432 disqualifying offense described in Subsection (11)(d).
- 10433 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 10434 why placement with that individual is in the best interest of the minor child over
- 10435 another responsible relative or equally situated individual who does not have a
- 10436 disqualifying offense.
- 10437 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
- 10438 the court who does not have a disqualifying offense:
- 10439 (i) preference for custody is given to a relative who does not have a disqualifying
- 10440 offense; and
- 10441 (ii) before the court may place custody with the individual who has the disqualifying
- 10442 offense over another responsible, willing, and able relative:
- 10443 (A) an impartial custody evaluation shall be completed; and
- 10444 (B) a guardian ad litem shall be assigned.
- 10445 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
- 10446 decision on custody has not been made and to a case filed on or after March 25, 2017.
- 10447 Section 249. Section **81-10-101**, which is renumbered from Section 78B-20-102 is renumbered
- 10448 and amended to read:
- 10449 **CHAPTER 10. UNIFORM DEPLOYED PARENTS CUSTODY, PARENT-TIME,**

10450

AND VISITATION ACT

10451

Part 1. General Provisions

10452

~~[78B-20-102]~~ 81-10-101 . Definitions.

10453

As used in this chapter:

10454

- (1) "Adult" means an individual who ~~[has attained]~~ is at least 18 years old or is an emancipated minor child.

10455

10456

- (2)(a) "Caretaking authority" means the right to live with and care for a child on a day-to-day basis.

10457

10458

- (b) "Caretaking authority" includes physical custody, parent-time, right to access, and visitation.

10459

10460

- (3) "Child" means:

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- (a) ~~[an unemancipated individual who has not attained 18 years old]~~ a minor child; or

10462

- (b) an adult son or daughter by birth or adoption, or under the law of this state other than this chapter, who is the subject of a court order concerning custodial responsibility.

10463

- 10464 (4) "Court" means a tribunal, including an administrative agency, authorized under the law
10465 of this state other than this chapter to make, enforce, or modify a decision regarding
10466 custodial responsibility.
- 10467 (5)(a) "Custodial responsibility" includes all powers and duties relating to caretaking
10468 authority and decision-making authority for a child. [~~The term~~]
- 10469 (b) "Custodial responsibility" includes physical custody, legal custody, parent-time, right
10470 to access, visitation, and authority to grant limited contact with a child.
- 10471 (6)(a) "Decision-making authority" means the power to make important decisions
10472 regarding a child, including decisions regarding the child's education, religious
10473 training, health care, extracurricular activities, and travel. [~~The term~~]
- 10474 (b) "Decision-making authority" does not include the power to make decisions that
10475 necessarily accompany a grant of caretaking authority.
- 10476 (7) "Deploying parent" means a service member who is deployed or has been notified of
10477 impending deployment and is:
- 10478 (a) a parent of a child under the law of this state other than this chapter; or
10479 (b) an individual who has custodial responsibility for a child under the law of this state
10480 other than this chapter.
- 10481 (8) "Deployment" means the movement or mobilization of a service member for more than
10482 90 days but less than 18 months pursuant to uniformed service orders that:
- 10483 (a) are designated as unaccompanied;
10484 (b) do not authorize dependent travel; or
10485 (c) otherwise do not permit the movement of family members to the location to which
10486 the service member is deployed.
- 10487 (9) "Family care plan" means a formal written contingency plan mandated by regulation of
10488 the various departments and components of the uniformed service that requires certain
10489 service member parents of minor children to plan in advance for the smooth, rapid
10490 transfer of parental responsibilities to designees during the absence of the service
10491 member due to death, incapacity, short-term absences, long-term absences, including
10492 deployments, or noncombatant evacuation operations.
- 10493 (10) "Family member" means a sibling, aunt, uncle, cousin, stepparent, or grandparent of a
10494 child, or an individual recognized to be in a familial relationship with a child under the
10495 law of this state other than this chapter.
- 10496 (11)(a) "Limited contact" means the authority of a nonparent to visit a child for a limited
10497 time.

- 10498 (b) "Limited contact" includes authority to take the child to a place other than the
10499 residence of the child.
- 10500 (12) "Nonparent" means an individual other than a deploying parent or other parent.
- 10501 (13) "Other parent" means an individual who, in common with a deploying parent, is:
10502 (a) a parent of a child under the law of this state other than this chapter; or
10503 (b) an individual who has custodial responsibility for a child under the law of this state
10504 other than this chapter.
- 10505 (14) "Record" means information that is inscribed on a tangible medium or that is stored in
10506 an electronic or other medium and is retrievable in perceivable form.
- 10507 (15) "Return from deployment" means the conclusion of a service member's deployment as
10508 specified in uniformed service orders.
- 10509 (16) "Service member" means a member of a uniformed service.
- 10510 (17) "Sign" means, with present intent to authenticate or adopt a record:
10511 (a) to execute or adopt a tangible symbol; or
10512 (b) to attach to or logically associate with the record an electronic symbol, sound, or
10513 process.
- 10514 (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
10515 United States Virgin Islands, or any territory or insular possession subject to the
10516 jurisdiction of the United States.
- 10517 (19) "Uniformed service" means:
10518 (a) active and reserve components of the United States armed forces;
10519 (b) the United States Merchant Marine;
10520 (c) the commissioned corps of the United States Public Health Service;
10521 (d) the commissioned corps of the National Oceanic and Atmospheric Administration of
10522 the United States; or
10523 (e) the National Guard of a state.
- 10524 Section 250. Section **81-10-102**, which is renumbered from Section 78B-20-103 is renumbered
10525 and amended to read:
- 10526 **[78B-20-103] 81-10-102 . Remedies for noncompliance.**
- 10527 In addition to other remedies under the law of this state other than this chapter, if a court
10528 finds that a party to a proceeding under this chapter has acted in bad faith or intentionally
10529 failed to comply with this chapter or a court order issued under this chapter, the court may
10530 assess reasonable attorney fees and costs against the party and order other appropriate relief.
- 10531 Section 251. Section **81-10-103**, which is renumbered from Section 78B-20-104 is renumbered

10532 and amended to read:

10533 **[78B-20-104] 81-10-103 . Jurisdiction.**

- 10534 (1) A court may issue an order regarding custodial responsibility under this chapter only if
 10535 the court has jurisdiction under [~~Title 78B, Chapter 13, Utah Uniform Child Custody~~
 10536 ~~Jurisdiction and Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and
 10537 Enforcement Act.
- 10538 (2) If a court has issued a temporary order regarding custodial responsibility pursuant to
 10539 Part 3, Judicial Procedure for Granting Custodial Responsibility During Deployment, the
 10540 residence of the deploying parent is not changed by reason of the deployment for the
 10541 purposes of [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 10542 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act,
 10543 during the deployment.
- 10544 (3) If a court has issued a permanent order regarding custodial responsibility before notice
 10545 of deployment and the parents modify that order temporarily by agreement pursuant to
 10546 Part 2, Agreement Addressing Custodial Responsibility During Deployment, the
 10547 residence of the deploying parent is not changed by reason of the deployment for the
 10548 purposes of [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 10549 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.
- 10550 (4) If a court in another state has issued a temporary order regarding custodial responsibility
 10551 as a result of impending or current deployment, the residence of the deploying parent is
 10552 not changed by reason of the deployment for the purposes of [~~Title 78B, Chapter 13,~~
 10553 ~~Utah Uniform Child Custody Jurisdiction and Enforcement Act~~] Chapter 11, Uniform
 10554 Child Custody Jurisdiction and Enforcement Act.
- 10555 (5) This section does not prevent a court from exercising temporary emergency jurisdiction
 10556 under [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 10557 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.

10558 Section 252. Section **81-10-104**, which is renumbered from Section 78B-20-105 is renumbered
 10559 and amended to read:

10560 **[78B-20-105] 81-10-104 . Notification required of deploying parent.**

- 10561 (1)(a) Except as otherwise provided in Subsection (4) and subject to Subsection (3), a
 10562 deploying parent shall in a record notify the other parent of a pending deployment not
 10563 later than seven days after receiving notice of deployment unless reasonably
 10564 prevented from doing so by the circumstances of service.
- 10565 (b) If the circumstances of service prevent giving notification within the seven days, the

- 10566 deploying parent shall give the notification as soon as reasonably possible.
- 10567 (2)(a) Except as otherwise provided in Subsection (4) and subject to Subsection (3), each
10568 parent shall in a record provide the other parent with a plan for fulfilling that parent's
10569 share of custodial responsibility during deployment.
- 10570 (b) Each parent shall provide the plan as soon as reasonably possible after notification of
10571 deployment is given under Subsection (1).
- 10572 (3)(a) If a court order currently in effect prohibits disclosure of the address or contact
10573 information of the other parent, notification of deployment under Subsection (1), or
10574 notification of a plan for custodial responsibility during deployment under Subsection
10575 (2), may be made only to the issuing court.
- 10576 (b) If the address of the other parent is available to the issuing court, the court shall
10577 forward the notification to the other parent.
- 10578 (c) The court shall keep confidential the address or contact information of the other
10579 parent.
- 10580 (4) Notification in a record under Subsection (1) or (2) is not required if the parents are
10581 living in the same residence and both parents have actual notice of the deployment or
10582 plan.
- 10583 (5) In a proceeding regarding custodial responsibility, a court may consider the
10584 reasonableness of a parent's efforts to comply with this section.
- 10585 Section 253. Section **81-10-105**, which is renumbered from Section 78B-20-106 is renumbered
10586 and amended to read:
- 10587 **[78B-20-106] 81-10-105 . Duty to notify of change of address.**
- 10588 (1)(a) Except as otherwise provided in Subsection (2), an individual to whom custodial
10589 responsibility has been granted during deployment pursuant to Part 2, Agreement
10590 Addressing Custodial Responsibility During Deployment, or Part 3, Judicial
10591 Procedure for Granting Custodial Responsibility During Deployment, shall notify the
10592 deploying parent and any other individual with custodial responsibility of a child of
10593 any change of the individual's mailing address or residence until the grant is
10594 terminated.
- 10595 (b) The individual shall provide notice to any court that has issued a custody or child
10596 support order concerning the child, which is in effect.
- 10597 (2)(a) If a court order currently in effect prohibits disclosure of the address or contact
10598 information of an individual to whom custodial responsibility has been granted, a
10599 notification under Subsection (1) may be made only to the court that issued the order.

10600 (b) The court shall keep confidential the mailing address or residence of the individual to
 10601 whom custodial responsibility has been granted.

10602 Section 254. Section **81-10-106**, which is renumbered from Section 78B-20-107 is renumbered
 10603 and amended to read:

10604 **[78B-20-107] 81-10-106 . General consideration in custody proceeding of parent's**
 10605 **military service.**

10606 In a proceeding for custodial responsibility of a child of a service member, a court may
 10607 not consider a parent's past deployment or possible future deployment in itself in determining
 10608 the best interest of the child but may consider any significant impact on the best interest of the
 10609 child of the parent's past or possible future deployment.

10610 Section 255. Section **81-10-201**, which is renumbered from Section 78B-20-201 is renumbered
 10611 and amended to read:

10612 **Part 2. Agreement Addressing Custodial Responsibility During Deployment**

10613 **[78B-20-201] 81-10-201 . Form of agreement.**

10614 (1)(a) The parents of a child may enter into a temporary agreement under this part
 10615 granting custodial responsibility during deployment.

10616 (b) When the parents of a child include one or more servicemembers, the parents should
 10617 enter into an agreement granting custodial responsibility before notice of deployment,
 10618 but may also enter into an agreement granting custodial responsibility following
 10619 notice of deployment.

10620 (2) An agreement under Subsection (1) shall be:

10621 (a) in writing; and

10622 (b) signed by both parents and any nonparent to whom custodial responsibility is granted.

10623 (3) Subject to Subsection (4), an agreement under Subsection (1), if feasible, shall:

10624 (a) identify the destination, duration, and conditions of the deployment that is the basis
 10625 for the agreement if the deployment has been noticed;

10626 (b) specify the allocation of caretaking authority among the deploying parent, the other
 10627 parent, and any nonparent;

10628 (c) specify any decision-making authority that accompanies a grant of caretaking
 10629 authority;

10630 (d) specify any grant of limited contact to a nonparent;

10631 (e) if under the agreement custodial responsibility is shared by the other parent and a
 10632 nonparent, or by other nonparents, provide a process to resolve any dispute that may
 10633 arise;

- 10634 (f) specify the frequency, duration, and means, including electronic means, by which the
 10635 deploying parent will have contact with the child, any role to be played by the other
 10636 parent in facilitating the contact, and the allocation of any costs of contact;
- 10637 (g) specify the contact between the deploying parent and child during the time the
 10638 deploying parent is on leave or is otherwise available;
- 10639 (h) acknowledge that any party's child-support obligation cannot be modified by the
 10640 agreement, and that changing the terms of the obligation during deployment requires
 10641 modification in the appropriate court;
- 10642 (i) provide that the agreement will terminate according to the procedures under Part 4,
 10643 Return from Deployment, after the deploying parent returns from deployment; and
- 10644 (j) if the agreement is required to be filed pursuant to Section ~~[78B-20-205]~~ 81-10-205,
 10645 specify which parent is required to file the agreement.

10646 (4) The omission of any of the items specified in Subsection (3) does not invalidate an
 10647 agreement under this section.

10648 (5) A servicemember shall ensure that the servicemember's family care plan reflects orders
 10649 and agreements entered and filed ~~[pursuant to]~~ in accordance with this chapter.

10650 Section 256. Section **81-10-202**, which is renumbered from Section 78B-20-202 is renumbered
 10651 and amended to read:

10652 **[78B-20-202] 81-10-202 . Nature of authority created by agreement.**

10653 (1)(a) An agreement under this part is temporary and terminates pursuant to Part 4,
 10654 Return from Deployment, after the deploying parent returns from deployment, unless
 10655 the agreement has been terminated before that time by court order or modification
 10656 under Section ~~[78B-2-203]~~ 81-10-203.

10657 (b) The agreement may not create an independent, continuing right to caretaking
 10658 authority, decision-making authority, or limited contact in an individual to whom
 10659 custodial responsibility is given.

10660 (2) A nonparent who has caretaking authority, decision-making authority, or limited contact
 10661 by an agreement under this part has standing to enforce the agreement until it has been
 10662 terminated by court order, by modification under Section ~~[78B-20-203]~~ 81-10-203, or
 10663 under Part 4, Return from Deployment.

10664 Section 257. Section **81-10-203**, which is renumbered from Section 78B-20-203 is renumbered
 10665 and amended to read:

10666 **[78B-20-203] 81-10-203 . Modification of agreement.**

10667 (1) By mutual consent, the parents of a child may modify an agreement regarding custodial

10668 responsibility made [~~pursuant to~~] in accordance with this part.

10669 (2) If an agreement is modified under Subsection (1) before deployment of a deploying
10670 parent, the modification shall be in writing and signed by both parents and any
10671 nonparent who will exercise custodial responsibility under the modified agreement.

10672 (3) If an agreement is modified under Subsection (1) during deployment of a deployed
10673 parent, the modification shall be agreed to in a record by both parents and any nonparent
10674 who will exercise custodial responsibility under the modified agreement.

10675 Section 258. Section **81-10-204**, which is renumbered from Section 78B-20-204 is renumbered
10676 and amended to read:

10677 **~~[78B-20-204]~~ 81-10-204 . Power of attorney.**

10678 (1) A deploying parent, by power of attorney, may delegate all or part of custodial
10679 responsibility to an adult nonparent for the period of deployment if no other parent
10680 possesses custodial responsibility under the law of this state other than this chapter or if
10681 a court order currently in effect prohibits contact between the child and the other parent.

10682 (2) The deploying parent may revoke the power of attorney by signing a revocation of the
10683 power.

10684 Section 259. Section **81-10-205**, which is renumbered from Section 78B-20-205 is renumbered
10685 and amended to read:

10686 **~~[78B-20-205]~~ 81-10-205 . Filing agreement or power of attorney with court.**

10687 (1)(a) An agreement or power of attorney under this part shall be filed within a
10688 reasonable time with any court that has entered an order on custodial responsibility or
10689 child support that is in effect concerning the child who is the subject of the agreement
10690 or power.

10691 (b) The case number and heading of the pending case concerning custodial responsibility
10692 or child support shall be provided to the court with the agreement or power.

10693 (2) Notwithstanding Subsection (1), failure to file an agreement or power of attorney does
10694 not invalidate an otherwise valid agreement or power of attorney.

10695 Section 260. Section **81-10-301**, which is renumbered from Section 78B-20-301 is renumbered
10696 and amended to read:

10697 **Part 3. Judicial Procedure for Granting Custodial Responsibility During Deployment**

10698 **~~[78B-20-301]~~ 81-10-301 . Definitions for part.**

10699 [In] As used in this part, "close and substantial relationship" means a relationship in
10700 which a significant bond exists between a child and a nonparent.

10701 Section 261. Section **81-10-302**, which is renumbered from Section 78B-20-302 is renumbered

10702 and amended to read:

10703 **[78B-20-302] 81-10-302 . Proceeding for temporary custody -- Order.**

10704 (1)(a) After a deploying parent receives notice of deployment and until the deployment
10705 terminates, a court may issue a temporary order granting custodial responsibility
10706 unless prohibited by Section 39A-6-105 and the Servicemembers Civil Relief Act, 50
10707 U.S.C. Appendix Sections 521 and 522.

10708 (b) A court may not issue a permanent order granting custodial responsibility without
10709 the consent of the deploying parent.

10710 (2)(a) At any time after a deploying parent receives notice of deployment, either parent
10711 may file a motion regarding custodial responsibility of a child during deployment.

10712 (b) The motion shall be filed in a pending proceeding for custodial responsibility in a
10713 court with jurisdiction under Section [78B-20-104] 81-10-103 or, if there is no
10714 pending proceeding in a court with jurisdiction under Section [78B-20-104] 81-10-103,
10715 in a new action for granting custodial responsibility during deployment.

10716 Section 262. Section **81-10-303**, which is renumbered from Section 78B-20-303 is renumbered
10717 and amended to read:

10718 **[78B-20-303] 81-10-303 . Expedited hearing.**

10719 If a motion to grant custodial responsibility is filed under Subsection [78B-20-302(2)]
10720 81-10-302(2) before a deploying parent deploys, the court shall conduct an expedited hearing.

10721 Section 263. Section **81-10-304**, which is renumbered from Section 78B-20-304 is renumbered
10722 and amended to read:

10723 **[78B-20-304] 81-10-304 . Testimony by electronic means.**

10724 In a proceeding under this part, a party or witness who is not reasonably available to
10725 appear personally may appear, provide testimony, and present evidence by electronic means
10726 unless the court finds good cause to require a personal appearance.

10727 Section 264. Section **81-10-305**, which is renumbered from Section 78B-20-305 is renumbered
10728 and amended to read:

10729 **[78B-20-305] 81-10-305 . Effect of prior judicial order or agreement.**

10730 In a proceeding for a grant of custodial responsibility [~~pursuant to~~] in accordance with
10731 this part, the following rules apply:

10732 (1) a prior judicial order designating custodial responsibility in the event of deployment is
10733 binding on the court unless the circumstances meet the requirements of the law of this
10734 state other than this chapter for modifying a judicial order regarding custodial
10735 responsibility; and

10736 (2) the court shall enforce a prior written agreement between the parents for designating
10737 custodial responsibility in the event of deployment, including an agreement executed
10738 under Part 2, Agreement Addressing Custodial Responsibility During Deployment,
10739 unless the court finds that the agreement is contrary to the best interest of the child.

10740 Section 265. Section **81-10-306**, which is renumbered from Section 78B-20-306 is renumbered
10741 and amended to read:

10742 **~~[78B-20-306]~~ 81-10-306 . Grant of caretaking or decision-making authority to
10743 nonparent.**

10744 (1) On motion of a deploying parent and in accordance with the law of this state other than
10745 this chapter, if it is in the best interest of the child a court may grant caretaking authority
10746 to a nonparent who is an adult family member of the child with whom the child has a
10747 close and substantial relationship.

10748 (2) Unless a grant of caretaking authority to a nonparent under Subsection (1) is agreed to
10749 by the other parent, the grant is limited to an amount of time not greater than:

10750 (a) the amount of time granted to the deploying parent under a permanent custody order,
10751 but the court may add unusual travel time necessary to transport the child; or

10752 (b) in the absence of a permanent custody order that is currently in effect, the amount of
10753 time that the deploying parent habitually cared for the child before being notified of
10754 deployment, but the court may add unusual travel time necessary to transport the
10755 child.

10756 (3)(a) A court may grant part of a deploying parent's decision-making authority, if the
10757 deploying parent is unable to exercise that authority, to a nonparent who is an adult
10758 family member of the child with whom the child has a close and substantial
10759 relationship.

10760 (b) If a court grants the authority to a nonparent, the court shall specify the
10761 decision-making powers granted, including decisions regarding the child's education,
10762 religious training, health care, extracurricular activities, and travel.

10763 Section 266. Section **81-10-307**, which is renumbered from Section 78B-20-307 is renumbered
10764 and amended to read:

10765 **~~[78B-20-307]~~ 81-10-307 . Grant of limited contact.**

10766 On motion of a deploying parent, and in accordance with the law of this state other than
10767 this chapter, unless the court finds that the contact would be contrary to the best interest of the
10768 child, a court shall grant limited contact to a nonparent who is a family member of the child or
10769 an individual with whom the child has a close and substantial relationship.

10770 Section 267. Section **81-10-308**, which is renumbered from Section 78B-20-308 is renumbered
10771 and amended to read:

10772 ~~[78B-20-308]~~ **81-10-308 . Nature of authority created by temporary custody**
10773 **order.**

- 10774 (1)(a) A grant of authority under this part is temporary and terminates under Part 4,
10775 Return from Deployment, after the return from deployment of the deploying parent,
10776 unless the grant has been terminated before that time by court order.
- 10777 (b) The grant may not create an independent, continuing right to caretaking authority,
10778 decision-making authority, or limited contact in an individual to whom it is granted.
- 10779 (2) A nonparent granted caretaking authority, decision-making authority, or limited contact
10780 under this part has standing to enforce the grant until it is terminated by court order or
10781 under Part 4, Return from Deployment.

10782 Section 268. Section **81-10-309**, which is renumbered from Section 78B-20-309 is renumbered
10783 and amended to read:

10784 ~~[78B-20-309]~~ **81-10-309 . Content of temporary custody order.**

- 10785 (1) An order granting custodial responsibility under this part shall:
- 10786 (a) designate the order as temporary; and
- 10787 (b) identify to the extent feasible the destination, duration, and conditions of the
10788 deployment.
- 10789 (2) If applicable, an order for custodial responsibility under this part shall:
- 10790 (a) specify the allocation of caretaking authority, decision-making authority, or limited
10791 contact among the deploying parent, the other parent, and any nonparent;
- 10792 (b) if the order divides caretaking or decision-making authority between individuals, or
10793 grants caretaking authority to one individual and limited contact to another, provide a
10794 process to resolve any dispute that may arise;
- 10795 (c) provide for liberal communication between the deploying parent and the child during
10796 deployment, including through electronic means, unless contrary to the best interest
10797 of the child, and allocate any costs of communications;
- 10798 (d) provide for liberal contact between the deploying parent and the child during the
10799 time the deploying parent is on leave or otherwise available, unless contrary to the
10800 best interest of the child;
- 10801 (e) provide for reasonable contact between the deploying parent and the child after
10802 return from deployment until the temporary order is terminated, even if the time of
10803 contact exceeds the time the deploying parent spent with the child before entry of the

10804 temporary order; and

10805 (f) provide that the order will terminate [~~pursuant to~~] in accordance with Part 4, Return
10806 from Deployment, after the deploying parent returns from deployment.

10807 Section 269. Section **81-10-310**, which is renumbered from Section 78B-20-310 is renumbered
10808 and amended to read:

10809 **~~[78B-20-310]~~ 81-10-310 . Order for child support.**

10810 If a court has issued an order granting caretaking authority under this part, or an
10811 agreement granting caretaking authority has been executed under Part 2, Agreement
10812 Addressing Custodial Responsibility During Deployment, the court may enter a temporary
10813 order for child support consistent with the law of this state other than this chapter if the court
10814 has jurisdiction under [~~Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act~~]
10815 Chapter 8, Uniform Interstate Family Support Act.

10816 Section 270. Section **81-10-311**, which is renumbered from Section 78B-20-311 is renumbered
10817 and amended to read:

10818 **~~[78B-20-311]~~ 81-10-311 . Modifying or terminating grant of custodial
10819 responsibility to nonparent.**

10820 (1)(a) Except for an order under Section [~~78B-20-305]~~ 81-10-305, except as otherwise
10821 provided in Subsection (2), and consistent with Section 39A-6-105 and the
10822 Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521 and 522, on
10823 motion of a deploying parent, other parent, or any nonparent to whom caretaking
10824 authority, decision-making authority, or limited contact has been granted, the court
10825 may modify or terminate the grant if the modification or termination is consistent
10826 with this part and it is in the best interest of the child.

10827 (b) A modification is temporary and terminates [~~pursuant to~~] in accordance with Part 4,
10828 Return from Deployment, after the deploying parent returns from deployment, unless
10829 the grant has been terminated before that time by court order.

10830 (2) On motion of a deploying parent, the court shall terminate a grant of limited contact.

10831 Section 271. Section **81-10-401**, which is renumbered from Section 78B-20-401 is renumbered
10832 and amended to read:

10833 **Part 4. Return from Deployment**

10834 **~~[78B-20-401]~~ 81-10-401 . Procedure for terminating temporary grant of custodial
10835 responsibility established by agreement.**

10836 (1) At any time after return from deployment, a temporary agreement granting custodial
10837 responsibility under Part 2, Agreement Addressing Custodial Responsibility During

- 10838 Deployment, may be terminated by an agreement to terminate signed by the deploying
10839 parent and the other parent.
- 10840 (2) A temporary agreement under Part 2, Agreement Addressing Custodial Responsibility
10841 During Deployment, granting custodial responsibility terminates:
10842 (a) if an agreement to terminate under Subsection (1) specifies a date for termination, on
10843 that date; or
10844 (b) if the agreement to terminate does not specify a date, on the date the agreement to
10845 terminate is signed by the deploying parent and the other parent.
- 10846 (3) In the absence of an agreement under Subsection (1) to terminate, a temporary
10847 agreement granting custodial responsibility terminates under Part 2, Agreement
10848 Addressing Custodial Responsibility During Deployment, 30 days after the deploying
10849 parent gives notice to the other parent that the deploying parent returned from
10850 deployment.
- 10851 (4)(a) If a temporary agreement granting custodial responsibility was filed with a court [
10852 pursuant to ~~Section 78B-20-205~~] in accordance with Section 81-10-205, an agreement
10853 to terminate the temporary agreement shall also be filed with that court within a
10854 reasonable time after the signing of the agreement.
- 10855 (b) The case number and heading of the case concerning custodial responsibility or child
10856 support shall be provided to the court with the agreement to terminate.
- 10857 Section 272. Section **81-10-402**, which is renumbered from Section 78B-20-402 is renumbered
10858 and amended to read:
- 10859 **[78B-20-402] 81-10-402 . Consent procedure for terminating temporary grant of**
10860 **custodial responsibility established by court order.**
- 10861 (1) At any time after a deploying parent returns from deployment, the deploying parent
10862 and the other parent may file with the court an agreement to terminate a temporary order
10863 for custodial responsibility issued under Part 3, Judicial Procedure for Granting
10864 Custodial Responsibility During Deployment.
- 10865 (2) After an agreement has been filed, the court shall issue an order terminating the
10866 temporary order effective on the date specified in the agreement.
- 10867 (3) If a date is not specified, the order is effective immediately.
- 10868 Section 273. Section **81-10-403**, which is renumbered from Section 78B-20-403 is renumbered
10869 and amended to read:
- 10870 **[78B-20-403] 81-10-403 . Visitation before termination of temporary grant of**
10871 **custodial responsibility.**

10872 After a deploying parent returns from deployment until a temporary agreement or
 10873 order for custodial responsibility established under Part 2, Agreement Addressing Custodial
 10874 Responsibility During Deployment, or a provision of a court order specifying temporary
 10875 custodial responsibility during deployment issued under Part 3, Judicial Procedure for
 10876 Granting Custodial Responsibility During Deployment, or [~~Title 81,~~]Chapter 9, Custody,
 10877 Parent-time, and Visitation, is terminated, the court shall issue a temporary order granting the
 10878 deploying parent reasonable contact with the child unless it is contrary to the best interest of
 10879 the child, even if the time of contact exceeds the time the deploying parent spent with the child
 10880 before deployment.

10881 Section 274. Section **81-10-404**, which is renumbered from Section 78B-20-404 is renumbered
 10882 and amended to read:

10883 **~~[78B-20-404]~~ 81-10-404 . Termination by operation of law of temporary grant of**
 10884 **custodial responsibility established by court order.**

10885 (1) If an agreement between the parties to terminate a court order for temporary custodial
 10886 responsibility during deployment under Part 3, Judicial Procedure for Granting
 10887 Custodial Responsibility During Deployment, or to terminate a provision of an order for
 10888 temporary custodial responsibility during deployment entered under [~~Title 81,~~]Chapter
 10889 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order
 10890 terminates 30 days after the day on which the deploying parent gives notice to the other
 10891 parent and any nonparent granted custodial responsibility that the deploying parent has
 10892 returned from deployment.

10893 (2) A proceeding seeking to prevent termination of a temporary order for custodial
 10894 responsibility is governed by the law of this state other than this chapter.

10895 Section 275. Section **81-10-501**, which is renumbered from Section 78B-20-501 is renumbered
 10896 and amended to read:

10897 **Part 5. Applicability Provisions**

10898 **~~[78B-20-501]~~ 81-10-501 . Uniformity of application and construction.**

10899 In applying and construing this [~~uniform act~~] chapter, consideration shall be given to the
 10900 need to promote uniformity of the law with respect to [~~its~~] this uniform law's subject matter
 10901 among states that enact [~~it~~] this uniform law.

10902 Section 276. Section **81-10-502**, which is renumbered from Section 78B-20-502 is renumbered
 10903 and amended to read:

10904 **~~[78B-20-502]~~ 81-10-502 . Relation to Electronic Signatures in Global and**
 10905 **National Commerce Act.**

10906 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
10907 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
10908 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of
10909 the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

10910 Section 277. Section **81-10-503**, which is renumbered from Section 78B-20-503 is renumbered
10911 and amended to read:

10912 **[78B-20-503] 81-10-503 . Savings clause.**

10913 This chapter does not affect the validity of a temporary court order concerning custodial
10914 responsibility during deployment that was entered before May 10, 2016.

10915 Section 278. Section **81-11-101**, which is renumbered from Section 78B-13-102 is renumbered
10916 and amended to read:

10917 **CHAPTER 11. UNIFORM CHILD CUSTODY JURISDICTION AND**

10918

ENFORCEMENT ACT

10919

Part 1. General Provisions

10920 **[78B-13-102] 81-11-101 . Definitions for chapter.**

10921 As used in this chapter:

10922 (1) "Abandoned" means left without provision for reasonable and necessary care or
10923 supervision.

10924 [~~(2) "Child" means an individual under 18 years of age and not married.~~]

10925 [~~(3)~~] (2)(a) "Child custody determination" means a judgment, decree, or other order of a
10926 court providing for the legal custody, physical custody, or parent-time with respect to
10927 a minor child. [~~The term~~]

10928 (b) "Child custody determination" includes a permanent, temporary, initial, and
10929 modification order. [~~The term~~]

10930 (c) "Child custody determination" does not include an order relating to child support or
10931 other monetary obligation of an individual.

10932 [~~(4)~~] (3)(a) "Child custody proceeding" means a proceeding in which legal custody,
10933 physical custody, or parent-time with respect to a minor child is an issue. [~~The term~~]

10934 (b) "Child custody proceeding" includes a proceeding for divorce, separation, neglect,
10935 abuse, dependency, guardianship, paternity, termination of parental rights, and
10936 protection from domestic violence, in which the issue may appear. [~~The term~~]

10937 (c) "Child custody proceeding" does not include a proceeding involving juvenile

- 10938 delinquency, contractual emancipation, or enforcement under Part 3, Enforcement.
- 10939 [(5)] (4) "Commencement" means the filing of the first pleading in a proceeding.
- 10940 [(6)] (5) "Court" means an entity authorized under the law of a state to establish, enforce, or
- 10941 modify a child custody determination.
- 10942 [(7)] (6) "Home state" means:
- 10943 (a) if the minor child is six months old or older, the state in which a minor child lived
- 10944 with a parent or a person acting as a parent for at least six consecutive months
- 10945 immediately before the commencement of a child custody proceeding[. ~~In the case~~
- 10946 ~~of a child less than six months of age, the term means~~] , including any period of
- 10947 temporary absence of the parent or the person acting as a parent during that time
- 10948 period; or
- 10949 (b) if the minor child is younger than six months old, the state in which the minor child
- 10950 lived from birth with [any of the persons mentioned. A period of temporary absence
- 10951 of any of the mentioned persons is part of the period.] a parent or a person acting as
- 10952 parent, including any period of temporary absence of the parent or the person acting
- 10953 as a parent during that time period.
- 10954 [(8)] (7) "Initial determination" means the first child custody determination concerning a
- 10955 particular minor child.
- 10956 [(9)] (8) "Issuing court" means the court that makes a child custody determination for which
- 10957 enforcement is sought under this chapter.
- 10958 [(10)] (9) "Issuing state" means the state in which a child custody determination is made.
- 10959 [(11)] (10) "Modification" means a child custody determination that changes, replaces,
- 10960 supersedes, or is otherwise made after a previous determination concerning the same
- 10961 minor child, whether or not it is made by the court that made the previous determination.
- 10962 [(12)] (11) "Person" includes government, governmental subdivision, agency, or
- 10963 instrumentality, or any other legal or commercial entity.
- 10964 [(13)] (12) "Person acting as a parent" means a person, other than a parent, who:
- 10965 (a) has physical custody of the minor child or has had physical custody for a period of
- 10966 six consecutive months, including any temporary absence, within one year
- 10967 immediately before the commencement of a child custody proceeding; and
- 10968 (b) has been awarded legal custody by a court or claims a right to legal custody under
- 10969 the law of this state.
- 10970 [(14)] (13) "Physical custody" means the physical care and supervision of a minor child.
- 10971 [(15)] (14) "State" means a state of the United States, the District of Columbia, Puerto Rico,

10972 the United States Virgin Islands, or any territory or insular possession subject to the
10973 jurisdiction of the United States.

10974 [(16)] (15) "Tribe" means an Indian tribe, or band, or Alaskan Native village which is
10975 recognized by federal law or formally acknowledged by a state.

10976 [(17)] (16) "Writ of assistance" means an order issued by a court authorizing law
10977 enforcement officers to take physical custody of a minor child.

10978 Section 279. Section **81-11-102**, which is renumbered from Section 78B-13-103 is renumbered
10979 and amended to read:

10980 **[78B-13-103] 81-11-102 . Proceedings governed by other law.**

10981 (1) [~~For purposes of~~] As used in this section, "adoption proceeding" means any proceeding
10982 under [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Chapter 13, Adoption.

10983 (2) This chapter does not govern:

10984 (a) an adoption proceeding; or

10985 (b) a proceeding pertaining to the authorization of emergency medical care for a minor
10986 child.

10987 Section 280. Section **81-11-103**, which is renumbered from Section 78B-13-104 is renumbered
10988 and amended to read:

10989 **[78B-13-104] 81-11-103 . Application to Indian tribes.**

10990 (1) A child custody proceeding that pertains to an Indian child as defined in the Indian
10991 Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to this chapter to the extent that
10992 it is governed by the Indian Child Welfare Act.

10993 (2) A court of this state shall treat a tribe as a state of the United States for purposes of Part
10994 1, General Provisions, and Part 2, Jurisdiction.

10995 (3) A child custody determination made by a tribe under factual circumstances in
10996 substantial conformity with the jurisdictional standards of this chapter shall be
10997 recognized and enforced under the provisions of Part 3, Enforcement.

10998 Section 281. Section **81-11-104**, which is renumbered from Section 78B-13-105 is renumbered
10999 and amended to read:

11000 **[78B-13-105] 81-11-104 . International application of chapter.**

11001 (1) A court of this state shall treat a foreign country as a state of the United States for
11002 purposes of applying Part 1, General Provisions, and Part 2, Jurisdiction.

11003 (2) A child custody determination made in a foreign country under factual circumstances in
11004 substantial conformity with the jurisdictional standards of this chapter shall be
11005 recognized and enforced under Part 3, Enforcement.

11006 (3) The court need not apply the provisions of this chapter when the child custody law of
11007 the other country violates fundamental principles of human rights.

11008 Section 282. Section **81-11-105**, which is renumbered from Section 78B-13-106 is renumbered
11009 and amended to read:

11010 **[78B-13-106] 81-11-105 . Binding force of child custody determination.**

11011 (1) A child custody determination made by a court of this state that had jurisdiction
11012 under this chapter binds all persons who have:

11013 (a)(i) [-]been served in accordance with the laws of this state or notified in
11014 accordance with Section ~~[78B-13-108 or who have]~~ 81-11-107; or

11015 (ii) [-]submitted to the jurisdiction of the court~~[-, and who have-]~~ ; and

11016 (b) been given an opportunity to be heard.

11017 (2) The determination is conclusive as to ~~[them]~~ the persons described in Subsection (1) as
11018 to all decided issues of law and fact except to the extent the determination is modified.

11019 Section 283. Section **81-11-106**, which is renumbered from Section 78B-13-107 is renumbered
11020 and amended to read:

11021 **[78B-13-107] 81-11-106 . Priority.**

11022 If a question of existence or exercise of jurisdiction under this chapter is raised in a child
11023 custody proceeding, the question, upon request of a party, shall be given priority on the
11024 calendar and handled expeditiously.

11025 Section 284. Section **81-11-107**, which is renumbered from Section 78B-13-108 is renumbered
11026 and amended to read:

11027 **[78B-13-108] 81-11-107 . Notice to persons outside state.**

11028 (1)(a) Notice required for the exercise of jurisdiction when a person is outside this state
11029 may be given in a manner prescribed by the law of this state for the service of process
11030 or by the law of the state in which the service is made.

11031 (b) Notice shall be given in a manner reasonably calculated to give actual notice, but
11032 may be by publication if other means are not effective.

11033 (2) Proof of service may be made in the manner prescribed by the law of this state or by the
11034 law of the state in which the service is made.

11035 (3) Notice is not required for the exercise of jurisdiction with respect to a person who
11036 submits to the jurisdiction of the court.

11037 Section 285. Section **81-11-108**, which is renumbered from Section 78B-13-109 is renumbered
11038 and amended to read:

11039 **[78B-13-109] 81-11-108 . Appearance and limited immunity.**

11040 (1) A party to a child custody proceeding who is not subject to personal jurisdiction in this
 11041 state and is a responding party under Part 2, Jurisdiction, a party in a proceeding to
 11042 modify a child custody determination under Part 2, Jurisdiction, or a petitioner in a
 11043 proceeding to enforce or register a child custody determination under Part 3,
 11044 Enforcement, may appear and participate in the proceeding without submitting to
 11045 personal jurisdiction over the party for another proceeding or purpose.

11046 (2)(a) A party is not subject to personal jurisdiction in this state solely by being
 11047 physically present for the purpose of participating in a proceeding under this chapter.

11048 (b) If a party is subject to personal jurisdiction in this state on a basis other than physical
 11049 presence, the party may be served with process in this state.

11050 (c) If a party present in this state is subject to the jurisdiction of another state, service of
 11051 process allowable under the laws of that state may be accomplished in this state.

11052 (3) The immunity granted by this section does not extend to civil litigation based on acts
 11053 unrelated to the participation in a proceeding under this chapter committed by an
 11054 individual while present in this state.

11055 Section 286. Section **81-11-109**, which is renumbered from Section 78B-13-110 is renumbered
 11056 and amended to read:

11057 **[78B-13-110] 81-11-109 . Communication between courts.**

11058 (1) As used in this section:

11059 (a) "Record" means information that is inscribed on a tangible medium or that which is
 11060 stored in an electronic or other medium and is retrievable in perceivable form.

11061 (b) "Record" includes:

11062 (i) notes or transcripts of a court reporter who listened to a conference call between
 11063 the courts;

11064 (ii) an electronic recording of a telephone call;

11065 (iii) a memorandum or an electronic record of the communication between the courts;
 11066 or

11067 (iv) a memorandum or an electronic record made by a court after the communication.

11068 [(4)] (2) A court of this state may communicate with a court in another state concerning a
 11069 proceeding arising under this chapter.

11070 [(2)] (3)(a) The court may allow the parties to participate in the communication.

11071 (b) If the parties are not able to participate in the communication, the parties shall be
 11072 given the opportunity to present facts and legal arguments before a decision on
 11073 jurisdiction is made.

11074 ~~[(3)]~~ (4)(a) A communication between courts on schedules, calendars, court records, and
 11075 similar matters may occur without informing the parties.

11076 (b) A record need not be made of that communication.

11077 ~~[(4)]~~ (5)(a) Except as provided in Subsection ~~[(3)]~~ (4), a record shall be made of the
 11078 communication.

11079 (b) The parties shall be informed promptly of the communication and granted access to
 11080 the record.

11081 ~~[(5) For the purposes of this section, "record" means information that is inscribed on a
 11082 tangible medium or that which is stored in an electronic or other medium and is
 11083 retrievable in perceivable form. A record includes notes or transcripts of a court reporter
 11084 who listened to a conference call between the courts, an electronic recording of a
 11085 telephone call, a memorandum or an electronic record of the communication between
 11086 the courts, or a memorandum or an electronic record made by a court after the
 11087 communication.]~~

11088 Section 287. Section **81-11-110**, which is renumbered from Section 78B-13-111 is renumbered
 11089 and amended to read:

11090 ~~[78B-13-111]~~ **81-11-110 . Taking testimony in another state.**

11091 (1)(a) In addition to other procedures available to a party, a party to a child custody
 11092 proceeding may offer testimony of witnesses who are located in another state,
 11093 including testimony of the parties and the minor child, by deposition or other means
 11094 allowable in this state for testimony taken in another state.

11095 (b) The court on ~~[its]~~ the court's own motion may:

11096 (i) order that the testimony of a person be taken in another state; and ~~[may]~~

11097 (ii) prescribe the manner in which and the terms upon which the testimony is taken.

11098 (2)(a) A court of this state may permit an individual residing in another state to be
 11099 deposed or to testify by telephone, audiovisual means, or other electronic means
 11100 before a designated court or at another location in that state.

11101 (b) A court of this state shall cooperate with courts of other states in designating an
 11102 appropriate location for the deposition or testimony.

11103 (3) Documentary evidence transmitted from another state to a court of this state by
 11104 technological means that do not produce an original writing may not be excluded from
 11105 evidence on an objection based on the means of transmission.

11106 Section 288. Section **81-11-111**, which is renumbered from Section 78B-13-112 is renumbered
 11107 and amended to read:

11108 **[78B-13-112] 81-11-111 . Cooperation between courts -- Preservation of records.**

- 11109 (1) A court of this state may request the appropriate court of another state to:
- 11110 (a) hold an evidentiary hearing;
- 11111 (b) order a person to produce or give evidence under procedures of that state;
- 11112 (c) order that an evaluation be made with respect to the custody of a minor child
- 11113 involved in a pending proceeding;
- 11114 (d) forward to the court of this state a certified copy of the transcript of the record of the
- 11115 hearing, the evidence otherwise presented, and any evaluation prepared in
- 11116 compliance with the request; and
- 11117 (e) order a party to a child custody proceeding or any person having physical custody of
- 11118 the minor child to appear in the proceeding with or without the minor child.
- 11119 (2) Upon request of a court of another state, a court of this state may:
- 11120 (a) hold a hearing or enter an order described in Subsection (1); or
- 11121 (b) order a person in this state to appear alone or with the minor child in a custody
- 11122 proceeding in another state.
- 11123 (3)(a) A court of this state may condition compliance with a request under Subsection
- 11124 (2)(b) upon assurance by the other state that travel and other necessary expenses will
- 11125 be advanced or reimbursed.
- 11126 (b) If ~~[the person]~~ an individual who has physical custody of the minor child cannot be
- 11127 served or fails to obey the order, or it appears the order will be ineffective, the court
- 11128 may issue a warrant of arrest against ~~[the person to secure his]~~ the individual to secure
- 11129 the individual's appearance with the minor child in the other state.
- 11130 (4) Travel and other necessary and reasonable expenses incurred under Subsections (1) and
- 11131 (2) may be assessed against the parties according to the law of this state.
- 11132 (5)(a) A court of this state shall preserve the pleadings, orders, decrees, records of
- 11133 hearings, evaluations, and other pertinent records with respect to a child custody
- 11134 proceeding until the ~~[child attains 18 years of age]~~ minor child is 18 years old.
- 11135 (b) Upon appropriate request by a court or law enforcement official of another state, the
- 11136 court shall forward a certified copy of these records.

11137 Section 289. Section **81-11-201**, which is renumbered from Section 78B-13-201 is renumbered

11138 and amended to read:

11139 **Part 2. Jurisdiction**11140 **[78B-13-201] 81-11-201 . Initial child custody jurisdiction.**

- 11141 (1) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this state

- 11142 has jurisdiction to make an initial child custody determination only if:
- 11143 (a) this state is the home state of the minor child on the date of the commencement of the
- 11144 proceeding, or was the home state of the minor child within six months before the
- 11145 commencement of the proceeding and the minor child is absent from this state but a
- 11146 parent or person acting as a parent continues to live in this state;
- 11147 (b) a court of another state does not have jurisdiction under Subsection (1)(a), or a court
- 11148 of the home state of the minor child has declined to exercise jurisdiction on the
- 11149 ground that this state is the more appropriate forum under Section [~~78B-13-207 or~~
- 11150 ~~78B-13-208;~~] 81-11-207 or 81-11-208, and:
- 11151 (i) the minor child and the minor child's parents, or the minor child and at least one
- 11152 parent or a person acting as a parent have a significant connection with this state
- 11153 other than mere physical presence; and
- 11154 (ii) substantial evidence is available in this state concerning the minor child's care,
- 11155 protection, training, and personal relationships;
- 11156 (c) all courts having jurisdiction under Subsection (1)(a) or (b) have declined to exercise
- 11157 jurisdiction on the ground that a court of this state is the more appropriate forum to
- 11158 determine the custody of the minor child under Section [~~78B-13-207 or 78B-13-208]~~
- 11159 81-11-207 or 81-11-208; or
- 11160 (d) no state would have jurisdiction under Subsection (1)(a), (b), or (c).
- 11161 (2) Subsection (1) is the exclusive jurisdictional basis for making a child custody
- 11162 determination by a court of this state.
- 11163 (3) Physical presence of, or personal jurisdiction over, a party or a minor child is neither
- 11164 necessary nor sufficient to make a child custody determination.
- 11165 Section 290. Section **81-11-202**, which is renumbered from Section 78B-13-202 is renumbered
- 11166 and amended to read:
- 11167 **[78B-13-202] 81-11-202 . Exclusive, continuing jurisdiction.**
- 11168 (1) Except as otherwise provided in Section [~~78B-13-204]~~ 81-11-204, a court of this state
- 11169 that has made a child custody determination consistent with Section [~~78B-13-201 or~~
- 11170 ~~78B-13-203]~~ 81-11-201 or 81-11-203 has exclusive, continuing jurisdiction over the
- 11171 determination until:
- 11172 (a) a court of this state determines that [~~neither~~]the minor child, the minor child and one
- 11173 parent, [~~nor~~] and the minor child and a person acting as a parent do not have a
- 11174 significant connection with this state and that substantial evidence is no longer
- 11175 available in this state concerning the minor child's care, protection, training, and

11176 personal relationships; or
 11177 (b) a court of this state or a court of another state determines that [~~neither the child, nor a~~
 11178 ~~parent, nor~~] the minor child, a parent, and any person acting as a parent [~~presently~~
 11179 ~~resides~~] do not presently reside in this state.

11180 (2) A court of this state that has exclusive, continuing jurisdiction under this section may
 11181 decline to exercise [~~its~~] the court's jurisdiction if the court determines that it is an
 11182 inconvenient forum under Section [~~78B-13-207~~] 81-11-207.

11183 (3) A court of this state that has made a child custody determination and does not have
 11184 exclusive, continuing jurisdiction under this section may modify that determination only
 11185 if [~~it~~] the court has jurisdiction to make an initial determination under Section [~~78B-13-201~~] 81-11-201.

11187 Section 291. Section **81-11-203**, which is renumbered from Section 78B-13-203 is renumbered
 11188 and amended to read:

11189 **[~~78B-13-203~~] 81-11-203 . Jurisdiction to modify determination.**

11190 Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204, a court of this state
 11191 may not modify a child custody determination made by a court of another state unless a court
 11192 of this state has jurisdiction to make an initial determination under Subsection [~~78B-13-201(1)(a)~~] 81-11-201(1)(a) or (b) and:

11194 (1) the court of the other state determines [~~it~~] the court no longer has exclusive, continuing
 11195 jurisdiction under Section [~~78B-13-202~~] 81-11-202 or that a court of this state would be a
 11196 more convenient forum under Section [~~78B-13-207~~] 81-11-207; or

11197 (2) a court of this state or a court of the other state determines that [~~neither the child, nor a~~
 11198 ~~parent, nor~~] the minor child, a parent, and any person acting as a parent presently [~~resides~~]
 11199 do not reside in the other state.

11200 Section 292. Section **81-11-204**, which is renumbered from Section 78B-13-204 is renumbered
 11201 and amended to read:

11202 **[~~78B-13-204~~] 81-11-204 . Temporary emergency jurisdiction.**

11203 (1) A court of this state has temporary emergency jurisdiction if the minor child is present
 11204 in this state and the minor child has been abandoned or it is necessary in an emergency
 11205 to protect the minor child because the minor child, or a sibling or parent of the minor
 11206 child, is subjected to or threatened with mistreatment or abuse.

11207 (2)(a) If there is no previous child custody determination that is entitled to be enforced
 11208 under this chapter, and if no child custody proceeding has been commenced in a court
 11209 of a state having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~]

11210 81-11-201 through 81-11-203, a child custody determination made under this section
 11211 remains in effect until an order is obtained from a court of a state having jurisdiction
 11212 under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through 81-11-203.

11213 (b) If a child custody proceeding has not been or is not commenced in a court of a state
 11214 having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201
 11215 through 81-11-203, a child custody determination made under this section becomes a
 11216 final determination, if:

11217 [(a)] (i) it so provides; and

11218 [(b)] (ii) this state becomes the home state of the minor child.

11219 (3)(a) If there is a previous child custody determination that is entitled to be enforced
 11220 under this chapter, or a child custody proceeding has been commenced in a court of a
 11221 state having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201
 11222 through 81-11-203, any order issued by a court of this state under this section shall
 11223 specify in the order a period of time which the court considers adequate to allow the
 11224 person seeking an order to obtain an order from the state having jurisdiction under
 11225 Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through 81-11-203.

11226 (b) The order issued in this state remains in effect until an order is obtained from the
 11227 other state within the period specified or the period expires.

11228 (4)(a) A court of this state that has been asked to make a child custody determination
 11229 under this section, upon being informed that a child custody proceeding has been
 11230 commenced, or a child custody determination has been made, by a court of a state
 11231 having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201
 11232 through 81-11-203, shall immediately communicate with the other court.

11233 (b) A court of this state that is exercising jurisdiction [~~pursuant to Sections 78B-13-201~~
 11234 ~~through 78B-13-203~~] in accordance with Sections 81-11-201 through 81-11-203,
 11235 upon being informed that a child custody proceeding has been commenced, or a child
 11236 custody determination has been made by a court of another state under a statute
 11237 similar to this section shall immediately communicate with the court of that state.

11238 (c) The purpose of the communication is to resolve the emergency, protect the safety of
 11239 the parties and the minor child, and determine a period for the duration of the
 11240 temporary order.

11241 Section 293. Section **81-11-205**, which is renumbered from Section 78B-13-205 is renumbered
 11242 and amended to read:

11243 [~~78B-13-205~~] **81-11-205 . Notice -- Opportunity to be heard -- Joinder.**

11244 (1) Before a child custody determination is made under this chapter, notice and an
 11245 opportunity to be heard in accordance with the standards of Section ~~[78B-13-108]~~
 11246 81-11-107 shall be given to all persons entitled to notice under the law of this state as in
 11247 child custody proceedings between residents of this state, any parent whose parental
 11248 rights have not been previously terminated, and any person having physical custody of
 11249 the minor child.

11250 (2) This chapter does not govern the enforceability of a child custody determination made
 11251 without notice and an opportunity to be heard.

11252 (3) The obligation to join a party and the right to intervene as a party in a child custody
 11253 proceeding under this chapter are governed by the law of this state as in child custody
 11254 proceedings between residents of this state.

11255 Section 294. Section **81-11-206**, which is renumbered from Section 78B-13-206 is renumbered
 11256 and amended to read:

11257 **~~[78B-13-206]~~ 81-11-206 . Simultaneous proceedings.**

11258 (1) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this state
 11259 may not exercise its jurisdiction under this chapter if at the time of the commencement
 11260 of the proceeding a proceeding concerning the custody of the minor child had been
 11261 previously commenced in a court of another state having jurisdiction substantially in
 11262 conformity with this chapter, unless the proceeding has been terminated or is stayed by
 11263 the court of the other state because a court of this state is a more convenient forum under
 11264 Section ~~[78B-13-207]~~ 81-11-207.

11265 (2)(a) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this
 11266 state, before hearing a child custody proceeding, shall examine the court documents
 11267 and other information supplied by the parties ~~[pursuant to Section 78B-13-209]~~ in
 11268 accordance with Section 81-11-209.

11269 (b) If the court determines that a child custody proceeding was previously commenced
 11270 in a court in another state having jurisdiction substantially in accordance with this
 11271 chapter, the court of this state shall stay ~~[its]~~ the court's proceeding and communicate
 11272 with the court of the other state.

11273 (c) If the court of the state having jurisdiction substantially in accordance with this
 11274 chapter does not determine that the court of this state is a more appropriate forum, the
 11275 court of this state shall dismiss the proceeding.

11276 (3)(a) In a proceeding to modify a child custody determination, a court of this state shall
 11277 determine whether a proceeding to enforce the determination has been commenced in

11278 another state.

11279 (b) If a proceeding to enforce a child custody determination has been commenced in
11280 another state, the court may:

11281 [(a)] (i) stay the proceeding for modification pending the entry of an order of a court
11282 of the other state enforcing, staying, denying, or dismissing the proceeding for
11283 enforcement;

11284 [(b)] (ii) enjoin the parties from continuing with the proceeding for enforcement; or

11285 [(c)] (iii) proceed with the modification under conditions it considers appropriate.

11286 Section 295. Section **81-11-207**, which is renumbered from Section 78B-13-207 is renumbered
11287 and amended to read:

11288 **[78B-13-207] 81-11-207 . Inconvenient forum.**

11289 (1)(a) A court of this state that has jurisdiction under this chapter to make a child
11290 custody determination may decline to exercise its jurisdiction at any time if [it] the
11291 court determines that [it] the court is an inconvenient forum under the circumstances
11292 and that a court of another state is a more appropriate forum.

11293 (b) The issue of inconvenient forum may be raised upon the court's own motion, request
11294 of another court, or motion of a party.

11295 (2)(a) Before determining whether [it] the court is an inconvenient forum, a court of this
11296 state shall consider whether it is appropriate that a court of another state exercise
11297 jurisdiction.

11298 (b) [~~For this purpose~~] In making a determination under Subsection (2)(a), the court shall:

11299 (i) allow the parties to submit information[~~and shall~~] ; and

11300 (ii) consider all relevant factors, including:

11301 [(a)] (A) whether domestic violence has occurred and is likely to continue in the
11302 future and which state could best protect the parties and the minor child;

11303 [(b)] (B) the length of time the minor child has resided outside this state;

11304 [(c)] (C) the distance between the court in this state and the court in the state that
11305 would assume jurisdiction;

11306 [(d)] (D) the relative financial circumstances of the parties;

11307 [(e)] (E) any agreement of the parties as to which state should assume jurisdiction;

11308 [(f)] (F) the nature and location of the evidence required to resolve the pending
11309 litigation, including the testimony of the minor child;

11310 [(g)] (G) the ability of the court of each state to decide the issue expeditiously and
11311 the procedures necessary to present the evidence; and

11312 ~~[(H)]~~ (H) the familiarity of the court of each state with the facts and issues of the
11313 pending litigation.

11314 (3) If a court of this state determines that ~~[it]~~ the court is an inconvenient forum and that a
11315 court of another state is a more appropriate forum, ~~[it]~~ the court shall stay the
11316 proceedings upon condition that a child custody proceeding be promptly commenced in
11317 another designated state and may impose any other condition the court considers just
11318 and proper.

11319 (4) A court of this state may decline to exercise ~~[its]~~ the court's jurisdiction under this
11320 chapter if a child custody determination is incidental to an action for divorce or another
11321 proceeding while still retaining jurisdiction over the divorce or other proceeding.

11322 Section 296. Section **81-11-208**, which is renumbered from Section 78B-13-208 is renumbered
11323 and amended to read:

11324 ~~[78B-13-208]~~ **81-11-208 . Jurisdiction declined by reason of conduct.**

11325 (1) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204 or by other law of this
11326 state, if a court of this state has jurisdiction under this chapter because a person invoking
11327 the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise [
11328 ~~its]~~ the court's jurisdiction unless:

11329 (a) the parents and all persons acting as parents have acquiesced in the exercise of
11330 jurisdiction;

11331 (b) a court of the state otherwise having jurisdiction under Sections ~~[78B-13-201~~
11332 ~~through 78B-13-203]~~ 81-11-201 through 81-11-203 determines that this state is a
11333 more appropriate forum under Section ~~[78B-13-207]~~ 81-11-207; or

11334 (c) no other state would have jurisdiction under Sections ~~[78B-13-201 through~~
11335 ~~78B-13-203]~~ 81-11-201 through 81-11-203.

11336 (2) If a court of this state declines to exercise ~~[its]~~ the court's jurisdiction ~~[pursuant to]~~ in
11337 accordance with Subsection (1), ~~[it]~~ the court may fashion an appropriate remedy to
11338 ensure the safety of the minor child and prevent a repetition of the wrongful conduct,
11339 including staying the proceeding until a child custody proceeding is commenced in a
11340 court having jurisdiction under Sections ~~[78B-13-201 through 78B-13-203]~~ 81-11-201
11341 through 81-11-203.

11342 (3)(a) If a court dismisses a petition or stays a proceeding because it declines to exercise [
11343 ~~its jurisdiction pursuant to]~~ the court's jurisdiction in accordance with Subsection (1), [
11344 ~~it]~~ the court shall charge the party invoking the jurisdiction of the court with necessary
11345 and reasonable expenses including costs, communication expenses, attorney fees,

11346 investigative fees, expenses for witnesses, travel expenses, and child care during the
11347 course of the proceedings, unless the party from whom fees are sought establishes
11348 that the award would be clearly inappropriate.

11349 (b) The court may not assess fees, costs, or expenses against this state except as
11350 otherwise provided by law other than this chapter.

11351 Section 297. Section **81-11-209**, which is renumbered from Section 78B-13-209 is renumbered
11352 and amended to read:

11353 **[78B-13-209] 81-11-209 . Information to be submitted to court.**

11354 (1)(a) In a child custody proceeding, each party, in [its] the party's first pleading or in an
11355 attached affidavit, shall give information, if reasonably ascertainable, under oath as to
11356 the minor child's present address, the places where the minor child has lived during
11357 the last five years, and the names and present addresses of the persons with whom the
11358 minor child has lived during that period.

11359 (b) The pleading or affidavit shall state whether the party:

11360 [(a)] (i) has participated, as a party or witness or in any other capacity, in any other
11361 proceeding concerning the custody of or parent-time with the minor child and, if
11362 so, identify the court, the case number of the proceeding, and the date of the child
11363 custody determination, if any;

11364 [(b)] (ii) knows of any proceeding that could affect the current proceeding, including
11365 proceedings for enforcement and proceedings relating to domestic violence,
11366 protective orders, termination of parental rights, and adoptions and, if so, identify
11367 the court and the case number and the nature of the proceeding; and

11368 [(c)] (iii) knows the names and addresses of any person not a party to the proceeding
11369 who has physical custody of the minor child or claims rights of legal custody or
11370 physical custody of, or parent-time with, the minor child and, if so, the names and
11371 addresses of those persons.

11372 (2) If the information required by Subsection (1) is not furnished, the court, upon [its] the
11373 court's own motion or that of a party, may stay the proceeding until the information is
11374 furnished.

11375 (3)(a) If the declaration as to any of the items described in Subsection (1) is in the
11376 affirmative, the declarant shall give additional information under oath as required by
11377 the court.

11378 (b) The court may examine the parties under oath as to details of the information
11379 furnished and other matters pertinent to the court's jurisdiction and the disposition of

11380 the case.

11381 (4) Each party has a continuing duty to inform the court of any proceeding in this or any
11382 other state that could affect the current proceeding.

11383 (5) If a party alleges in an affidavit or a pleading under oath that the health, safety, or
11384 liberty of a party or minor child would be put at risk by the disclosure of identifying
11385 information, that information shall be sealed and not disclosed to the other party or the
11386 public unless the court orders the disclosure to be made after a hearing in which the
11387 court takes into consideration the health, safety, or liberty of the party or minor child and
11388 determines that the disclosure is in the interest of justice.

11389 Section 298. Section **81-11-210**, which is renumbered from Section 78B-13-210 is renumbered
11390 and amended to read:

11391 **[78B-13-210] 81-11-210 . Appearance of parties and child.**

11392 (1)(a) A court of this state may order a party to a child custody proceeding who is in this
11393 state to appear before the court personally with or without the minor child.

11394 (b) The court may order any person who is in this state and who has physical custody or
11395 control of the minor child to appear physically with the minor child.

11396 (2) If a party to a child custody proceeding whose presence is desired by the court is outside
11397 this state, the court may order that a notice given [~~pursuant to Section 78B-13-108~~] in
11398 accordance with Section 81-11-107 include a statement directing the party to appear
11399 personally with or without the minor child and declaring that failure to appear may result
11400 in a decision adverse to the party.

11401 (3) The court may enter any orders necessary to ensure the safety of the minor child and of
11402 any person ordered to appear under this section.

11403 (4) If a party to a child custody proceeding who is outside this state is directed to appear
11404 under Subsection (2) or desires to appear personally before the court with or without the
11405 minor child, the court may require another party to pay reasonable and necessary travel
11406 and other expenses of the party so appearing and of the minor child.

11407 Section 299. Section **81-11-301**, which is renumbered from Section 78B-13-301 is renumbered
11408 and amended to read:

11409 **Part 3. Enforcement**

11410 **[78B-13-301] 81-11-301 . Definitions for part.**

11411 As used in this part:

11412 (1) "Petitioner" means a person who seeks enforcement of a child custody determination or
11413 enforcement of an order for the return of the minor child under the Hague Convention

11414 on the Civil Aspects of International Child Abduction.

11415 (2) "Respondent" means a person against whom a proceeding has been commenced for
 11416 enforcement of a child custody determination or enforcement of an order for the return
 11417 of the minor child under the Hague Convention on the Civil Aspects of International
 11418 Child Abduction.

11419 Section 300. Section **81-11-302**, which is renumbered from Section 78B-13-302 is renumbered
 11420 and amended to read:

11421 **[78B-13-302] 81-11-302 . Scope -- Hague Convention Enforcement.**

11422 This chapter may be invoked to enforce:

11423 (1) a child custody determination; and
 11424 (2) an order for the return of the minor child made under the Hague Convention on the Civil
 11425 Aspects of International Child Abduction.

11426 Section 301. Section **81-11-303**, which is renumbered from Section 78B-13-303 is renumbered
 11427 and amended to read:

11428 **[78B-13-303] 81-11-303 . Duty to enforce.**

11429 (1) A court of this state shall recognize and enforce a child custody determination of a court
 11430 of another state if the latter court exercised jurisdiction that was in substantial
 11431 conformity with this chapter or the determination was made under factual circumstances
 11432 meeting the jurisdictional standards of this chapter and the determination has not been
 11433 modified in accordance with this chapter.

11434 (2)(a) A court may utilize any remedy available under other law of this state to enforce a
 11435 child custody determination made by a court of another state.

11436 (b) The procedure provided by this part does not affect the availability of other remedies
 11437 to enforce a child custody determination.

11438 Section 302. Section **81-11-304**, which is renumbered from Section 78B-13-304 is renumbered
 11439 and amended to read:

11440 **[78B-13-304] 81-11-304 . Temporary parent-time.**

11441 (1) A court of this state which does not have jurisdiction to modify a child custody
 11442 determination may issue a temporary order enforcing:

11443 (a) a parent-time schedule made by a court of another state; or
 11444 (b) the parent-time provisions of a child custody determination of another state that does
 11445 not provide for a specific parent-time schedule.

11446 (2)(a) If a court of this state makes an order under Subsection (1)(b), [it] the court shall
 11447 specify in the order a period that [it] the court considers adequate to allow the

11448 petitioner to obtain an order from a court having jurisdiction under the criteria
11449 specified in Part 2, Jurisdiction.

11450 (b) The order remains in effect until an order is obtained from the other court or the
11451 period expires.

11452 Section 303. Section **81-11-305**, which is renumbered from Section 78B-13-305 is renumbered
11453 and amended to read:

11454 **[78B-13-305] 81-11-305 . Registration of child custody determination.**

11455 (1) A child custody determination issued by a court of another state may be registered in
11456 this state, with or without a simultaneous request for enforcement, by sending to the
11457 district court in this state:

11458 (a) a letter or other document requesting registration;

11459 (b) two copies, including one certified copy, of the determination sought to be
11460 registered, and a statement under penalty of perjury that to the best of the knowledge
11461 and belief of the person seeking registration the order has not been modified; and

11462 (c) except as otherwise provided in Section ~~[78B-13-209]~~ 81-11-209, the name and
11463 address of the person seeking registration and any parent or person acting as a parent
11464 who has been awarded custody or parent-time in the child custody determination
11465 sought to be registered.

11466 (2) On receipt of the documents required by Subsection (1), the registering court shall:

11467 (a) cause the determination to be filed as a foreign judgment, together with one copy of
11468 any accompanying documents and information, regardless of their form; and

11469 (b) serve notice upon ~~[the persons named pursuant to Subsection (1)(c) and provide them]~~
11470 a person named as described in Subsection (1)(c) and provide the person with an
11471 opportunity to contest the registration in accordance with this section.

11472 (3) The notice required by Subsection (2)(b) shall state:

11473 (a) that a registered determination is enforceable as of the date of the registration in the
11474 same manner as a determination issued by a court of this state;

11475 (b) that a hearing to contest the validity of the registered determination shall be
11476 requested within 20 days after service of notice; and

11477 (c) that failure to contest the registration will result in confirmation of the child custody
11478 determination and preclude further contest of that determination with respect to any
11479 matter that could have been asserted.

11480 (4)(a) A person seeking to contest the validity of a registered order shall request a
11481 hearing within 20 days after service of the notice.

11482 (b) At that hearing, the court shall confirm the registered order unless the person
 11483 contesting registration establishes that:
 11484 [(a)] (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
 11485 [(b)] (ii) the child custody determination sought to be registered has been vacated,
 11486 stayed, or modified by a court of a state having jurisdiction to do so under Part 2,
 11487 Jurisdiction; or
 11488 [(c)] (iii) the person contesting registration was entitled to notice, but notice was not
 11489 given in accordance with the standards of Section [78B-13-108] 81-11-107 in the
 11490 proceedings before the court that issued the order for which registration is sought.

11491 (5) If a timely request for a hearing to contest the validity of the registration is not made,
 11492 the registration is confirmed as a matter of law and the person requesting registration
 11493 and all persons served shall be notified of the confirmation.

11494 (6) Confirmation of a registered order, whether by operation of law or after notice and
 11495 hearing, precludes further contest of the order with respect to any matter which could
 11496 have been asserted at the time of registration.

11497 Section 304. Section **81-11-306**, which is renumbered from Section 78B-13-306 is renumbered
 11498 and amended to read:

11499 **[78B-13-306] 81-11-306 . Enforcement of registered determination.**

11500 (1) A court of this state may grant any relief normally available under the law of this state
 11501 to enforce a registered child custody determination made by a court of another state.

11502 (2) A court of this state shall recognize and enforce, but may not modify except in
 11503 accordance with Part 2, Jurisdiction, a registered child custody determination of another
 11504 state.

11505 Section 305. Section **81-11-307**, which is renumbered from Section 78B-13-307 is renumbered
 11506 and amended to read:

11507 **[78B-13-307] 81-11-307 . Simultaneous proceedings.**

11508 (1) If a proceeding for enforcement under this part has been or is commenced in this
 11509 state and a court of this state determines that a proceeding to modify the determination
 11510 has been commenced in another state having jurisdiction to modify the determination
 11511 under Part 2, Jurisdiction, the enforcing court shall immediately communicate with the
 11512 modifying court.

11513 (2) The proceeding for enforcement continues unless the enforcing court, after consultation
 11514 with the modifying court, stays or dismisses the proceeding.

11515 Section 306. Section **81-11-308**, which is renumbered from Section 78B-13-308 is renumbered

11516 and amended to read:

11517 **[78B-13-308] 81-11-308 . Expedited enforcement of child custody determination.**

11518 (1)(a) A petition under this part shall be verified.

11519 (b) Certified copies of all orders sought to be enforced and of the order confirming
11520 registration, if any, shall be attached to the petition.

11521 (c) A copy of a certified copy of an order may be attached instead of the original.

11522 (2) A petition for enforcement of a child custody determination shall state:

11523 (a) whether the court that issued the determination identified the jurisdictional basis [it]
11524 the court relied upon in exercising jurisdiction and, if so, what the basis was;

11525 (b) whether the determination for which enforcement is sought has been vacated, stayed,
11526 or modified by a court whose decision shall be enforced under this chapter or federal
11527 law and, if so, identify the court, the case number of the proceeding, and the action
11528 taken;

11529 (c) whether any proceeding has been commenced that could affect the current
11530 proceeding, including proceedings relating to domestic violence, protective orders,
11531 termination of parental rights, and adoptions and, if so, identify the court and the case
11532 number and the nature of the proceeding;

11533 (d) the present physical address of the minor child and the respondent, if known; and

11534 (e) whether relief in addition to the immediate physical custody of the minor child and
11535 attorney fees is sought, including a request for assistance from law enforcement
11536 officials and, if so, the relief sought.

11537 (3) If the child custody determination has been registered and confirmed under Section [
11538 ~~78B-13-305~~] 81-11-305, the petition shall also state the date and place of registration.

11539 (4) The court shall issue an order directing the respondent to appear with or without the
11540 minor child at a hearing and may enter any orders necessary to ensure the safety of the
11541 parties and the minor child.

11542 (5)(a) The hearing shall be held on the next judicial day following service of process
11543 unless that date is impossible.

11544 (b) In that event, the court shall hold the hearing on the first day possible.

11545 (c) The court may extend the date of hearing at the request of the petitioner.

11546 (6) The order shall:

11547 (a) state the time and place of the hearing [~~and shall~~] ; and

11548 (b) advise the respondent that at the hearing the court will order the delivery of the child
11549 and the payment of fees, costs, and expenses under Section [~~78B-13-312, and may~~]

11550 81-11-312.

11551 (7) The order may set an additional hearing to determine whether further relief is

11552 appropriate, unless the respondent appears and establishes that:

11553 (a) the child custody determination has not been registered and confirmed under Section [

11554 ~~78B-13-305~~ 81-11-305, and that:

11555 (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;

11556 (ii) the child custody determination for which enforcement is sought has been

11557 vacated, stayed, or modified by a court of a state having jurisdiction to do so

11558 under Part 2, Jurisdiction, or federal law; or

11559 (iii) the respondent was entitled to notice, but notice was not given in accordance

11560 with the standards of Section [~~78B-13-108~~] 81-11-107 in the proceedings before

11561 the court that issued the order for which enforcement is sought; or

11562 (b) the child custody determination for which enforcement is sought was registered and

11563 confirmed under Section [~~78B-13-305~~] 81-11-305, but has been vacated, stayed, or

11564 modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction,

11565 or federal law.

11566 Section 307. Section **81-11-309**, which is renumbered from Section 78B-13-309 is renumbered

11567 and amended to read:

11568 **[~~78B-13-309~~] 81-11-309 . Service of petition and order.**

11569 Except as otherwise provided in Section [~~78B-13-311~~] 81-11-311, the petition and order

11570 shall be served, by any method authorized by the law of this state, upon respondent and any

11571 person who has physical custody of the minor child.

11572 Section 308. Section **81-11-310**, which is renumbered from Section 78B-13-310 is renumbered

11573 and amended to read:

11574 **[~~78B-13-310~~] 81-11-310 . Hearing and order.**

11575 (1) Unless the court enters a temporary emergency order [~~pursuant to Section 78B-13-204~~]

11576 in accordance with Section 81-11-204, upon a finding that a petitioner is entitled to the

11577 physical custody of the minor child immediately, the court shall order the minor child

11578 delivered to the petitioner unless the respondent establishes that:

11579 (a) the child custody determination has not been registered and confirmed under Section [

11580 ~~78B-13-305~~ 81-11-305, and that:

11581 (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;

11582 (ii) the child custody determination for which enforcement is sought has been

11583 vacated, stayed, or modified by a court of a state having jurisdiction to do so

11584 under Part 2, Jurisdiction, or federal law; or
11585 (iii) the respondent was entitled to notice, but notice was not given in accordance
11586 with the standards of Section [~~78B-13-108~~] 81-11-107 in the proceedings before
11587 the court that issued the order for which enforcement is sought; or
11588 (b) the child custody determination for which enforcement is sought was registered and
11589 confirmed under Section [~~78B-13-305~~] 81-11-305, but has been vacated, stayed, or
11590 modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction,
11591 or federal law.

11592 (2) The court shall award the fees, costs, and expenses authorized under Section [
11593 ~~78B-13-312~~] 81-11-312 and may grant additional relief, including a request for the
11594 assistance of law enforcement officials, and set a further hearing to determine whether
11595 additional relief is appropriate.

11596 (3) If a party called to testify refuses to answer on the ground that the testimony may be
11597 self-incriminating, the court may draw an adverse inference from the refusal.

11598 (4) A privilege against disclosure of communications between spouses and a defense of
11599 immunity based on the relationship of husband and wife or parent and minor child may
11600 not be invoked in a proceeding under this chapter.

11601 Section 309. Section **81-11-311**, which is renumbered from Section 78B-13-311 is renumbered
11602 and amended to read:

11603 **~~[78B-13-311]~~ 81-11-311 . Writ to take physical custody of child.**

11604 (1) Upon the filing of a petition seeking enforcement of a child custody determination, the
11605 petitioner may file a verified application for the issuance of a writ of assistance to take
11606 physical custody of the minor child if the minor child is likely to suffer serious imminent
11607 physical harm or removal from this state.

11608 (2)(a) If the court, upon the testimony of the petitioner or other witness, finds that the
11609 minor child is likely to suffer serious imminent physical harm or be imminently
11610 removed from this state, [~~it~~] the court may issue a writ of assistance to take physical
11611 custody of the minor child.

11612 (b) The petition shall be heard within 72 hours after the writ is executed.

11613 (c) The writ shall include the statements required by Subsection [~~78B-13-308(2)~~]
11614 81-11-308(2).

11615 (3) A writ to take physical custody of a minor child shall:

11616 (a) recite the facts upon which a conclusion of serious imminent physical harm or
11617 removal from the jurisdiction is based;

- 11618 (b) direct law enforcement officers to take physical custody of the minor child
 11619 immediately; and
- 11620 (c) provide for the placement of the minor child pending final relief.
- 11621 (4) The respondent shall be served with the petition, writ, and order immediately after the
 11622 minor child is taken into physical custody.
- 11623 (5)(a) A writ of assistance to take physical custody of a minor child is enforceable
 11624 throughout this state.
- 11625 (b) If the court finds on the basis of the testimony of the petitioner or other witness that a
 11626 less intrusive remedy is not effective, [it] the court may authorize law enforcement
 11627 officers to enter private property to take physical custody of the minor child.
- 11628 (c) If required by the exigency of the case, the court may authorize law enforcement
 11629 officers to make a forcible entry at any hour.
- 11630 (6) The court may impose conditions upon placement of a minor child to ensure the
 11631 appearance of the minor child and the minor child's custodian.

11632 Section 310. Section **81-11-312**, which is renumbered from Section 78B-13-312 is renumbered
 11633 and amended to read:

11634 **[78B-13-312] 81-11-312 . Costs, fees, and expenses.**

- 11635 (1) The court shall award the prevailing party, including a state, necessary and reasonable
 11636 expenses incurred by or on behalf of the party, including costs, communication
 11637 expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses, and
 11638 child care during the course of the proceedings, unless the party from whom fees or
 11639 expenses are sought establishes that the award would be clearly inappropriate.
- 11640 (2) The court may not assess fees, costs, or expenses against a state except as otherwise
 11641 provided by law other than this chapter.

11642 Section 311. Section **81-11-313**, which is renumbered from Section 78B-13-313 is renumbered
 11643 and amended to read:

11644 **[78B-13-313] 81-11-313 . Recognition and enforcement.**

11645 A court of this state shall accord full faith and credit to an order made consistently with
 11646 this chapter which enforces a child custody determination by a court of another state unless the
 11647 order has been vacated, stayed, or modified by a court authorized to do so under Part 2,
 11648 Jurisdiction.

11649 Section 312. Section **81-11-314**, which is renumbered from Section 78B-13-314 is renumbered
 11650 and amended to read:

11651 **[78B-13-314] 81-11-314 . Appeals.**

11652 (1) An appeal may be taken from an order in a proceeding under this chapter in
11653 accordance with expedited appellate procedures in other civil cases.

11654 (2) Unless the court enters a temporary emergency order under Section [~~78B-13-204~~]
11655 81-11-204, the enforcing court may not stay an order enforcing a child custody
11656 determination pending appeal.

11657 Section 313. Section **81-11-315**, which is renumbered from Section 78B-13-315 is renumbered
11658 and amended to read:

11659 **[78B-13-315] 81-11-315 . Role of prosecutor or attorney general.**

11660 (1) In a case arising under this chapter or involving the Hague Convention on the Civil
11661 Aspects of International Child Abduction, the prosecutor or [~~Attorney General~~] attorney
11662 general may take any lawful action, including resort to a proceeding under this chapter
11663 or any other available civil proceeding to locate a minor child, obtain the return of a
11664 minor child, or enforce a child custody determination if there is:

- 11665 (a) an existing child custody determination;
- 11666 (b) a request from a court in a pending child custody case;
- 11667 (c) a reasonable belief that a criminal statute has been violated; or
- 11668 (d) a reasonable belief that the minor child has been wrongfully removed or retained in
11669 violation of the Hague Convention on the Civil Aspects of International Child
11670 Abduction.

11671 (2) A prosecutor or attorney general acts on behalf of the court and may not represent any
11672 party to a child custody determination.

11673 Section 314. Section **81-11-316**, which is renumbered from Section 78B-13-316 is renumbered
11674 and amended to read:

11675 **[78B-13-316] 81-11-316 . Role of law enforcement.**

11676 At the request of a prosecutor or the attorney general acting under Section [~~78B-13-315~~]
11677 81-11-315, a law enforcement officer may take any lawful action reasonably necessary to
11678 locate a minor child or a party and assist a prosecutor or attorney general with responsibilities
11679 under Section [~~78B-13-315~~] 81-11-315.

11680 Section 315. Section **81-11-317**, which is renumbered from Section 78B-13-317 is renumbered
11681 and amended to read:

11682 **[78B-13-317] 81-11-317 . Costs and expenses.**

11683 If the respondent is not the prevailing party, the court may assess against the respondent
11684 all direct expenses and costs incurred by the prosecutor or attorney general and law
11685 enforcement officers under Section [~~78B-13-315 or 78B-13-316~~] 81-11-315 or 81-11-316.

11686 Section 316. Section **81-11-318**, which is renumbered from Section 78B-13-318 is renumbered
11687 and amended to read:

11688 **~~[78B-13-318]~~ 81-11-318 . Transitional provision.**

11689 A motion or other request for relief made in a child custody or enforcement proceeding [
11690 which] that was commenced before [~~the effective date of this chapter~~] July 1, 2000, is governed
11691 by the law in effect at the time the motion or other request was made.

11692 Section 317. Section **81-12-101**, which is renumbered from Section 78B-16-102 is renumbered
11693 and amended to read:

11694 **CHAPTER 12. UNIFORM CHILD ABDUCTION PREVENTION ACT**

11695 **~~[78B-16-102]~~ 81-12-101 . Definitions for chapter.**

11696 [~~It~~] As used in this chapter:

11697 (1) "Abduction" means the wrongful removal or wrongful retention of a minor child.

11698 [~~(2) "Child" means an unemancipated individual who is less than 18 years of age.]~~

11699 [~~(3)~~] (2)(a) "Child custody determination" means a judgment, decree, or other order of a
11700 court providing for the legal custody, physical custody, or visitation with respect to a
11701 minor child. [~~The term~~]

11702 (b) "Child custody determination" includes a permanent, temporary, initial, and
11703 modification order.

11704 [~~(4)~~] (3)(a) "Child custody proceeding" means a proceeding in which legal custody,
11705 physical custody, visitation, or parent-time with respect to a minor child is at issue. [
11706 ~~The term~~]

11707 (b) "Child custody proceeding" includes a proceeding for divorce, dissolution of
11708 marriage, separation, neglect, abuse, dependency, guardianship, paternity,
11709 termination of parental rights, or protection from domestic violence.

11710 [~~(5)~~] (4) "Court" means an entity authorized under the law of a state to establish, enforce, or
11711 modify a child custody determination.

11712 [~~(6)~~] (5) "Petition" includes a motion or [~~its~~] the motion's equivalent.

11713 [~~(7)~~] (6) "Record" means information inscribed on a tangible medium or stored in an
11714 electronic or other medium and is retrievable in perceivable form.

11715 [~~(8)~~] (7)(a) "State" means a state of the United States, the District of Columbia, Puerto
11716 Rico, the United States Virgin Islands, or any territory or insular possession subject
11717 to the jurisdiction of the United States. [~~The term~~]

11718 (b) "State" includes a federally recognized Indian tribe or nation.

11719 [~~(9)~~] (8)(a) "Travel document" means records relating to a travel itinerary, including

11720 travel tickets, passes, reservations for transportation, or accommodations. [The term]

11721 (b) "Travel document" does not include a passport or visa.

11722 [(40)] (9) "Wrongful removal" means the taking of a minor child that breaches rights of
11723 custody, visitation, or parent-time given or recognized under the law of this state.

11724 [(41)] (10) "Wrongful retention" means the keeping or concealing of a minor child that
11725 breaches rights of custody, visitation, or parent-time given or recognized under the law
11726 of this state.

11727 Section 318. Section **81-12-102**, which is renumbered from Section 78B-16-103 is renumbered
11728 and amended to read:

11729 **[78B-16-103] 81-12-102 . Cooperation and communication among courts.**

11730 Sections [78B-13-110, 78B-13-111, and 78B-13-112] 81-11-109, 81-11-110, and
11731 81-11-111 apply to cooperation and communications among courts in proceedings under this
11732 chapter.

11733 Section 319. Section **81-12-103**, which is renumbered from Section 78B-16-104 is renumbered
11734 and amended to read:

11735 **[78B-16-104] 81-12-103 . Actions for abduction prevention measures.**

11736 (1) A court on [its] the court's own motion may order abduction prevention measures in a
11737 child custody proceeding if the court finds that the evidence establishes a credible risk of
11738 abduction of the minor child.

11739 (2) A party to a child custody determination or another individual or entity having a right
11740 under the law of this state or any other state to seek a child custody determination for the
11741 minor child may file a petition seeking abduction prevention measures to protect the
11742 minor child under this chapter.

11743 (3) A prosecutor or public authority designated under Section [78B-13-315] 81-11-315 may
11744 seek a warrant to take physical custody of a minor child under Section [78B-16-109]
11745 81-12-108 or other appropriate prevention measures.

11746 Section 320. Section **81-12-104**, which is renumbered from Section 78B-16-105 is renumbered
11747 and amended to read:

11748 **[78B-16-105] 81-12-104 . Jurisdiction.**

11749 (1) A petition under this chapter may be filed only in a court that has jurisdiction to make a
11750 child custody determination with respect to the minor child at issue under [Title 78B,
11751 ~~Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act~~] Chapter 11,
11752 Uniform Child Custody Jurisdiction and Enforcement Act.

11753 (2) A court of this state has temporary emergency jurisdiction under Section [78B-13-204]

11754 81-11-204 if the court finds a credible risk of abduction.

11755 Section 321. Section **81-12-105**, which is renumbered from Section 78B-16-106 is renumbered
11756 and amended to read:

11757 **[78B-16-106] 81-12-105 . Contents of petition.**

11758 (1)(a) A petition under this chapter must be verified and include a copy of any existing
11759 child custody determination, if available.

11760 (b) The petition must specify the risk factors for abduction, including the relevant factors
11761 described in Section [~~78B-16-107~~] 81-12-106.

11762 (2) Subject to Subsection [~~78B-13-209(5)~~] 81-11-209(5), if reasonably ascertainable, the
11763 petition must contain:

11764 (a) the name, date of birth, and gender of the minor child;

11765 (b) the customary address and current physical location of the minor child;

11766 (c) the identity, customary address, and current physical location of the respondent;

11767 (d) a statement of whether a prior action to prevent abduction or domestic violence has
11768 been filed by a party or other individual or entity having custody of the minor child,
11769 and the date, location, and disposition of the action;

11770 (e) a statement of whether a party to the proceeding has been arrested for a crime related
11771 to domestic violence, stalking, or child abuse or neglect, and the date, location, and
11772 disposition of the case; and

11773 (f) any other information required to be submitted to the court for a child custody
11774 determination under Section [~~78B-13-209~~] 81-11-209.

11775 Section 322. Section **81-12-106**, which is renumbered from Section 78B-16-107 is renumbered
11776 and amended to read:

11777 **[78B-16-107] 81-12-106 . Factors to determine risk of abduction.**

11778 (1) In determining whether there is a credible risk of abduction of a minor child, the court
11779 shall consider any evidence that the petitioner or respondent:

11780 (a) has previously abducted or attempted to abduct the minor child;

11781 (b) has threatened to abduct the minor child;

11782 (c) has recently engaged in activities that may indicate a planned abduction, including:

11783 (i) abandoning employment;

11784 (ii) selling a primary residence;

11785 (iii) terminating a lease;

11786 (iv) closing bank or other financial management accounts, liquidating assets, hiding
11787 or destroying financial documents, or conducting any unusual financial activities;

- 11788 (v) applying for a passport or visa or obtaining travel documents for the respondent, a
11789 family member, or the minor child; or
- 11790 (vi) seeking to obtain the minor child's birth certificate or school or medical records;
- 11791 (d) has engaged in domestic violence, stalking, or child abuse or neglect;
- 11792 (e) has refused to follow a child custody determination;
- 11793 (f) lacks strong familial, financial, emotional, or cultural ties to the state or the United
11794 States;
- 11795 (g) has strong familial, financial, emotional, or cultural ties to another state or country;
- 11796 (h) is likely to take the minor child to a country that:
- 11797 (i) is not a party to the Hague Convention on the Civil Aspects of International Child
11798 Abduction and does not provide for the extradition of an abducting parent or for
11799 the return of an abducted minor child;
- 11800 (ii) is a party to the Hague Convention on the Civil Aspects of International Child
11801 Abduction but:
- 11802 (A) the Hague Convention on the Civil Aspects of International Child Abduction
11803 is not in force between the United States and that country;
- 11804 (B) is noncompliant according to the most recent compliance report issued by the
11805 United States Department of State; or
- 11806 (C) lacks legal mechanisms for immediately and effectively enforcing a return
11807 order under the Hague Convention on the Civil Aspects of International Child
11808 Abduction;
- 11809 (iii) poses a risk that the minor child's physical or emotional health or safety would be
11810 endangered in the country because of specific circumstances relating to the minor
11811 child or because of human rights violations committed against [~~children~~] a minor
11812 child;
- 11813 (iv) has laws or practices that would:
- 11814 (A) enable the respondent, without due cause, to prevent the petitioner from
11815 contacting the minor child;
- 11816 (B) restrict the petitioner from freely traveling to or exiting from the country
11817 because of the petitioner's gender, nationality, marital status, or religion; or
- 11818 (C) restrict the minor child's ability legally to leave the country after the minor
11819 child reaches the age of majority because of a minor child's gender, nationality,
11820 or religion;
- 11821 (v) is included by the United States Department of State on a current list of state

- 11822 sponsors of terrorism;
- 11823 (vi) does not have an official United States diplomatic presence in the country; or
- 11824 (vii) is engaged in active military action or war, including a civil war, to which the
- 11825 minor child may be exposed;
- 11826 (i) is undergoing a change in immigration or citizenship status that would adversely
- 11827 affect the respondent's ability to remain in the United States legally;
- 11828 (j) has had an application for United States citizenship denied;
- 11829 (k) has forged or presented misleading or false evidence on government forms or
- 11830 supporting documents to obtain or attempt to obtain a passport, a visa, travel
- 11831 documents, a ~~[Social Security]~~ social security card, a driver license, or other
- 11832 government-issued identification card or has made a misrepresentation to the United
- 11833 States government;
- 11834 (l) has used multiple names to attempt to mislead or defraud; or
- 11835 (m) has engaged in any other conduct the court considers relevant to the risk of
- 11836 abduction.
- 11837 (2) In the hearing on a petition under this chapter, the court shall consider any evidence that
- 11838 the respondent believed in good faith that the respondent's conduct was necessary to
- 11839 avoid imminent harm to the minor child or respondent and any other evidence that may
- 11840 be relevant to whether the respondent may be permitted to remove or retain the minor
- 11841 child.

11842 Section 323. Section **81-12-107**, which is renumbered from Section 78B-16-108 is renumbered

11843 and amended to read:

11844 **~~[78B-16-108]~~ 81-12-107 . Provisions and measures to prevent abduction.**

- 11845 (1) If a petition is filed under this chapter, the court may enter an order [~~which~~] that must
- 11846 include:
- 11847 (a) the basis for the court's exercise of jurisdiction;
- 11848 (b) the manner in which notice and opportunity to be heard were given to the persons
- 11849 entitled to notice of the proceeding;
- 11850 (c) a detailed description of each party's custody and visitation rights and residential
- 11851 arrangements for the minor child;
- 11852 (d) a provision stating that a violation of the order may subject the party in violation to
- 11853 civil and criminal penalties; and
- 11854 (e) identification of the minor child's country of habitual residence at the time of the
- 11855 issuance of the order.

- 11856 (2)(a) If, at a hearing on a petition under this chapter or on the court's own motion, the
11857 court after reviewing the evidence finds a credible risk of abduction of the minor
11858 child, the court shall enter an abduction prevention order.
- 11859 (b) The order must include the provisions required by Subsection (1) and measures and
11860 conditions, including those in Subsections (3), (4), and (5), that are reasonably
11861 calculated to prevent abduction of the minor child, giving due consideration to the
11862 custody, visitation, and parent-time rights of the parties.
- 11863 (c) The court shall consider the age of the minor child, the potential harm to the minor
11864 child from an abduction, the legal and practical difficulties of returning the minor
11865 child to the jurisdiction if abducted, and the reasons for the potential abduction,
11866 including evidence of domestic violence, stalking, or child abuse or neglect.
- 11867 (3) An abduction prevention order may include one or more of the following:
- 11868 (a) an imposition of travel restrictions that require that a party traveling with the minor
11869 child outside a designated geographical area provide the other party with the
11870 following:
- 11871 (i) the travel itinerary of the minor child;
- 11872 (ii) a list of physical addresses and telephone numbers at which the minor child can
11873 be reached at specified times; and
- 11874 (iii) copies of all travel documents;
- 11875 (b) a prohibition of the respondent directly or indirectly:
- 11876 (i) removing the minor child from this state, the United States, or another geographic
11877 area without permission of the court or the petitioner's written consent;
- 11878 (ii) removing or retaining the minor child in violation of a child custody
11879 determination;
- 11880 (iii) removing the minor child from school or a child-care or similar facility; or
- 11881 (iv) approaching the minor child at any location other than a site designated for
11882 supervised visitation;
- 11883 (c) a requirement that a party to register the order in another state as a prerequisite to
11884 allowing the child to travel to that state;
- 11885 (d) with regard to the minor child's passport:
- 11886 (i) a direction that the petitioner place the minor child's name in the United States
11887 Department of State's Child Passport Issuance Alert Program;
- 11888 (ii) a requirement that the respondent surrender to the court or the petitioner's
11889 attorney any United States or foreign passport issued in the minor child's name,

- 11890 including a passport issued in the name of both the parent and the minor child; and
- 11891 (iii) a prohibition upon the respondent from applying on behalf of the minor child for
- 11892 a new or replacement passport or visa;
- 11893 (e) as a prerequisite to exercising custody, visitation, or parent-time, a requirement that
- 11894 the respondent provide:
- 11895 (i) to the United States Department of State Office of Children's Issues and the
- 11896 relevant foreign consulate or embassy, an authenticated copy of the order detailing
- 11897 passport and travel restrictions for the minor child;
- 11898 (ii) to the court:
- 11899 (A) proof that the respondent has provided the information in Subsection (3)(e)(i);
- 11900 and
- 11901 (B) an acknowledgment in a record from the relevant foreign consulate or
- 11902 embassy that no passport application has been made, or passport issued, on
- 11903 behalf of the minor child;
- 11904 (iii) to the petitioner, proof of registration with the United States Embassy or other
- 11905 United States diplomatic presence in the destination country and with the Central
- 11906 Authority for the Hague Convention on the Civil Aspects of International Child
- 11907 Abduction, if that convention is in effect between the United States and the
- 11908 destination country, unless one of the parties objects; and
- 11909 (iv) a written waiver under the Privacy Act, 5 U.S.C. Section 552a, with respect to
- 11910 any document, application, or other information pertaining to the minor child
- 11911 authorizing its disclosure to the court and the petitioner; and
- 11912 (f) upon the petitioner's request, a requirement that the respondent obtain an order from
- 11913 the relevant foreign country containing terms identical to the child custody
- 11914 determination issued in the United States.
- 11915 (4) In an abduction prevention order, the court may impose conditions on the exercise of
- 11916 custody or visitation that:
- 11917 (a) limit visitation or require that visitation with the minor child by the respondent be
- 11918 supervised until the court finds that supervision is no longer necessary and order the
- 11919 respondent to pay the costs of supervision;
- 11920 (b) require the respondent to post a bond or provide other security in an amount
- 11921 sufficient to serve as a financial deterrent to abduction, the proceeds of which may be
- 11922 used to pay for the reasonable expenses of recovery of the minor child, including
- 11923 reasonable attorney fees and costs if there is an abduction; and

- 11924 (c) require the respondent to obtain education on the potentially harmful effects to the
 11925 minor child from abduction.
- 11926 (5) To prevent imminent abduction of a minor child, a court may:
- 11927 (a) issue a warrant to take physical custody of the minor child under Section [
 11928 ~~78B-16-109~~] 81-12-108 or the law of this state other than this chapter;
- 11929 (b) direct the use of law enforcement to take any action reasonably necessary to locate
 11930 the minor child, obtain return of the minor child, or enforce a custody determination
 11931 under this chapter or the law of this state other than this chapter; or
- 11932 (c) grant any other relief allowed under the law of this state other than this chapter.
- 11933 (6) The remedies provided in this chapter are cumulative and do not affect the availability
 11934 of other remedies to prevent abduction.

11935 Section 324. Section **81-12-108**, which is renumbered from Section 78B-16-109 is renumbered
 11936 and amended to read:

11937 **[78B-16-109] 81-12-108 . Warrant to take physical custody of a minor child.**

- 11938 (1) If a petition under this chapter contains allegations, and the court finds that there is a
 11939 credible risk that the minor child is imminently likely to be wrongfully removed, the
 11940 court may issue an ex parte warrant to take physical custody of the minor child.
- 11941 (2)(a) The respondent on a petition under Subsection (1) must be afforded an
 11942 opportunity to be heard at the earliest possible time after the ex parte warrant is
 11943 executed, but not later than the next judicial day unless a hearing on that date is
 11944 impossible.
- 11945 (b) In that event, the court shall hold the hearing on the first judicial day possible.
- 11946 (3) An ex parte warrant under Subsection (1) to take physical custody of a minor child must:
- 11947 (a) recite the facts upon which a determination of a credible risk of imminent wrongful
 11948 removal of the minor child is based;
- 11949 (b) direct law enforcement officers to take physical custody of the minor child
 11950 immediately;
- 11951 (c) state the date and time for the hearing on the petition; and
- 11952 (d) provide for the safe interim placement of the minor child pending further order of the
 11953 court.
- 11954 (4) If feasible, before issuing a warrant and before determining the placement of the minor
 11955 child after the warrant is executed, the court may order a search of the relevant databases
 11956 of the National Crime Information Center system and similar state databases to
 11957 determine if either the petitioner or respondent has a history of domestic violence,

11958 stalking, or child abuse or neglect.

11959 (5) The petition and warrant must be served on the respondent when or immediately after
11960 the minor child is taken into physical custody.

11961 (6)(a) A warrant to take physical custody of a minor child, issued by this state or another
11962 state, is enforceable throughout this state.

11963 (b) If the court finds that a less intrusive remedy will not be effective, [it] the court may
11964 authorize law enforcement officers to enter private property to take physical custody
11965 of the minor child.

11966 (c) If required by exigent circumstances, the court may authorize law enforcement
11967 officers to make a forcible entry at any hour.

11968 (7) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under
11969 Subsection (1) for the purpose of harassment or in bad faith, the court may award the
11970 respondent reasonable attorney fees, costs, and other reasonable expenses and losses
11971 arising out of the issuance of the ex parte warrant.

11972 (8) This chapter does not affect the availability of relief allowed under the law of this state
11973 other than this chapter.

11974 Section 325. Section **81-12-109**, which is renumbered from Section 78B-16-110 is renumbered
11975 and amended to read:

11976 **[78B-16-110] 81-12-109 . Duration of abduction prevention order.**

11977 An abduction prevention order remains in effect until the earliest of:

11978 (1) the time stated in the order;

11979 (2) the emancipation of the minor child;

11980 (3) the minor child's attaining 18 years [of age] old; or

11981 (4) the time the order is modified, revoked, vacated, or superseded by a court with
11982 jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through
11983 81-11-203.

11984 Section 326. Section **81-12-110**, which is renumbered from Section 78B-16-111 is renumbered
11985 and amended to read:

11986 **[78B-16-111] 81-12-110 . Uniformity of application and construction.**

11987 (1) This chapter is a uniform act.

11988 (2) In applying and construing [it] this chapter, consideration must be given to the need to
11989 promote uniformity of the law with respect to [its] this uniform law's subject matter
11990 among states that enact [it] this uniform law.

11991 Section 327. Section **81-12-111**, which is renumbered from Section 78B-16-112 is renumbered

11992 and amended to read:

11993 **[78B-16-112] 81-12-111 . Relation to Electronic Signatures in Global and**
 11994 **National Commerce Act.**

11995 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global
 11996 and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or
 11997 supersede Section 101(c) of the act, 15 U.S.C. Section 7001(c), or authorize electronic delivery
 11998 of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

11999 Section 328. Section **81-13-101**, which is renumbered from Section 78B-6-103 is renumbered
 12000 and amended to read:

12001 **CHAPTER 13. ADOPTION**

12002 **Part 1. General Provisions**

12003 **[78B-6-103] 81-13-101 . Definitions for chapter.**

12004 As used in this ~~[part]~~ chapter:

12005 ~~[(1) "Adoptee" means a person who:]~~

12006 ~~[(a) is the subject of an adoption proceeding; or]~~

12007 ~~[(b) has been legally adopted.]~~

12008 (1) "Adoptee" means:

12009 (a) a child adoptee; or

12010 (b) an adult adoptee.

12011 (2) "Adoption" means [the judicial act that] the process by which an individual seeks to:

12012 (a) [creates the] create the legal relationship of parent and child where [it] the relationship
 12013 did not previously exist; and

12014 (b) except as provided in Subsections [78B-6-138(2) and (4), terminates] 81-13-220(2)
 12015 and (4) and Subsections 81-13-306(2) and (4), terminate the parental rights of any
 12016 other [person] individual with respect to the child.

12017 (3) "Adoption document" means an adoption-related document filed with the office, a
 12018 petition for adoption, a decree of adoption, an original birth certificate, or evidence
 12019 submitted in support of a supplementary birth certificate.

12020 (4) "Adoption proceeding" means any proceeding under this [part] chapter.

12021 (5) "Adoption service provider" means:

12022 (a) a child-placing agency;

12023 (b) a licensed counselor who has at least one year of experience providing professional
 12024 social work services to:

- 12025 (i) adoptive parents;
- 12026 (ii) prospective adoptive parents; or
- 12027 (iii) birth parents; or
- 12028 (c) the Office of Licensing within the Department of Health and Human Services.
- 12029 (6) "Adoptive parent" means an individual who has legally adopted an adoptee.
- 12030 (7) "Adult" means an individual who is 18 years old or older.
- 12031 ~~[(8) "Adult adoptee" means an adoptee who is 18 years old or older and was adopted as a~~
- 12032 ~~minor.]~~
- 12033 (8) "Adult adoptee" means an individual:
- 12034 (a) who is an adult and is the subject of an adoption proceeding; or
- 12035 (b) who was adopted when the individual was an adult.
- 12036 (9) "Adult sibling" means ~~[an]~~ an individual:
- 12037 (a) who is a child adoptee's brother or sister[;] ;
- 12038 (b) who is 18 years old or older; and
- 12039 (c) whose birth ~~[mother or father]~~ parent is the same as that of the child adoptee.
- 12040 ~~[(10) "Birth mother" means the biological mother of a child.]~~
- 12041 (10) "Birth mother" means the same as that term is defined in Section 81-5-102.
- 12042 (11) "Birth parent" means:
- 12043 ~~[(a) a birth mother;]~~
- 12044 ~~[(b) a man whose paternity of a child is established;]~~
- 12045 (a) an individual that has a parent-child relationship with an adoptee as described in
- 12046 Section 81-5-201;
- 12047 ~~[(c)]~~ (b) a man who:
- 12048 (i) has been identified as the father of ~~[a child by the child's]~~ an adoptee by the
- 12049 adoptee's birth mother; and
- 12050 (ii) has not denied paternity; or
- 12051 ~~[(d)]~~ (c) an unmarried biological father.
- 12052 (12) "Child adoptee" means an individual:
- 12053 (a) who is a minor child and is the subject of an adoption proceeding; or
- 12054 (b) who was adopted when the individual was a minor child.
- 12055 ~~[(12)]~~ (13) "Child-placing agency" means an agency licensed to place ~~[children]~~ a minor
- 12056 child for adoption under Title 26B, Chapter 2, Part 1, Human Services Programs and
- 12057 Facilities.
- 12058 ~~[(13)]~~ (14) "Cohabiting" means residing with another ~~[person]~~ individual and being involved

- 12059 in a sexual relationship with that ~~[person]~~ individual.
- 12060 ~~[(14)]~~ (15) "Division" means the Division of Child and Family Services, within the
12061 Department of Health and Human Services, created in Section 80-2-201.
- 12062 ~~[(15)]~~ (16) "Extra-jurisdictional child-placing agency" means an agency licensed to place
12063 children for adoption by a district, territory, or state of the United States, other than Utah.
- 12064 ~~[(16)]~~ (17) "Genetic and social history" means a comprehensive report, when obtainable,
12065 that contains the following information on an adoptee's birth parents, aunts, uncles, and
12066 grandparents:
- 12067 (a) medical history;
- 12068 (b) health status;
- 12069 (c) cause of and age at death;
- 12070 (d) height, weight, and eye and hair color;
- 12071 (e) ethnic origins;
- 12072 (f) where appropriate, levels of education and professional achievement; and
- 12073 (g) religion, if any.
- 12074 ~~[(17)]~~ (18) "Health history" means a comprehensive report of the adoptee's health status at
12075 the time of placement for adoption, and medical history, including neonatal,
12076 psychological, physiological, and medical care history.
- 12077 ~~[(18)]~~ (19) "Identifying information" means information that is in the possession of the
12078 office and that contains:
- 12079 (a) the name and address of:
- 12080 (i) a pre-existing parent~~[-or an adult adoptee, or-]~~ ; or
- 12081 (ii) a child adoptee who is 18 years old or older; or
- 12082 (b) other specific information that by itself or in reasonable conjunction with other
12083 information may be used to identify a pre-existing parent or ~~[an adult adoptee]~~ child
12084 adoptee, including information on a birth certificate or in an adoption document.
- 12085 ~~[(19)]~~ (20) "Licensed counselor" means an individual who is licensed by the state, or
12086 another state, district, or territory of the United States as a:
- 12087 (a) certified social worker;
- 12088 (b) clinical social worker;
- 12089 (c) psychologist;
- 12090 (d) marriage and family therapist;
- 12091 (e) clinical mental health counselor; or
- 12092 (f) an equivalent licensed professional of another state, district, or territory of the United

- 12093 States.
- 12094 ~~[(20)]~~ (21) "Man" means a male individual~~[, regardless of]~~ of any age.
- 12095 ~~[(21) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.]~~
- 12096 (22) "Office" means the Office of Vital Records and Statistics within the Department of
- 12097 Health and Human Services operating under Title 26B, Chapter 8, Part 1, Vital Statistics.
- 12098 ~~[(23) "Parent," for purposes of Subsection 78B-6-112(6) and Section 78B-6-119, means any~~
- 12099 ~~person described in Subsections 78B-6-120(1)(b) through (f) from whom consent for~~
- 12100 ~~adoption or relinquishment for adoption is required under Sections 78B-6-120 through~~
- 12101 ~~78B-6-122.]~~
- 12102 ~~[(24)]~~ (23) "Potential birth father" means a man who:
- 12103 (a) is identified by a birth mother as a potential biological father of the birth mother's
- 12104 minor child, but whose genetic paternity has not been established; and
- 12105 (b) was not married to the ~~[biological]~~ birth mother of the minor child described in
- 12106 Subsection ~~[(24)(a)]~~ (23)(a) at the time of the minor child's conception or birth.
- 12107 ~~[(25) "Pre-existing parent" means:]~~
- 12108 ~~[(a) a birth parent; or]~~
- 12109 ~~[(b) an individual who, before an adoption decree is entered, is, due to an earlier~~
- 12110 ~~adoption decree, legally the parent of the child being adopted.]~~
- 12111 (24)(a) "Pre-existing parent" means an individual who is an adoptee's birth parent before
- 12112 an adoption decree is entered for the adoptee.
- 12113 (b) "Pre-existing parent" includes an individual who is legally the parent of the adoptee,
- 12114 due to an earlier adoption decree, before an adoption decree is entered for the adoptee.
- 12115 ~~[(26)]~~ (25) "Prospective adoptive parent" means an individual who seeks to adopt an
- 12116 adoptee.
- 12117 ~~[(27)]~~ (26) "Relative" means:
- 12118 (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
- 12119 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of a minor
- 12120 child, or first cousin of a minor child's parent; ~~[and]~~ or
- 12121 (b) in the case of ~~[a child defined as]~~ a minor child who is an "Indian child" under the
- 12122 Indian Child Welfare Act, 25 U.S.C. Sec. 1903, an "extended family member" as
- 12123 defined by that statute.
- 12124 ~~[(28)]~~ (27) "Unmarried biological father" means a man who:
- 12125 (a) is the biological father of a minor child; and
- 12126 (b) was not married to the ~~[biological]~~ birth mother of the minor child described in

12127 Subsection ~~[(28)(a)]~~ (27)(a) at the time of the minor child's conception or birth.

12128 (28) "Vulnerable adult" means:

12129 (a) an individual who is 65 years old or older; or

12130 (b) an adult who has a mental or physical impairment that substantially affects that
12131 adult's ability to:

12132 (i) provide personal protection;

12133 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;

12134 (iii) obtain services necessary for health, safety, or welfare;

12135 (iv) carry out the activities of daily living;

12136 (v) manage the adult's own resources; or

12137 (vi) comprehend the nature and consequences of remaining in a situation of abuse,
12138 neglect, or exploitation.

12139 Section 329. Section **81-13-102**, which is renumbered from Section 78B-6-105 is renumbered
12140 and amended to read:

12141 **[78B-6-105] 81-13-102 . Venue for an adoption proceeding.**

12142 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person shall bring an
12143 adoption proceeding in a court with jurisdiction under Title 78A, Judiciary and Judicial
12144 Administration:

12145 (a) in the ~~[eouny]~~ judicial district where the prospective adoptive parent resides;

12146 (b) if the prospective adoptive parent is not a resident of this state, in the ~~[eouny]~~ judicial
12147 district where:

12148 (i) the adoptee was born;

12149 (ii) the adoptee resides on the day on which the petition is filed; or

12150 (iii) a parent of the proposed adoptee resides on the day on which the petition is filed
12151 if the proposed adoptee is a minor child; or

12152 (c) if the adoption proceeding is brought in the juvenile court, as described in Subsection
12153 78A-6-103(2)(a)(xiv) or (xv), in accordance with Section 78A-6-350.

12154 (2) All orders, decrees, agreements, and notices in an adoption proceeding shall be filed
12155 with the clerk of the court where the adoption proceeding is commenced under
12156 Subsection (1).

12157 ~~[(3) A petition for adoption:]~~

12158 ~~[(a) may be filed before the birth of a child;]~~

12159 ~~[(b) may be filed before or after the adoptee is placed in the home of the petitioner for~~
12160 ~~the purpose of adoption; and]~~

12161 [(e) shall be filed no later than 30 days after the day on which the adoptee is placed in
 12162 the home of the petitioners for the purpose of adoption, unless:]
 12163 [(i) the time for filing has been extended by the court; or]
 12164 [(ii) the adoption is arranged by a child-placing agency in which case the agency may
 12165 extend the filing time.]

12166 [(4)] (3)(a) If a person whose consent for the adoption is required under Section [
 12167 ~~78B-6-120 or 78B-6-121~~] 81-13-212 or 81-13-213 cannot be found within the state,
 12168 the fact of the ~~minor's~~ adoptee's presence within the state shall confer jurisdiction on
 12169 the court in proceedings under this chapter as to such absent person~~[-, provided that]~~ if
 12170 due notice has been given in accordance with the Utah Rules of Civil Procedure.

12171 (b) The notice may not include the name of:

12172 (i) a prospective adoptive parent; or

12173 (ii) an unmarried birth mother without ~~her~~ the unmarried birth mother's consent.

12174 [(5) Service of notice described in Subsection (6) shall vest the court with jurisdiction over
 12175 the person served in the same manner and to the same extent as if the person served was
 12176 served personally within the state.]

12177 [(6)] (4)(a) In the case of service outside the state, service completed not less than five
 12178 days before the time set in the notice for appearance of the person served is sufficient
 12179 to confer jurisdiction.

12180 (b) Service of notice described in Subsection (4)(a) shall vest the court with jurisdiction
 12181 over the person served in the same manner and to the same extent as if the person
 12182 served was served personally within the state.

12183 [(7)] (5) Computation of periods of time not otherwise ~~set forth~~ described in this section
 12184 shall be made in accordance with the Utah Rules of Civil Procedure.

12185 *The following section is affected by a coordination clause at the end of this bill.*

12186 Section 330. Section **81-13-103**, which is renumbered from Section 78B-6-141 is renumbered
 12187 and amended to read:

12188 **[78B-6-141] 81-13-103 . Court hearings -- Adoption documents -- Motion to**
 12189 **intervene.**

12190 (1)(a) Notwithstanding Section 80-4-106, ~~court hearings in adoption cases may be~~
 12191 ~~closed to the public]~~ the court may close to the public any court hearing regarding an
 12192 adoption upon the request of a party to the [adoption petition and upon court approval]
 12193 petition for adoption.

12194 (b) In a closed hearing, the court may only admit the following individuals~~[- may be~~

- 12195 admitted];
- 12196 (i) a party to the proceeding;
- 12197 (ii) the adoptee;
- 12198 (iii) a representative of an agency having custody of the adoptee;
- 12199 (iv) in a hearing to relinquish parental rights, the individual whose rights are to be
- 12200 relinquished and invitees of that individual to provide emotional support;
- 12201 (v) in a hearing on the termination of parental rights, the individual whose rights may
- 12202 be terminated;
- 12203 (vi) in a hearing on a petition to intervene, the proposed intervenor;
- 12204 (vii) in a hearing to finalize an adoption, invitees of the petitioner; and
- 12205 (viii) other individuals for good cause, upon order of the court.
- 12206 (2) ~~[Añ]~~ Except as provided in Subsections (3) through (6), an adoption document and any
- 12207 other documents filed in connection with a petition for adoption are sealed.
- 12208 (3) A person may only inspect and copy the documents described in Subsection (2):
- 12209 (a) if the adoption proceeding is pending and the person is a party to the adoption
- 12210 proceeding;
- 12211 (b) within 180 days after the day on which the final decree of adoption is entered if the
- 12212 person is a party to the adoption proceeding;
- 12213 (c) if the court enters an order expressly permitting the inspection or copying the
- 12214 documents after the person filed a motion to intervene and the motion to intervene
- 12215 was granted on appeal;
- 12216 (d) if the court enters an order expressly permitting the inspection or copying of the
- 12217 documents after good cause is shown;
- 12218 (e) if the office is permitted to release the documents to the person as described in
- 12219 Section 81-13-504;
- 12220 (f) when the documents becomes public 100 years after the day on which the final
- 12221 decree of adoption was entered;
- 12222 (g) when the birth certificate becomes public 100 years after the day on which the
- 12223 adoptee was born; or
- 12224 (h) if the person is permitted access to the documents under Subsection (6)(a) or (7).
- 12225 (4) A person who files a motion to intervene in an adoption proceeding:
- 12226 (a) is not a party to the adoption proceeding, unless the motion to intervene is granted;
- 12227 and
- 12228 (b) subject to Subsection (5), may not be granted access to the documents described in

- 12229 Subsection (2), unless the motion to intervene is granted.
- 12230 (5) If the court enters an order under Subsection (3)(c) or a potential birth father is made a
 12231 party to the adoption proceeding upon a motion to intervene, the court shall:
- 12232 (a) prohibit the person described in Subsection (3)(c) or the potential birth father from
 12233 inspecting a document described in Subsection (2) that contains identifying
 12234 information of an adoptive or prospective adoptive parent; and
- 12235 (b) permit the person described in Subsection (3)(c) or the potential birth father to
 12236 review a copy of the document described in Subsection (5)(a) after the identifying
 12237 information of the adoptive or prospective adoptive parent is redacted from the
 12238 document.
- 12239 ~~[(3) The documents described in Subsection (2) may only be open to inspection and~~
 12240 ~~copying:]~~
- 12241 ~~[(a) in accordance with Subsection (5)(a), by a party to the adoption proceeding:]~~
- 12242 ~~[(i) while the proceeding is pending; or]~~
- 12243 ~~[(ii) within six months after the day on which the adoption decree is entered;]~~
- 12244 ~~[(b) subject to Subsection (5)(b), if a court enters an order permitting access to the~~
 12245 ~~documents by an individual who has appealed the denial of that individual's motion~~
 12246 ~~to intervene;]~~
- 12247 ~~[(c) upon order of the court expressly permitting inspection or copying, after good cause~~
 12248 ~~has been shown;]~~
- 12249 ~~[(d) as provided under Section 78B-6-144;]~~
- 12250 ~~[(e) when the adoption document becomes public on the one hundredth anniversary of~~
 12251 ~~the date the final decree of adoption was entered;]~~
- 12252 ~~[(f) when the birth certificate becomes public on the one hundredth anniversary of the~~
 12253 ~~date of birth;]~~
- 12254 ~~[(g) to a mature adoptee or a parent who adopted the mature adoptee, without a court~~
 12255 ~~order, unless the final decree of adoption is entered by the juvenile court under~~
 12256 ~~Subsection 78B-6-115(3)(b); or]~~
- 12257 ~~[(h) to an adult adoptee, to the extent permitted under Subsection (4).]~~
- 12258 ~~[(4)] (6)[(a) An adult adoptee that was born in the state may access an adoption~~
 12259 ~~document associated with the adult adoptee's adoption without a court order:]~~
- 12260 ~~[(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
- 12261 ~~[(ii) if the birth parents listed on the original birth certificate are deceased.]~~
- 12262 (a) A child adoptee may access an adoption document associated with the child

- 12263 adoptee's adoption without a court order if:
- 12264 (i) the child adoptee is 18 years old or older;
- 12265 (ii) the child adoptee was born in this state; and
- 12266 (iii)(A) a pre-existing parent consents as described in Subsection (6)(b); or
- 12267 (B) the pre-existing parents listed on the original birth certificate are deceased.
- 12268 (b) A [birth] pre-existing parent may:
- 12269 (i) provide consent to allow the access described in Subsection [(4)(a)] (6)(a) by
- 12270 electing, electronically or on a written form provided by the office, allowing the [
- 12271 birth] pre-existing parent to elect to:
- 12272 (A) allow the office to provide the [adult] child adoptee with the contact
- 12273 information of the [birth] pre-existing parent that the [birth] pre-existing parent
- 12274 indicates;
- 12275 (B) allow the office to provide the [adult] child adoptee with the contact
- 12276 information of an intermediary that the [birth] pre-existing parent indicates;
- 12277 (C) prohibit the office from providing any contact information to the [adult] child
- 12278 adoptee; or
- 12279 (D) allow the office to provide the [adult] child adoptee with a noncertified copy of
- 12280 the original birth certificate; and
- 12281 (ii) at any time, file, electronically or on a written document with the office, to:
- 12282 (A) change the election described in Subsection [(4)(b)] (6)(b); or
- 12283 (B) elect to make other information about the birth parent, including an updated
- 12284 medical history, available for inspection by [an adult] a child adoptee.
- 12285 ~~[(c) A birth parent may not access any identifying information or an adoption document~~
- 12286 ~~under this Subsection (4).]~~
- 12287 ~~[(d)] (c)~~ If two [birth] pre-existing parents are listed on the original birth certificate and
- 12288 only one [birth] pre-existing parent consents under Subsection [(4)(b)] (6)(a) or is
- 12289 deceased, the office may redact the name of the other [birth] pre-existing parent.
- 12290 (7) An adult adoptee, or the adoptive parent of the adult adoptee, may inspect an adoption
- 12291 document associated with the adult adoptee's adoption without a court order, unless the
- 12292 final decree of adoption is entered by the juvenile court.
- 12293 (8) A pre-existing parent may not access the documents described in Subsection (2) or any
- 12294 identifying information under Subsection (6).
- 12295 ~~[(5)(a) An individual who files a motion to intervene in an adoption proceeding:]~~
- 12296 ~~[(i) is not a party to the adoption proceeding, unless the motion to intervene is~~

- 12297 granted; and]
- 12298 [(ii) may not be granted access to the documents described in Subsection (2), unless
- 12299 the motion to intervene is granted.]
- 12300 [(b) An order described in Subsection (3)(b) shall:]
- 12301 [(i) prohibit the individual described in Subsection (3)(b) from inspecting a document
- 12302 described in Subsection (2) that contains identifying information of the adoptive
- 12303 or prospective adoptive parent; and]
- 12304 [(ii) permit the individual described in Subsection (5)(b)(i) to review a copy of a
- 12305 document described in Subsection (5)(b)(i) after the identifying information
- 12306 described in Subsection (5)(b)(i) is redacted from the document.]
- 12307 Section 331. Section **81-13-104**, which is renumbered from Section 78B-6-106 is renumbered
- 12308 and amended to read:
- 12309 **[78B-6-106] 81-13-104 . Responsibility for own actions -- Fraud or**
- 12310 **misrepresentation.**
- 12311 (1) Each parent of [~~a child~~] an adoptee conceived or born outside of marriage is responsible
- 12312 for [~~his or her~~] the parent's own actions and is not excused from strict compliance with
- 12313 the provisions of this [-]chapter based upon any action, statement, or omission of the
- 12314 other parent or third parties.
- 12315 (2)(a) Any person injured by fraudulent representations or actions in connection with an
- 12316 adoption is entitled to pursue civil or criminal penalties in accordance with existing
- 12317 law.
- 12318 (b) A fraudulent representation is not a defense to strict compliance with the
- 12319 requirements of this chapter and is not a basis for dismissal of a petition for adoption,
- 12320 vacation of an adoption decree, or an automatic grant of custody to the offended
- 12321 party.
- 12322 (c) [~~Custody determinations~~] For a child adoptee, a custody determination shall be based
- 12323 on the best interests of the [~~child,~~] child adoptee in accordance with the provisions of
- 12324 Section [~~78B-6-133~~] 81-13-215.
- 12325 (3) A child-placing agency and the employees of a child-placing agency may not:
- 12326 (a) employ any device, scheme, or artifice to defraud;
- 12327 (b) engage in any act, practice, or course of business that operates or would operate as a
- 12328 fraud or deceit upon any person;
- 12329 (c) materially and intentionally misrepresent facts or information; or
- 12330 (d) request or require a prospective adoptive parent to grant, as a condition of or in

12331 connection with entering into an agreement with a child-placing agency, a release of
 12332 either the prospective adoptive parent's claims or the ~~[adoptive child's]~~ adoptive's
 12333 claims against the child-placing agency regarding any of the following:
 12334 (i) criminal misconduct;
 12335 (ii) ethical violations, as established by the Office of Licensing's administrative rules;
 12336 (iii) bad faith;
 12337 (iv) intentional torts;
 12338 (v) fraud;
 12339 (vi) gross negligence associated with care of the ~~[child]~~ adoptive, as described in
 12340 Subsection ~~[78B-6-134(3)]~~ 81-13-210(2);
 12341 (vii) future misconduct that may arise before the adoption is finalized;
 12342 (viii) breach of contract; or
 12343 (ix) gross negligence.

12344 (4) Subsection (3) does not prohibit a release of claims against a child-placing agency or a
 12345 child-placing agency's employees for liability arising from the acts or the failure to act of
 12346 a third party.

12347 Section 332. Section **81-13-105**, which is renumbered from Section 78B-6-142 is renumbered
 12348 and amended to read:

12349 **[78B-6-142] 81-13-105 . Adoption order from foreign country.**

12350 (1) Except as otherwise provided by federal law, an adoption order rendered to a resident of
 12351 this state that is made by a foreign country shall be recognized by the courts of this state
 12352 and enforced as if the order were rendered by a court in this state.

12353 (2) ~~[A person]~~ An individual who adopts ~~[a child]~~ an adoptee in a foreign country may
 12354 register the order in this state.

12355 (3) A petition for registration of a foreign adoption order may be combined with a petition
 12356 for a name change.

12357 (4) If the court finds that the foreign adoption order meets the requirements of Subsection
 12358 (1), the court shall order the ~~[state registrar]~~ office to:
 12359 (a) file the order~~[pursuant to Section 78B-6-137]~~; and
 12360 (b) file a certificate of birth for the ~~[child pursuant to]~~ adoptive in accordance with Section
 12361 26B-8-131.

12362 ~~[(3)]~~ (5) If a clerk of the court is unable to establish the fact, time, and place of birth from
 12363 the documentation provided, a person holding a direct, tangible, and legitimate interest
 12364 as described in Subsection 26B-8-125(3)(a) or (b) may petition for a court order

12365 establishing the fact, time, and place of a birth [~~pursuant to~~] in accordance with
12366 Subsection 26B-8-119(1).

12367 Section 333. Section **81-13-106**, which is renumbered from Section 78B-6-121.5 is renumbered
12368 and amended to read:

12369 **[78B-6-121.5] 81-13-106 . Compact for Interstate Sharing of Putative Father**
12370 **Registry Information -- Severability clause.**

12371 ~~OF PUTATIVE FATHER REGISTRY INFORMATION~~

12372 This compact enables the sharing of putative father registry information collected by a
12376 state that is a party to the compact with all other ~~parties~~ parties to the compact.

12378 (1) "Putative father" means a man who may be the biological father of a child because
12380 the man had a sexual relationship with a woman to whom he is not married.

12381 (2) "Putative father registry" mean a registry of putative fathers maintained and used by
12382 a state as part of its legal process for protecting a putative father's rights.

12383 (3) "State" includes a ~~state~~ ~~ENTRY, WITHDRAWAL, AND AMENDMENTS~~

12385 (1) A state is a party to this compact upon enactment of this compact by the state into
12387 state law.

12388 (2) Upon providing at least 60 days' notice of withdrawal from this compact to each
12389 party to the compact and repealing the compact from state law, a state is no longer party to this
12390 compact.

12391 (3) This compact is amended upon enactment of the amendment into state law by each
12392 party to the ~~compact~~ ~~INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION~~

12393 (1) A party to this compact shall communicate information in its putative father registry
12396 about a specific putative father to any other party to this compact in a timely manner upon
12397 request by the other party.

12398 (2) A party to this compact is not required to have a putative father registry in order to
12399 request putative father registry information from another party to the compact.

12400 (3) Putative father registry information requested by a party to this compact from
12401 another party to this compact is subject to the laws of the requesting party governing the
12402 privacy, retention, and authorized uses of putative father information or, if the requesting party
12403 does not have a putative father registry, the laws of the party supplying the information
12404 governing the privacy, retention, and authorized uses of putative father information.

12405 (4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or
12406 receipt of putative father registry information by a party to this compact from another party to
12407 this compact does not affect the application of the requesting party's laws, including laws

12408 regarding adoption or the protection of a putative father's rights, except as explicitly provided
12409 by the requesting party's laws.

12410 (5) Failure by a party to this compact to provide accurate putative father registry
12411 information in a timely manner to another party to this compact upon request does not affect
12412 application of the requesting party's laws, including laws governing adoption and the
12413 protection of a putative father's rights, except as explicitly provided by the requesting party's
12414 laws.

12415 (6) Each party to this compact shall work with every other party to this compact to
12416 facilitate the timely communication of putative father registry information between compact
12417 parties upon request.

~~SEVERABILITY~~

12418 The provisions of this compact are severable. If any provision of this compact or the
12421 application of any provision of this compact to any person or circumstance is held invalid by a
12422 final decision of a court of competent jurisdiction for a state that is a member of this compact,
12423 the remainder of this compact shall be given effect within that state without the invalid
12424 provision or application. If a provision of this compact is severed in one or more states as a
12425 result of one or more court decisions, the provision shall remain in force in all other states that
12426 are parties to this compact.

12427 *The following section is affected by a coordination clause at the end of this bill.*

12428 Section 334. Section **81-13-201** is enacted to read:

Part 2. Adoption of a Minor Child

81-13-201 . Definitions for part.

12431 As used in this part, "sexual offense" means:

- 12432 (1) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses; or
12433 (2) an offense under the laws of the state where the minor child was conceived that is
12434 substantially similar to an offense described in Title 76, Chapter 5, Part 4, Sexual
12435 Offenses.

12436 Section 335. Section **81-13-202**, which is renumbered from Section 78B-6-102 is renumbered
12437 and amended to read:

12438 **[78B-6-102] 81-13-202 . Legislative intent and findings -- Best interest of the**
12439 **minor child -- Interests of each party.**

12440 (1) It is the intent and desire of the Legislature that in every adoption of a minor child that
12441 the best interest of the minor child should govern and be of foremost concern in the
12442 court's determination.

12443 (2) The court shall make a specific finding regarding the best interest of the [child] minor

- 12444 child, taking into consideration information provided to the court pursuant to the
 12445 requirements of this chapter relating to the health, safety, and welfare of the minor child
 12446 and the moral climate of the potential adoptive placement.
- 12447 (3) The Legislature finds that the rights and interests of all parties affected by an adoption
 12448 proceeding must be considered and balanced in determining what constitutional
 12449 protections and processes are necessary and appropriate.
- 12450 (4)(a) The Legislature specifically finds that it is not in a minor child's best interest to be
 12451 adopted by a person or persons who are cohabiting in a relationship that is not a
 12452 legally valid and binding marriage under the laws of this state.
- 12453 (b) Nothing in this section limits or prohibits the court's placement of a minor child with
 12454 a single adult who is not cohabiting or a person who is a relative of the minor child or
 12455 a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et
 12456 seq.
- 12457 (5) The Legislature also finds that:
- 12458 (a) the state has a compelling interest in providing a stable and permanent [homes for
 12459 adoptive children] home for a child adoptee in a prompt manner, in preventing the
 12460 disruption of [adoptive placements] an adoptive placement, and in holding parents
 12461 accountable for meeting the needs of [children] a child adoptee;
- 12462 (b) an unmarried birth mother, faced with the responsibility of making crucial decisions
 12463 about the future of a newborn child, is entitled to privacy, and has the right to make
 12464 timely and appropriate decisions regarding her future and the future of the newborn
 12465 child, and is entitled to assurance regarding the permanence of an adoptive placement;
- 12466 (c) [adoptive children have] a child adoptee has a right to permanence and stability in [
 12467 adoptive placements] an adoptive placement;
- 12468 (d) adoptive parents have a constitutionally protected liberty and privacy interest in
 12469 retaining custody of [an adopted child] a child adoptee;
- 12470 (e) an unmarried biological father has an inchoate interest that acquires constitutional
 12471 protection only when [he] the unmarried biological father demonstrates a timely and
 12472 full commitment to the responsibilities of parenthood, both during pregnancy and
 12473 upon the [child's] child adoptee's birth; and
- 12474 (f) the state has a compelling interest in requiring [unmarried biological fathers] an
 12475 unmarried biological father to demonstrate commitment by providing appropriate
 12476 medical care and financial support and by establishing legal [paternity,] parentage in
 12477 accordance with the requirements of this chapter.

- 12478 (6)(a) In enacting this chapter, the Legislature has prescribed the conditions for
12479 determining whether an unmarried biological father's action is sufficiently prompt
12480 and substantial to require constitutional protection.
- 12481 (b) If an unmarried biological father fails to grasp the opportunities to establish a
12482 relationship with [~~his child~~] the child adoptee that are available to [~~him, his biological~~]
12483 the unmarried biological father, the unmarried biological father's parental interest
12484 may be lost entirely, or greatly diminished in constitutional significance by [~~his~~] the
12485 unmarried biological father's failure to timely exercise [~~it~~] the unmarried biological
12486 father's parental interest, or by [~~his~~] the unmarried biological father's failure to strictly
12487 comply with the available legal steps to substantiate [~~it~~] the parental interest.
- 12488 (c)(i) A certain degree of finality is necessary in order to facilitate the state's
12489 compelling interest.
- 12490 (ii) The Legislature finds that the interests of the state, the birth mother, the child
12491 adoptee, and the adoptive parents described in this section outweigh the interest of
12492 an unmarried biological father who does not timely grasp the opportunity to
12493 establish and demonstrate a relationship with [~~his child~~] the child adoptee in
12494 accordance with the requirements of this chapter.
- 12495 (d)(i) The Legislature finds no practical way to remove all risk of fraud or
12496 misrepresentation in adoption proceedings, and has provided a method for
12497 absolute protection of an unmarried biological father's rights by compliance with
12498 the provisions of this chapter.
- 12499 (ii) In balancing the rights and interests of the state, and of all parties affected by
12500 fraud, specifically the child adoptee, the adoptive parents, and the unmarried
12501 biological father, the Legislature has determined that the unmarried biological
12502 father is in the best position to prevent or ameliorate the effects of fraud and that,
12503 therefore, the burden of fraud shall be borne by [~~him~~] the unmarried biological
12504 father.
- 12505 (e) An unmarried biological father has the primary responsibility to protect [~~his~~] the
12506 unmarried biological father's rights.
- 12507 (f) An unmarried biological father is presumed to know that the child adoptee may be
12508 adopted without [~~his~~] the unmarried biological father's consent unless [~~he~~] the
12509 unmarried biological father strictly complies with the provisions of this chapter,
12510 manifests a prompt and full commitment to [~~his~~] the unmarried biological father's
12511 parental responsibilities, and establishes paternity.

- 12512 (7) The Legislature finds that an unmarried birth mother has:
- 12513 (a) a right of privacy with regard to [~~her~~] the unmarried birth mother's pregnancy and
- 12514 adoption plan[~~, and therefore has~~] ;
- 12515 (b) no legal obligation to disclose the identity of an unmarried biological father [~~prior to~~]
- 12516 before or during an adoption proceeding[~~, and has~~] ; and
- 12517 (c) no obligation to volunteer information to the court with respect to the father.

12518 Section 336. Section **81-13-203**, which is renumbered from Section 78B-6-117 is renumbered

12519 and amended to read:

12520 **[78B-6-117] 81-13-203 . Who may adopt -- Adoption of a minor child.**

12521 [~~(1) A minor child may be adopted by an adult individual, in accordance with this section~~

12522 ~~and this part.]~~

12523 (1) An adult may adopt a minor child in accordance with this section and this chapter.

12524 (2) [~~A~~] Except as otherwise provided in this section and subject to the placement

12525 requirements described in Section 81-13-403, a minor child may be adopted by:

12526 (a) adults who are legally married to each other in accordance with the laws of this state,

12527 including adoption by a stepparent; or

12528 (b) [~~subject to Subsections (3) and (4), a single adult~~] an adult who is not married.

12529 (3) [~~A child may not be adopted by an individual who~~] If an adult is cohabiting in a

12530 relationship that is not a legally valid and binding marriage under the laws of this state,

12531 the adult may not adopt a minor child unless the individual is a relative of the minor

12532 child or a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec.

12533 1901 et seq.

12534 [~~(4) To provide a child who is in the custody of the division with the most beneficial family~~

12535 ~~structure, when a child in the custody of the division is placed for adoption, the division~~

12536 ~~or child-placing agency shall place the child with a married couple, unless:]~~

12537 [~~(a) there are no qualified married couples who:]~~

12538 [(i) ~~have applied to adopt a child;~~]

12539 [(ii) ~~are willing to adopt the child; and~~]

12540 [(iii) ~~are an appropriate placement for the child;~~]

12541 [(b) ~~the child is placed with a relative of the child;~~]

12542 [(c) ~~the child is placed with an individual who has already developed a substantial~~

12543 ~~relationship with the child;~~]

12544 [(d) ~~the child is placed with an individual who:]~~

12545 [(i) ~~is selected by a parent or former parent of the child, if the parent or former parent~~

12546 consented to the adoption of the child; and]

12547 [(ii) the parent or former parent described in Subsection (4)(d)(i):]

12548 [(A) knew the individual with whom the child is placed before the parent

12549 consented to the adoption; or]

12550 [(B) became aware of the individual with whom the child is placed through a

12551 source other than the division or the child-placing agency that assists with the

12552 adoption of the child; or]

12553 [(e) it is in the best interests of the child to place the child with a single adult.]

12554 (4) A married adult who is lawfully separated from the married adult's spouse may not

12555 adopt a minor child without the consent of the married adult's spouse if the spouse is

12556 capable of giving consent.

12557 (5) An adult may not adopt a minor child unless:

12558 (a) the adult is at least 10 years older than the minor child; or

12559 (b) at least one adult of a married couple is at least 10 years older than the minor child if

12560 a married couple is adopting the minor child.

12561 [~~(5)~~] (6) Except as provided in Subsection [~~(6)~~] (7), an adult may not adopt a minor child if,

12562 before adoption is finalized, the adult has been convicted of, pleaded guilty to, or

12563 pleaded no contest to a felony or attempted felony involving conduct that constitutes[

12564 any of the following]:

12565 (a) child abuse, as described in Section 76-5-109;

12566 (b) child abuse homicide, as described in Section 76-5-208;

12567 (c) child kidnapping, as described in Section 76-5-301.1;

12568 (d) human trafficking of a child, as described in Section 76-5-308.5;

12569 (e) sexual abuse of a minor, as described in Section 76-5-401.1;

12570 (f) rape of a child, as described in Section 76-5-402.1;

12571 (g) object rape of a child, as described in Section 76-5-402.3;

12572 (h) sodomy on a child, as described in Section 76-5-403.1;

12573 (i) sexual abuse of a child, as described in Section 76-5-404.1[~~, or~~];

12574 (j) aggravated sexual abuse of a child, as described in Section 76-5-404.3;

12575 [~~(j)~~] (k) sexual exploitation of a minor, as described in Section 76-5b-201;

12576 [~~(k)~~] (l) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1;

12577 [~~(l)~~] (m) aggravated child abuse, as described in Section 76-5-109.2;

12578 [~~(m)~~] (n) child abandonment, as described in Section 76-5-109.3;

12579 [~~(n)~~] (o) commission of domestic violence in the presence of a child, as described in

- 12580 Section 76-5-114; or
- 12581 ~~[(6)]~~ (p) an offense in another state that, if committed in this state, would constitute an
- 12582 offense described in this Subsection ~~[(5)]~~ (6).
- 12583 ~~[(6)]~~ (7)(a) ~~[For purpose of]~~ As used in this Subsection ~~[(6)]~~ (7), "disqualifying offense"
- 12584 means an offense listed in Subsection ~~[(5)]~~ (6) that prevents a court from considering [
- 12585 ~~an individual]~~ an adult for adoption of a minor child except as provided in this
- 12586 Subsection ~~[(6)]~~ (7).
- 12587 (b) An ~~[individual]~~ adult described in Subsection ~~[(5)]~~ (6) may only be considered for
- 12588 adoption of a minor child if the following criteria are met by clear and convincing
- 12589 evidence:
- 12590 (i) at least 10 years have elapsed from the day on which the ~~[individual]~~ adult is
- 12591 successfully released from prison, jail, parole, or probation related to a
- 12592 disqualifying offense;
- 12593 (ii) during the 10 years before the day on which the ~~[individual]~~ adult files a petition
- 12594 with the court seeking adoption, the ~~[individual]~~ adult has not been convicted,
- 12595 pleaded guilty, or pleaded no contest to an offense greater than an infraction or
- 12596 traffic violation that would likely impact the health, safety, or well-being of the
- 12597 minor child;
- 12598 (iii) the ~~[individual]~~ adult can provide evidence of successful treatment or
- 12599 rehabilitation directly related to the disqualifying offense;
- 12600 (iv) the court determines that the risk related to the disqualifying offense is unlikely
- 12601 to cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 12602 currently or at any time in the future when considering all of the following:
- 12603 (A) the minor child's age;
- 12604 (B) the minor child's gender;
- 12605 (C) the minor child's development;
- 12606 (D) the nature and seriousness of the disqualifying offense;
- 12607 (E) the preferences of a minor child who is 12 years old or older;
- 12608 (F) any available assessments, including custody evaluations, home studies,
- 12609 pre-placement adoptive evaluations, parenting assessments, psychological or
- 12610 mental health assessments, and bonding assessments; and
- 12611 (G) any other relevant information;
- 12612 (v) the ~~[individual]~~ adult can provide evidence of all of the following:
- 12613 (A) the relationship with the minor child is of long duration;

- 12614 (B) that an emotional bond exists with the minor child; and
- 12615 (C) that adoption by the individual who has committed the disqualifying offense
- 12616 ensures the best interests of the minor child are met; and
- 12617 (vi) the adoption is by:
- 12618 (A) a stepparent whose spouse is the adoptee's parent and consents to the
- 12619 adoption; or
- 12620 (B) subject to Subsection [~~(6)(d)~~] (7)(d), a relative of the minor child, as defined in
- 12621 Section 80-3-102, and there is not another relative without a disqualifying
- 12622 offense filing an adoption petition.
- 12623 (c) The [~~individual~~] adult with the disqualifying offense bears the burden of proof
- 12624 regarding why adoption with that [~~individual~~] adult is in the best interest of the minor
- 12625 child over another responsible relative or equally situated [~~individual~~] adult who does
- 12626 not have a disqualifying offense.
- 12627 (d) If there is an alternative responsible relative who does not have a disqualifying
- 12628 offense filing an adoption petition[, the following applies]:
- 12629 (i) preference for adoption shall be given to a relative who does not have a
- 12630 disqualifying offense; and
- 12631 (ii) before the court may grant adoption to the [~~individual~~] adult who has the
- 12632 disqualifying offense over another responsible, willing, and able relative:
- 12633 (A) an impartial custody evaluation shall be completed; and
- 12634 (B) a guardian ad litem shall be assigned.
- 12635 [~~(7)~~] (8) Subsections [~~(5) and (6)~~] (6) and (7) apply to a case pending on March 25, 2017, for
- 12636 which a final decision on adoption has not been made and to a case filed on or after
- 12637 March 25, 2017.
- 12638 *The following section is affected by a coordination clause at the end of this bill.*
- 12639 Section 337. Section **81-13-204** is enacted to read:
- 12640 **81-13-204 . Petition for adoption of a minor child.**
- 12641 (1)(a) A person may bring a petition for adoption of a minor child:
- 12642 (i) before the birth of the minor child; or
- 12643 (ii) before or after the minor child is placed in the home of the adoptive parent for the
- 12644 purpose of adoption.
- 12645 (2)(a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child
- 12646 shall state whether the minor child was born in another state.
- 12647 (b) If the minor child was born in another state, the petition and the court's final decree

12648 of adoption shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate
 12649 Compact on Placement of Children, have been complied with.

12650 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required
 12651 to complete a preplacement adoptive evaluation under Section 81-13-404.

12652 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec.
 12653 1903, a child-placing agency and a petitioner shall comply with the Indian Child
 12654 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

12655 Section 338. Section **81-13-205**, which is renumbered from Section 78B-6-112 is renumbered
 12656 and amended to read:

12657 **[78B-6-112] 81-13-205 . Petition to terminate parental rights of a minor child.**

12658 (1) A party may bring a petition seeking to terminate parental rights [~~in the child~~] of a minor
 12660 child for the purpose of facilitating the adoption of the minor child in a court with
 12661 jurisdiction under Title 78A, Judiciary and Judicial Administration.

12662 (2) A petition to terminate parental rights under this section may be:

12663 (a) joined with a proceeding on an adoption petition; or

12664 (b) filed as a separate proceeding before or after a petition to adopt the minor child is
 12665 filed.

12666 (3) A court may enter a final order terminating parental rights before a final decree of
 12667 adoption is entered.

12668 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to
 12669 proceedings to terminate parental rights as described in Section 78A-6-103.

12670 (b) A court may not terminate parental rights [~~in a~~] of a minor child if the minor child is
 12671 under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency,
 12672 or termination of parental rights proceeding.

12673 (5) The court may terminate an individual's parental rights [~~in a~~] of a minor child if:

12674 (a) the individual executes a voluntary consent to adoption, or relinquishment for
 12675 adoption, of the minor child, in accordance with:

12676 (i) the requirements of this chapter; or

12677 (ii) the laws of another state or country, if the consent is valid and irrevocable;

12678 (b) the individual is an unmarried biological father who is not entitled to consent to
 12679 adoption, or relinquishment for adoption, under Section [~~78B-6-120 or 78B-6-121]~~
 12680 81-13-212 or 81-13-213;

12681 (c) the individual:

12682 (i) received notice of the adoption proceeding relating to the minor child under

- 12683 Section ~~[78B-6-110]~~ 81-13-207; and
- 12684 (ii) failed to file a motion for relief, under Subsection ~~[78B-6-110(6)]~~ 81-13-207(6),
- 12685 within 30 days after the day on which the individual was served with notice of the
- 12686 adoption proceeding;
- 12687 (d) the court finds, under Section ~~[78B-15-607]~~ 81-5-607, that the individual is not a
- 12688 parent of the minor child; or
- 12689 (e) the individual's parental rights are terminated on grounds described in Title 80,
- 12690 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
- 12691 best interests of the minor child.
- 12692 (6) The court shall appoint an indigent defense service provider in accordance with Title
- 12693 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
- 12694 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
- 12695 Termination and Restoration of Parental Rights, or whose parental rights are subject to
- 12696 termination under this section.
- 12697 (7) If a county incurs expenses in providing indigent defense services to an indigent
- 12698 individual facing any action initiated by a private party under Title 80, Chapter 4,
- 12699 Termination and Restoration of Parental Rights, or termination of parental rights under
- 12700 this section, the county may apply for reimbursement from the Utah Indigent Defense
- 12701 Commission in accordance with Section 78B-22-406.
- 12702 (8) A petition filed under this section is subject to the procedural requirements of this
- 12703 chapter.
- 12704 Section 339. Section **81-13-206**, which is renumbered from Section 78B-6-109 is renumbered
- 12705 and amended to read:
- 12706 **[78B-6-109] 81-13-206 . Determination of rights in an adoption proceeding for a**
- 12707 **minor child.**
- 12708 (1)(a) Any interested person may petition a court ~~[having]~~ with jurisdiction over [
- 12709 ~~adoption proceedings]~~ an adoption proceeding of a minor child for a determination of
- 12710 the rights and interests of any person who may claim an interest in ~~[a child under this~~
- 12711 ~~part]~~ the minor child under this part.
- 12712 (b) The petition described in Subsection (1) may be filed at any time before the
- 12713 finalization of the adoption, including before:
- 12714 (i) the minor child's birth;
- 12715 (ii) a petition for adoption is filed; or
- 12716 (iii) a petition to terminate parental rights is filed.

12717 (2) If a petition for adoption or a petition to terminate parental rights has been filed [~~in~~
 12718 ~~district court~~] in a court with jurisdiction under Title 78A, Judiciary and Judicial
 12719 Administration, the petitioner or any interested person may, without filing a separate
 12720 petition, move the court for a determination of the rights and interests of any person who
 12721 may claim an interest in [~~a child under this part~~] the minor child under this chapter.

12722 Section 340. Section **81-13-207**, which is renumbered from Section 78B-6-110 is renumbered
 12723 and amended to read:

12724 **[78B-6-110] 81-13-207 . Notice of an adoption proceeding for a minor child.**

12725 ~~[(1)(a) An unmarried biological father, by virtue of the fact that he has engaged in a~~
 12726 ~~sexual relationship with a woman:]~~

12727 ~~[(i) is considered to be on notice that a pregnancy and an adoption proceeding~~
 12728 ~~regarding the child may occur; and]~~

12729 ~~[(ii) has a duty to protect his own rights and interests.]~~

12730 ~~[(b) An unmarried biological father is entitled to actual notice of a birth or an adoption~~
 12731 ~~proceeding with regard to his child only as provided in this section or Section~~
 12732 ~~78B-6-110.5.]~~

12733 ~~[(2)]~~ (1) ~~[Notice of an adoption proceeding shall be served]~~ A petitioner in an adoption
 12734 proceeding described in Section 81-13-204, 81-13-205, or 81-13-206 shall serve a notice
 12735 of the adoption proceeding on each of the following persons:

12736 (a) any person or agency whose consent or relinquishment is required under Section [
 12737 ~~78B-6-120 or 78B-6-121]~~ 81-13-212 or 81-13-213, unless that right has been
 12738 terminated by:

12739 (i) waiver;

12740 (ii) relinquishment;

12741 (iii) actual or implied consent; or

12742 (iv) judicial action;

12743 (b) any person who has initiated a [~~paternity~~] parentage proceeding and filed notice of
 12744 that action with the [~~state registrar of vital statistics within the Department of Health~~
 12745 ~~and Human Services,~~] the office in accordance with Subsection (3);

12746 (c) any legally appointed custodian or guardian of the child adoptee;

12747 (d) the petitioner's spouse~~[, if any, only if]~~ if the petitioner is married and the petitioner's
 12748 spouse has not joined in the petition;

12749 (e) the child adoptee's spouse~~[, if any]~~ if the child adoptee is married;

12750 (f) any [~~person who, prior to~~] individual who, before the time the birth mother executes [

- 12751 ~~her]~~ the birth mother's consent for adoption or relinquishes the child adoptee for
- 12752 adoption, is recorded on the birth certificate as the ~~[child's father]~~ child adoptee's
- 12753 parent, with the knowledge and consent of the birth mother;
- 12754 (g) ~~[a person]~~ any individual who is:
- 12755 (i) openly living in the same household with the child adoptee at the time the consent
- 12756 is executed or relinquishment made; and
- 12757 (ii) holding ~~[himself]~~ the individual out to be the ~~[child's father]~~ child adoptee's parent;
- 12758 and
- 12759 (h) ~~[any person]~~ an individual who is married to the ~~[child's]~~ child adoptee's birth mother
- 12760 at the time ~~[she]~~ the birth mother executes ~~[her]~~ the birth mother's consent to the
- 12761 adoption or relinquishes the child adoptee for adoption, unless the court finds that the
- 12762 mother's spouse is not the ~~[child's father]~~ child adoptee's parent under Section [
- 12763 ~~78B-15-607]~~ 81-5-607.
- 12764 (2)(a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the
- 12765 notice described in Subsection (1) at any time after the petition for the adoption
- 12766 proceeding is filed.
- 12767 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth
- 12768 mother before the birth mother has given birth to the minor child who is the subject
- 12769 of the petition.
- 12770 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior
- 12771 to the final dispositional hearing.
- 12772 (3)(a) An unmarried biological father, by virtue of the fact that the unmarried biological
- 12773 father has engaged in a sexual relationship with a woman:
- 12774 (i) is considered to be on notice that a pregnancy and an adoption proceeding
- 12775 regarding a minor child may occur; and
- 12776 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 12777 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
- 12778 proceeding with regard to the unmarried biological father's minor child only as
- 12779 provided in this section or Section 81-13-209.
- 12780 ~~[(a)]~~ (c) In order to preserve any right to notice, an unmarried biological father shall,
- 12781 consistent with Subsection ~~[(3)(d)]~~ (3)(f):
- 12782 (i) initiate proceedings in a ~~[district court of Utah to establish paternity under Title~~
- 12783 ~~78B, Chapter 15, Utah Uniform Parentage Act]~~ court with jurisdiction under Title
- 12784 78A, Judiciary and Judicial Administration, to establish parentage under Chapter

- 12785 5, Uniform Parentage Act; and
- 12786 (ii) file a notice of commencement of the proceedings described in Subsection [
12787 ~~(3)(a)(i) with the office of vital statistics within the Department of Health and~~
12788 Human Services] ~~(3)(c)(i) with the office.~~
- 12789 [(b) If the unmarried, biological father does not know the county in which the birth
12790 mother resides, he may initiate his action in any county, subject to a change in trial
12791 pursuant to Section 78B-3a-201.]
- 12792 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil
12793 Actions, an unmarried biological father may initiate an action described in
12794 Subsection (3)(c) in any county if the unmarried biological father does not know the
12795 county in which the birth mother resides.
- 12796 [(e)] (e) The Department of Health and Human Services shall provide forms for the
12797 purpose of filing the notice described in Subsection [~~(3)(a)(ii)~~] ~~(3)(c)(ii)~~, and make
12798 those forms available in the office of the county health department in each county.
- 12799 [(d)] (f) When the [~~state registrar of vital statistics~~] office receives a completed form, the [
12800 registrar] office shall:
- 12801 (i) record the date and time the form was received; and
- 12802 (ii) immediately enter the information provided by the unmarried biological father in
12803 the confidential registry [~~established by Subsection 78B-6-121(3)(e)~~] described in
12804 Subsection 81-13-213(4)(c).
- 12805 [(e)] (g) [~~The action and notice described in Subsection (3)(a):~~]
- 12806 (i) [~~may be filed~~] An unmarried biological father may file the action and notice
12807 described in Subsection (3)(c) before or after the minor child's birth[; and] .
- 12808 (ii) [~~shall be filed prior to~~] An unmarried biological father shall file the action and
12809 notice described in Subsection (3)(c) before the mother's:
- 12810 (A) execution of consent to adoption of the minor child; or
- 12811 (B) relinquishment of the minor child for adoption.
- 12812 (h) Notwithstanding Subsection (2)(b), an unmarried biological father is not entitled to
12813 notice of an adoption proceeding in a case where it is shown that the minor child was
12814 conceived as a result of conduct that constitutes a sexual offense, regardless of
12815 whether the unmarried biological father is formally charged with or convicted of the
12816 sexual offense.
- 12817 (4) Notice provided in accordance with this section need not disclose the name of the birth
12818 mother of the minor child who is the subject of an adoption proceeding.

- 12819 (5) The notice required by this section:
- 12820 [~~(a)~~ may be served at any time after the petition for adoption is filed, but may not be
- 12821 served on a birth mother before she has given birth to the child who is the subject of
- 12822 the petition for adoption;]
- 12823 [~~(b)~~ shall be served at least 30 days prior to the final dispositional hearing;]
- 12824 [~~(e)~~ (a) shall specifically state that the person served shall fulfill the requirements of
- 12825 Subsection (6)(a) within 30 days after the day on which the person receives service if
- 12826 the person intends to intervene in or contest the adoption;
- 12827 [~~(d)~~ (b) shall state the consequences, described in Subsection (6)(b), for failure of a
- 12828 person to file a motion for relief within 30 days after the day on which the person is
- 12829 served with notice of an adoption proceeding;
- 12830 [~~(e)~~ (c) is not required to include, [~~nor~~] or be accompanied by, a summons or a copy of
- 12831 the petition for adoption;
- 12832 [~~(f)~~ (d) shall state where the person may obtain a copy of the petition for adoption; and
- 12833 [~~(g)~~ (e) shall indicate the right to the appointment of counsel for a party whom the court
- 12834 determines is indigent and at risk of losing the party's parental rights.
- 12835 (6)(a) A person who has been served with notice of an adoption proceeding and who
- 12836 wishes to contest the adoption shall file a motion to intervene in the adoption
- 12837 proceeding:
- 12838 (i) within 30 days after the day on which the person was served with notice of the
- 12839 adoption proceeding;
- 12840 (ii) setting forth specific relief sought; and
- 12841 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
- 12842 which the motion is based.
- 12843 (b) A person who fails to fully and strictly comply with all of the requirements described
- 12844 in Subsection (6)(a) within 30 days after the day on which the person was served with
- 12845 notice of the adoption proceeding:
- 12846 (i) waives any right to further notice in connection with the adoption;
- 12847 (ii) forfeits all rights in relation to the adoptee; and
- 12848 (iii) is barred from thereafter bringing or maintaining any action to assert any interest
- 12849 in the adoptee.
- 12850 (7) [~~Service of notice under this section shall be made as follows:~~]
- 12851 (a)(i) Subject to Subsection [~~(5)(e), service on~~] (5)(c), the petitioner shall serve a
- 12852 person whose consent is necessary under Section [~~78B-6-120 or 78B-6-121~~] shall

- 12853 ~~be~~ 81-13-212 or 81-13-213 in accordance with ~~[the provisions of]~~ the Utah Rules
 12854 of Civil Procedure.
- 12855 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
 12856 shall designate the content of the notice regarding the identity of the parties.
- 12857 (iii) The notice described in this Subsection (7)(a) may not include the name of a
 12858 person seeking to adopt the adoptee.
- 12859 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice
 12860 is required under this section, service by certified mail, return receipt requested, is
 12861 sufficient.
- 12862 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two
 12863 attempts, the court may issue an order providing for service by publication,
 12864 posting, or by any other manner of service.
- 12865 (c) Notice to ~~[a person]~~ an individual, who has initiated a ~~[paternity]~~ parentage
 12866 proceeding and filed notice of that action with the ~~[state registrar of vital statistics in~~
 12867 ~~the Department of Health and Human Services]~~ office in accordance with the
 12868 requirements of Subsection (3), shall be served by certified mail, return receipt
 12869 requested, at the last address filed with the ~~[registrar]~~ office.
- 12870 (8) The notice required by this section may be waived in writing by the person entitled to
 12871 receive notice.
- 12872 (9) Proof of service of notice on all persons for whom notice is required by this section
 12873 shall be filed with the court before the final dispositional hearing on the adoption.
- 12874 (10) Notwithstanding any other provision of law, neither the notice of an adoption
 12875 proceeding nor any process in that proceeding is required to contain the name of the
 12876 person or persons seeking to adopt the child adoptee.
- 12877 (11) Except as to those persons whose consent to an adoption is required under Section [
 12878 ~~78B-6-120 or 78B-6-121]~~ 81-13-212 or 81-13-213, the sole purpose of notice under this
 12879 section is to enable the person served to:
 12880 (a) intervene in the adoption; and
 12881 (b) present evidence to the court relevant to the best interest of the child adoptee.
- 12882 Section 341. Section **81-13-208**, which is renumbered from Section 78B-6-110.1 is renumbered
 12883 and amended to read:
 12884 **~~[78B-6-110.1] 81-13-208 . Prebirth notice to birth father of intent to place a~~**
 12885 **minor child for adoption.**
- 12886 (1) As used in this section, "birth father" means:

- 12887 (a) a potential [~~biological~~] birth father; or
- 12888 (b) an unmarried biological father.
- 12889 (2) Before the birth of a minor child, the following [~~individuals~~] persons may notify a birth
- 12890 father of the minor child that the birth mother of the minor child is considering an
- 12891 adoptive placement for the minor child:
- 12892 (a) the minor child's birth mother;
- 12893 (b) a licensed child-placing agency;
- 12894 (c) an attorney representing a prospective adoptive parent of the minor child; or
- 12895 (d) an attorney representing the birth mother of the minor child.
- 12896 (3) Providing a birth father with notice under Subsection (2) does not obligate the birth
- 12897 mother of the minor child to proceed with an adoptive placement of the minor child.
- 12898 (4) The notice described in Subsection (2) shall include the name, address, and telephone
- 12899 number of the person providing the notice[~~, and shall include~~] and the following
- 12900 information:
- 12901 (a) the birth mother's intent to place the minor child for adoption;
- 12902 (b) that the birth mother has named the person receiving this notice as a potential birth
- 12903 father of [~~her child~~] the minor child;
- 12904 (c) the requirements to contest the adoption, including taking the following steps within
- 12905 30 days after the day on which the notice is served:
- 12906 (i) initiating proceedings to establish or assert paternity in a [~~district court of Utah~~]
- 12907 court with jurisdiction under Title 78A, Judiciary and Judicial Administration,
- 12908 within 30 days after the day on which notice is served, including filing an affidavit
- 12909 stating:
- 12910 (A) that the birth father is fully able and willing to have full custody of the minor
- 12911 child;
- 12912 (B) the birth father's plans to care for the minor child; and
- 12913 (C) that the birth father agrees to pay for child support and expenses incurred in
- 12914 connection with the pregnancy and birth of the minor child; and
- 12915 (ii) filing a notice of commencement of [~~paternity~~] parentage proceedings with the [~~state registrar of vital statistics within the Utah Department of Health~~] office;
- 12916
- 12917 (d) the consequences for failure to comply with Subsection (4)(c), including that:
- 12918 (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to
- 12919 the adoption is irrevocably lost;
- 12920 (ii) the birth father will lose the ability to assert the right to contest any future

- 12921 adoption of the minor child; and
- 12922 (iii) the birth father will lose the right, if any, to notice of any adoption proceedings
- 12923 related to the minor child;
- 12924 (e) that the birth father may consent to the adoption, if any, within 30 days after the day
- 12925 on which the notice is received, and that [~~his~~] the birth father's consent is irrevocable;
- 12926 and
- 12927 (f) that no communication between the birth mother of the minor child and the birth
- 12928 father changes the rights and responsibilities of the birth father described in the notice.
- 12929 (5) If [~~the recipient of the notice described in Subsection (2)] a birth father does not fully~~
- 12930 and strictly comply with the requirements of Subsection (4)(c) within 30 days after the
- 12931 day on which [~~he~~] the birth father receives the notice, [~~he~~] the birth father will lose:
- 12932 (a) the ability to assert the right to consent or refuse to consent to an adoption of the
- 12933 minor child described in the notice;
- 12934 (b) the ability to assert the right to contest any future adoption of the minor child
- 12935 described in the notice; and
- 12936 (c) the right to notice of any adoption proceedings relating to the minor child described
- 12937 in the notice.
- 12938 (6) If [~~an individual~~] a person described in Subsection (2) chooses to notify a birth father
- 12939 under this section, the notice shall be served on a birth father in a manner consistent with
- 12940 the Utah Rules of Civil Procedure or by certified mail.

12941 Section 342. Section **81-13-209**, which is renumbered from Section 78B-6-110.5 is renumbered

12942 and amended to read:

12943 **~~[78B-6-110.5]~~ 81-13-209 . Declaration regarding each potential birth father for**

12944 **out-of-state birth mother and adoptive parents-- Putative father registry -- Notice to**

12945 **potential birth father.**

- 12946 (1) The procedural and substantive requirements of this section [~~shall be~~] are required
- 12947 only to the extent that [~~they~~] the requirements do not exceed the requirements of the state
- 12948 of conception or the birth mother's state of residence.

12949 [~~(1)(a) For a child who is six months of age or less at the time the child is placed with~~

12950 ~~prospective adoptive parents, the birth mother shall sign, and the adoptive parents~~

12951 ~~shall file with the court, a declaration regarding each potential birth father, in~~

12952 ~~accordance with this section, before or at the time a petition for adoption is filed with~~

12953 ~~the court, if, at any point during the time period beginning at the conception of the~~

12954 ~~child and ending at the time the mother executes consent to adoption or~~

12955 relinquishment of the child for adoption, neither the birth mother nor at least one of
 12956 the adoptive parents has resided in the state for 90 total days or more, as described in
 12957 Subsection ~~(1)~~(c).]

12958 (2)(a) For a child adoptee who is six months old or younger at the time that the child
 12959 adoptee is placed with the prospective adoptive parents and subject to the rights of a
 12960 birth mother described in Subsection 81-13-202(7), the birth mother shall sign, and
 12961 the prospective adoptive parents shall file with the court, a declaration regarding each
 12962 potential birth father before or at the time a petition for adoption is filed with the
 12963 court.

12964 (b) A declaration is not required under Subsection (2)(a) if the birth mother or one of the
 12965 adoptive parents has resided in the state for 90 total days or more at any point during
 12966 the time period beginning at the conception of the child adoptee and ending at the
 12967 time that the birth mother executes consent to the adoption or relinquishment of the
 12968 child adoptee for adoption.

12969 ~~(b)~~ (3) The child-placing agency or prospective adoptive parents shall search the putative
 12970 father registry of each state where the birth mother believes the child adoptee may have
 12971 been conceived and each state where the birth mother lived during her pregnancy, if the
 12972 state has a putative father registry, to determine whether a potential birth father
 12973 registered with the state's putative father registry.

12974 ~~(e)~~ (4) In determining whether the 90-day requirement described in Subsection (2) is
 12975 satisfied, the following apply:

12976 ~~(i)~~ (a) the 90 days are not required to be consecutive;

12977 ~~(ii)~~ (b) no absence from the state may be for more than seven consecutive days;

12978 ~~(iii)~~ (c) any day on which the individual is absent from the state does not count toward
 12979 the total 90-day period; and

12980 ~~(iv)~~ (d) the 90-day period begins and ends during a period that is no more than 120
 12981 consecutive days.

12982 ~~(2)~~ (5) The declaration filed under Subsection ~~(1)~~ (2) regarding a potential birth father
 12983 shall include, for each potential birth father, the following information:

12984 (a) if known, the potential birth father's name, date of birth, social security number, and
 12985 address;

12986 (b) with regard to a state's putative father registry in each state described in Subsection [
 12987 ~~(1)~~(b)] (3):

12988 (i) whether the state has a putative father registry; and

- 12989 (ii) for each state that has a putative father registry, with the declaration, a certificate
 12990 or written statement from the state's putative father registry that a search of the
 12991 state's putative father registry was made and disclosing the results of the search;
- 12992 (c) whether the potential birth father was notified of:
- 12993 (i) the birth mother's pregnancy;
- 12994 (ii) the fact that he is a potential birth father; or
- 12995 (iii) the fact that the birth mother intends to consent to adoption or relinquishment of
 12996 the child adoptee for adoption[;] in Utah;
- 12997 (d) each state where the birth mother lived during the pregnancy;
- 12998 (e) if known, the state in which the child adoptee was conceived;
- 12999 (f) whether the birth mother informed the potential birth father that she was traveling to
 13000 or planning to reside in Utah;
- 13001 (g) whether the birth mother has contacted the potential birth father while she was
 13002 located in Utah;
- 13003 (h) whether, and for how long, the potential birth father has ever lived with the child
 13004 adoptee;
- 13005 (i) whether the potential birth father has given the birth mother money or offered to pay
 13006 for any of [~~her~~] the birth mother's expenses during pregnancy or the [~~child's~~] child
 13007 adoptee's birth;
- 13008 (j) whether the potential birth father has offered to pay child support;
- 13009 (k) if known, whether the potential birth father has taken any legal action to establish
 13010 paternity of the child adoptee, either in Utah or in any other state, and, if known,
 13011 what action [~~he~~] the potential birth father has taken; and
- 13012 (l) whether the birth mother has ever been involved in a domestic violence matter with
 13013 the potential birth father.
- 13014 [~~(3)~~] (6) Except as provided in Subsection [~~(5)~~] (8), based on the declaration regarding the
 13015 potential birth father, the court shall order the birth mother to serve a potential birth
 13016 father notice that she intends to consent or has consented to adoption or relinquishment
 13017 of the child adoptee for adoption, if the court finds that the potential birth father:
- 13018 (a) has taken sufficient action to demonstrate an interest in the child adoptee;
- 13019 (b) has taken sufficient action to attempt to preserve [~~his~~] the potential birth father's legal
 13020 rights as a birth father, including by filing a legal action to establish [~~paternity~~]
 13021 parentage or filing with a state's putative father registry; or
- 13022 (c) does not know, and does not have a reason to know, that:

- 13023 (i) the mother or child adoptee are present in Utah;
- 13024 (ii) the mother intended to give birth to the child adoptee in Utah;
- 13025 (iii) the child adoptee was born in Utah; or
- 13026 (iv) the mother intends to consent to adoption or relinquishment of the child adoptee
- 13027 for adoption in Utah.

13028 ~~[(4)] (7)~~ Notice under this section shall be made in accordance with Subsections [

13029 ~~78B-6-110(7) through (11);]~~ 81-13-207(7) through (11).

13030 ~~[(5)] (8)~~ A court may only order the notice requirements in Subsection ~~[(3)] (6)~~ to the extent

13031 that they do not exceed the notice requirements of:

- 13032 (a) the state of conception; or
- 13033 (b) the birth mother's state of residence.

13034 Section 343. Section **81-13-210**, which is renumbered from Section 78B-6-134 is renumbered

13035 and amended to read:

13036 **~~[78B-6-134] 81-13-210 . Custody pending final decree.~~**

13037 ~~[(1)(a) A licensed child-placing agency, or a petitioner if the petition for adoption is~~

13038 ~~filed before a child's birth, may seek an order establishing that the agency or~~

13039 ~~petitioner shall have temporary custody of the child from the time of birth.]~~

13040 ~~[(b) The court shall grant an order for temporary custody under Subsection (1)(a) upon~~

13041 ~~determining that:]~~

13042 ~~[(i) the birth mother or both birth parents consent to the order;]~~

13043 ~~[(ii) the agency or petitioner is willing and able to take custody of the child; and]~~

13044 ~~[(iii) an order will be in the best interest of the child.]~~

13045 ~~[(c) The court shall vacate an order if, prior to the child's birth, the birth mother or birth~~

13046 ~~parents withdraw their consent.]~~

13047 ~~[(2)] (1)~~ Except as otherwise provided by the court, once a petitioner has received the

13048 adoptee into ~~[his]~~ the petitioner's home and a petition for adoption has been filed, the

13049 petitioner is entitled to the custody and control of the child adoptee and is responsible

13050 for the care, maintenance, and support of the adoptee, including any necessary medical

13051 or surgical treatment, pending further order of the court.

13052 ~~[(3)] (2)(a)~~ Once ~~[a child]~~ a child adoptee has been placed with, relinquished to, or

13053 ordered into the custody of a child-placing agency for purposes of adoption, the

13054 agency shall have custody and control of the child adoptee and is responsible for ~~[his]~~

13055 the child adoptee's care, maintenance, and support.

13056 (b) ~~[The]~~ Subject to Subsection (3)(c), the child-placing agency may delegate the

13057 responsibility for care, maintenance, and support, including any necessary medical or
 13058 surgical treatment, to the petitioner once the petitioner has received the ~~[child into his~~
 13059 ~~home. However, until]~~ adoptee into the petitioner's home, including a temporary
 13060 place of abode for the petitioner.

13061 (c) Until the final decree of adoption is entered by the court, the child-placing agency
 13062 has the right to the custody and control of the child adoptee.

13063 (3)(a) A licensed child-placing agency, or a petition if the petition of adoption is filed
 13064 before a child adoptee's birth, may seek an order establishing that the child-placing
 13065 agency or petitioner shall have temporary custody of the child adoptee from the time
 13066 of the child adoptee's birth.

13067 (b) The court shall grant an order for temporary custody under Subsection (3)(a) upon
 13068 determining that:

13069 (i) the birth mother or both birth parents consent to the order;

13070 (ii) the child-placing agency or petitioner is willing and able to take custody of the
 13071 child adoptee; and

13072 (iii) an order will be in the best interest of the child adoptee.

13073 (c) The court shall vacate an order if, before the child adoptee's birth, the birth mother or
 13074 both birth parents withdraw consent to the order.

13075 Section 344. Section **81-13-211**, which is renumbered from Section 78B-6-119 is renumbered
 13076 and amended to read:

13077 **[78B-6-119] 81-13-211 . Counseling for parents.**

13078 (1) As used in this section, "parent" means a person described in Subsections
 13079 81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for
 13080 the adoption is required.

13081 ~~[(1)]~~ (2) Subject to Subsection ~~[(2)(a)]~~ (3)(a), before relinquishing a minor child to a
 13082 child-placing agency, or consenting to the adoption of a child adoptee, a parent of the
 13083 child adoptee has the right to participate in, or elect to participate in, counseling:

13084 (a) by a licensed counselor or an adoption service provider selected by the parent
 13085 participating in the counseling;

13086 (b) for up to three sessions of at least 50 minutes per session completed ~~[prior to]~~ before
 13087 relinquishing a child adoptee or within ~~[three months]~~ 120 days following the
 13088 relinquishment of a child adoptee; and

13089 (c) subject to Subsection ~~[(2)(b)]~~ (3)(b), at the expense of the:

13090 (i) child-placing agency; or

- 13091 (ii) prospective adoptive parents.
- 13092 [~~(2)~~] (3)(a) Notwithstanding Subsection [~~(1)~~] (2), a parent who has the right to participate
- 13093 in the counseling [~~described in this section~~] under Subsection (1) may waive that right.
- 13094 (b) Notwithstanding Subsection [~~(1)(e)~~] (2)(c), the total amount required to be paid by a
- 13095 child-placing agency or the prospective adoptive parents for the counseling described
- 13096 in Subsection [~~(1)~~] (2) may not exceed \$400, unless an agreement for a greater
- 13097 amount is signed by:
- 13098 (i) the parent who receives the counseling; and
- 13099 (ii) the child-placing agency or prospective adoptive parents.
- 13100 [~~(3)~~] (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents
- 13101 to the adoption of a child adoptee, the parent shall be informed of the right described in
- 13102 Subsection (1) by the:
- 13103 (a) child-placing agency;
- 13104 (b) prospective adoptive parents; or
- 13105 (c) representative of a person described in Subsection [~~(3)(a)~~] (4)(a) or (b).
- 13106 [~~(4)~~] (5) If the parent who is entitled to the counseling as described in Subsection (1) elects
- 13107 to attend one or more counseling sessions following the relinquishment of a child
- 13108 adoptee:
- 13109 (a) the parent of the child adoptee shall inform the child-placing agency or prospective
- 13110 adoptive parents of this election prior to relinquishing the child adoptee to a
- 13111 child-placing agency or consenting to the adoption of the child adoptee; and
- 13112 (b) the parent of the child adoptee and the child-placing agency or attorney representing
- 13113 a prospective adoptive parent of the child adoptee shall enter into an agreement to
- 13114 pay for the counseling in accordance with this section.
- 13115 [~~(5)~~] (6)(a) Subject to Subsections [~~(3)(b)~~] (4)(b) and (c), before the day on which a final
- 13116 decree of adoption is entered, a statement shall be filed with the court that:
- 13117 (i) is signed by each parent who:
- 13118 (A) relinquishes the parent's parental rights; or
- 13119 (B) consents to the adoption; and
- 13120 (ii) states that, before the parent took the action described in Subsection [~~(5)(a)(i)(A)~~]
- 13121 (6)(a)(i)(A) or (B), the parent was advised of the parent's right to participate in the
- 13122 counseling described in this section at the expense of the:
- 13123 (A) child-placing agency; or
- 13124 (B) prospective adoptive parents.

- 13125 (b) The statement described in Subsection [~~(5)(a)~~] (6)(a) may be included in the
 13126 document that:
- 13127 (i) relinquishes the parent's parental rights; or
 13128 (ii) consents to the adoption.
- 13129 (c) Failure by a person to give the notice described in Subsection [~~(3)~~] (4), or pay for the
 13130 counseling described in this section:
- 13131 (i) shall not constitute grounds for invalidating a:
- 13132 (A) relinquishment of parental rights; or
 13133 (B) consent to adoption; and
- 13134 (ii) shall give rise to a cause of action for the recovery of damages suffered, if any, by
 13135 the parent or guardian who took the action described in Subsection [~~(5)(e)(i)(A)~~]
 13136 (6)(c)(i)(A) or (B) against the person required to:
- 13137 (A) give the notice described in Subsection [~~(3)~~] (4); or
 13138 (B) pay for the counseling described in this section.

13139 Section 345. Section **81-13-212**, which is renumbered from Section 78B-6-120 is renumbered
 13140 and amended to read:

13141 **[78B-6-120] 81-13-212 . Necessary consent to adoption or relinquishment for**
 13142 **adoption of a minor child -- Implied consent.**

- 13143 (1) Except as provided in Subsection [~~(2), consent to adoption of a child, or relinquishment~~
 13144 ~~of a child for adoption, is required from]~~ (2), the following persons are required to
 13145 consent to an adoption of a minor child, or to relinquishment of a minor child, before an
 13146 adoption of the minor child is granted:
- 13147 (a) [~~the adoptee, if the adoptee is more than 12 years old,~~] if the child adoptee is 12 years
 13148 old or older, the child adoptee unless the child adoptee does not have the mental
 13149 capacity to consent;
- 13150 (b) a man or woman who:
- 13151 (i) by operation of law under Section [~~78B-15-204]~~ 81-5-204, is recognized as the
 13152 father or mother of the proposed adoptee, unless:
- 13153 (A) the presumption is rebutted under Section [~~78B-15-607]~~ 81-5-607;
- 13154 (B) at the time of the marriage, the man or woman knew or reasonably should
 13155 have known that the marriage to the mother of the proposed child adoptee was
 13156 or could be declared invalid; or
- 13157 (C) the man or woman was not married to the mother of the proposed child
 13158 adoptee until after the mother consented to adoption, or relinquishment for

- 13159 adoption, of the proposed child adoptee; or
- 13160 (ii) is the ~~[father]~~ parent of the child adoptee by a previous legal adoption;
- 13161 (c) the birth mother of the child adoptee;
- 13162 (d) ~~[a biological parent]~~ an individual who has been adjudicated to be the ~~[child's~~
 13163 ~~biological father by a court of competent jurisdiction prior to the]~~ child adoptee's
 13164 parent by a court with jurisdiction before the birth mother's execution of consent to
 13165 adoption or ~~[her]~~ the birth mother's relinquishment of the child adoptee for adoption;
- 13166 (e) consistent with Subsection (3), ~~[a biological parent]~~ an individual who has executed
 13167 and filed a voluntary declaration of paternity with the ~~[state registrar of vital statistics~~
 13168 ~~within the Department of Health in accordance with Title 78B, Chapter 15, Utah~~
 13169 ~~Uniform Parentage Act, prior to the]~~ office in accordance with Chapter 5, Uniform
 13170 Parentage Act, before the birth mother's execution of consent to adoption or ~~[her]~~ the
 13171 birth mother's relinquishment of the child adoptee for adoption;
- 13172 (f) an unmarried biological father~~[-of an]~~ of the child adoptee, whose consent is not
 13173 required under Subsection (1)(d) or (1)(e), ~~[only if he]~~ only if the unmarried
 13174 biological father fully and strictly complies with the requirements of ~~[Sections~~
 13175 ~~78B-6-121 and 78B-6-122]~~ Section 81-13-213; and
- 13176 (g) the person or agency to whom an adoptee has been relinquished and that is placing
 13177 the child adoptee for adoption.
- 13178 (2)~~[(a) The consent of a person described in Subsections (1)(b) through (g) is not~~
 13179 ~~required if the adoptee is 18 years old or older.]~~
- 13180 ~~[(b)]~~ The consent or relinquishment of [a person] an individual described in Subsections [
 13181 ~~(1)(b) through (f)]~~ (1)(b) through (f) is not required if the ~~[person's]~~ individual's
 13182 parental rights relating to the child adoptee have been terminated by a court.
- 13183 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
 13184 filed when ~~[it]~~ the voluntary declaration is entered into a database that:
- 13185 (a) can be accessed by the Department of Health and Human Services; and
- 13186 (b) is designated by the ~~[state registrar of vital statistics]~~ office as the official database for
 13187 voluntary declarations of paternity.
- 13188 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may
 13189 execute a consent or relinquishment at any time, including before the birth of the
 13190 child adoptee.
- 13191 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
 13192 control or custody of the child adoptee, until at least 24 hours after the birth of the

- 13193 child adoptee.
- 13194 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
- 13195 least 12 years old.
- 13196 (5)(a) A birth parent who is younger than 18 years old has the power to:
- 13197 (i) consent to the adoption of the birth parent's minor child; and
- 13198 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 13199 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
- 13200 same force and effect as a consent or relinquishment executed by a birth parent who
- 13201 is an adult.
- 13202 (c) A birth parent, who is younger than 18 years old and has executed a consent or
- 13203 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
- 13204 old or otherwise becoming emancipated.
- 13205 (6) A consent or relinquishment is effective when the consent or relinquishment is signed
- 13206 and may not be revoked.
- 13207 (7)(a) As used in this Subsection (7):
- 13208 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the
- 13209 pregnancy, to offer and provide financial and emotional support to the birth
- 13210 mother for a period of 180 days before the day on which the child adoptee is born.
- 13211 (ii) "Emotional support" means a pattern of statements or actions that indicate to a
- 13212 reasonable person that a birth parent intends to provide for the physical and
- 13213 emotional well-being of an unborn child adoptee.
- 13214 (b) A consent or relinquishment required by Subsection (1) may be implied by any of
- 13215 the following acts:
- 13216 (i) abandonment;
- 13217 (ii) leaving the child adoptee with a third party for 30 consecutive days without
- 13218 providing the third party with the birth parent's identification;
- 13219 (iii) knowingly leaving the child adoptee with another person for 180 consecutive
- 13220 days without providing for support, communicating, or otherwise maintaining a
- 13221 substantial relationship with the child adoptee; or
- 13222 (iv) receiving notification of a pending adoption proceeding as described in Section
- 13223 81-13-207, or of a termination proceeding described in Section 81-13-205, and
- 13224 failing to respond as required.
- 13225 (c) For purposes of this Subsection (7), a court may not:
- 13226 (i) determine that a birth parent abandoned the birth mother if the birth parent failed

13227 to provide financial or emotional support because the birth mother refused to
 13228 accept support; or

13229 (ii) find that the birth parent failed to provide emotional support if the individual's
 13230 failure was due to impossibility of performance.

13231 (d) Implied consent under this Subsection (7) may not be withdrawn.

13232 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an
 13233 unmarried biological father.

13234 Section 346. Section **81-13-213**, which is renumbered from Section 78B-6-121 is renumbered
 13235 and amended to read:

13236 **[78B-6-121] 81-13-213 . Consent of unmarried biological father.**

13237 (1) As used in this section, "qualifying circumstance" means that, at any point during the
 13238 time period beginning at the conception of the child adoptee and ending at the time that
 13239 the birth mother executes a consent to adoption or relinquishment of the child adoptee
 13240 for adoption:

13241 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or
 13242 a temporary basis of no less than 30 consecutive days, in the state;

13243 (b) the birth mother intended to give birth to the child adoptee in the state;

13244 (c) the child adoptee was born in the state; or

13245 (d) the birth mother intended to execute a consent to adoption or relinquishment of the
 13246 child adoptee for adoption in the state or under the laws of the state.

13247 [~~(1)~~] (2) Except as provided in [~~Subsections (2)(a) and 78B-6-122(1)~~] Subsections (3)(a) and
 13248 (8), and subject to Subsections [~~(5) and (6), with regard to a child who is placed with~~
 13249 ~~prospective adoptive parents more than six months after birth,~~] (6) and (7), the consent of
 13250 an unmarried biological father to the adoption of a child adoptee, who is placed with
 13251 prospective adoptive parents more than 180 days after birth, is not required unless the
 13252 unmarried biological father:

13253 (a)(i) developed a substantial relationship with the child adoptee by:

13254 (A) visiting the child adoptee monthly, unless the unmarried biological father was
 13255 physically or financially unable to visit the child adoptee on a monthly basis; or

13256 (B) engaging in regular communication with the child adoptee or with the person
 13257 or authorized agency that has lawful custody of the child adoptee;

13258 (ii) took some measure of responsibility for the child adoptee and the [child's] child
 13259 adoptee's future; and

13260 (iii) demonstrated a full commitment to the responsibilities of parenthood by

13261 financial support of the child adoptee of a fair and reasonable sum in accordance
 13262 with the unmarried biological father's ability; or

13263 (b)(i) if the child adoptee is younger than one year old, openly lived with the child

13264 adoptee immediately preceding placement of the child adoptee with the
 13265 prospective adoptive parents for a period of at least 180 days during the period of
 13266 time beginning on the day on which the child adoptee is born and ending on the
 13267 day on which the child adoptee is placed with prospective adoptive parents;

13268 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee
 13269 immediately preceding placement of the child adoptee with the prospective
 13270 adoptive parents for a period of at least 180 days during the one-year period
 13271 immediately preceding the day on which the child adoptee is placed with
 13272 prospective adoptive parents; or

13273 (iii) openly held himself out to be the father of the child adoptee during the 180-day
 13274 period described in Subsection (2)(b)(i) or (ii).

13275 ~~[(b)(i) openly lived with the child:]~~

13276 ~~[(A)(I) if the child is one year old or older, for a period of at least six months~~
 13277 ~~during the one-year period immediately preceding the day on which the~~
 13278 ~~child is placed with prospective adoptive parents; or]~~

13279 ~~[(H) if the child is less than one year old, for a period of at least six months~~
 13280 ~~during the period of time beginning on the day on which the child is born~~
 13281 ~~and ending on the day on which the child is placed with prospective~~
 13282 ~~adoptive parents; and]~~

13283 ~~[(B) immediately preceding placement of the child with prospective adoptive~~
 13284 ~~parents; and]~~

13285 ~~[(ii) openly held himself out to be the father of the child during the six-month period~~
 13286 ~~described in Subsection (1)(b)(i)(A).]~~

13287 ~~[(2)]~~ (3)(a) If an unmarried biological father was prevented from complying with [a
 13288 requirement of Subsection (1)] a requirement described in Subsection (2) by the
 13289 person or authorized agency having lawful custody of the child adoptee, the
 13290 unmarried biological father is not required to comply with that requirement.

13291 (b) The subjective intent of an unmarried biological father, whether expressed or
 13292 otherwise, that is unsupported by evidence that the requirements in Subsection [(1)]
 13293 (2) have been met, shall not preclude a determination that the unmarried biological
 13294 father failed to meet the requirements of Subsection [(1)] (2).

- 13295 ~~[(3)] (4)~~ Except as provided in ~~[Subsections (6) and 78B-6-122(1)]~~ Subsections (7) and (8),
 13296 and subject to Subsection ~~[(5), with regard to a child who is six months old or less at the~~
 13297 ~~time the child is placed with prospective adoptive parents,]~~ (6), the consent of an
 13298 unmarried biological father to the adoption of a child adoptee, who is 180 days old or
 13299 younger at the time that the child adoptee is placed with the prospective adoptive parents,
 13300 is not required unless, ~~[prior to the time the mother executes her]~~ before the time that the
 13301 birth mother executes the birth mother's consent for adoption or relinquishes the child
 13302 adoptee for adoption, the unmarried biological father:
- 13303 (a) initiates proceedings in ~~[a district court of Utah to establish paternity under Title~~
 13304 ~~78B, Chapter 15, Utah Uniform Parentage Act]~~ a court with jurisdiction under Title
 13305 78A, Judiciary and Judicial Administration, to establish parentage under Chapter 5,
 13306 Uniform Parentage Act;
- 13307 (b) files with the court that is presiding over the ~~[paternity]~~ parentage proceeding a sworn
 13308 affidavit:
- 13309 (i) stating that ~~[he]~~ the unmarried biological father is fully able and willing to have
 13310 full custody of the child adoptee;
- 13311 (ii) setting forth ~~[his]~~ the unmarried biological father's plans for care of the child
 13312 adoptee; and
- 13313 (iii) agreeing to a court order of child support and the payment of expenses incurred
 13314 in connection with the birth mother's pregnancy and the ~~[child's]~~ child adoptee's
 13315 birth;
- 13316 (c) consistent with Subsection ~~[(4)]~~ (5), files notice of the commencement of ~~[paternity~~
 13317 ~~proceedings,]~~ parentage proceedings described in Subsection ~~[(3)(a)]~~ (4)(a), with the [
 13318 ~~state registrar of vital statistics within the Department of Health and Human Services,]~~
 13319 office in a confidential registry established by the ~~[department]~~ office for that
 13320 purpose; and
- 13321 (d) offered to pay and paid, during the pregnancy and after the ~~[child's]~~ child adoptee's
 13322 birth, a fair and reasonable amount of the expenses incurred in connection with the
 13323 birth mother's pregnancy and the ~~[child's]~~ child adoptee's birth, in accordance with ~~[his]~~
 13324 the unmarried biological father's financial ability, unless:
- 13325 (i) ~~[he]~~ the unmarried biological father did not have actual knowledge of the
 13326 pregnancy;
- 13327 (ii) ~~[he]~~ the unmarried biological father was prevented from paying the expenses by
 13328 the person or authorized agency having lawful custody of the child adoptee; or

- 13329 (iii) the birth mother refused to accept the unmarried biological father's offer to pay
 13330 the expenses described in this Subsection [~~(3)(d)~~] (4)(d).
- 13331 [~~(4)~~] (5)(a) The notice described in Subsection [~~(3)(e)~~] (4)(c) is considered filed when
 13332 received by the [~~state registrar of vital statistics~~] office.
- 13333 (b) If the unmarried biological father fully complies with the requirements of Subsection [
 13334 ~~(3)~~] (4), and an adoption of the child adoptee is not completed, the unmarried
 13335 biological father shall, without any order of the court, be legally obligated for a
 13336 reasonable amount of child support, pregnancy expenses, and child birth expenses, in
 13337 accordance with [~~his~~] the unmarried biological father's financial ability.
- 13338 [~~(5)~~] (6) Unless [~~his~~] the unmarried biological father's ability to assert the right to consent
 13339 has been lost for failure to comply with Section [~~78B-6-110.1~~] 81-13-208, or lost under
 13340 another provision of Utah law, an unmarried biological father shall have at least one
 13341 business day after the [~~child's~~] child adoptee's birth to fully and strictly comply with the
 13342 requirements of Subsection [~~(3)~~] (4).
- 13343 [~~(6)~~] (7) [~~Consent~~] The consent of an unmarried biological father to the adoption of a child
 13344 adoptee is not required under this section if:
- 13345 (a) the court determines, in accordance with the requirements and procedures of Title 80,
 13346 Chapter 4, Termination and Restoration of Parental Rights, that the unmarried
 13347 biological father's rights should be terminated, based on the petition of any interested
 13348 party;
- 13349 (b)(i) a voluntary declaration of paternity declaring the unmarried biological father to
 13350 be the father of the child adoptee is rescinded under Section [~~78B-15-306~~] 81-5-306;
 13351 and
- 13352 (ii) the unmarried biological father fails to comply with Subsection [~~(3)~~] (4) within 10
 13353 business days after the day that notice of the rescission described in Subsection [
 13354 ~~(6)(b)(i)~~] (7)(b)(i) is mailed by the [~~Office of Vital Records within the Department~~
 13355 ~~of Health and Human Services~~] office as provided in Section [~~78B-15-306~~]
 13356 81-5-306; or
- 13357 (c) the unmarried biological father is notified under Section [~~78B-6-110.1~~] 81-13-208
 13358 and fails to preserve [~~his~~] the unmarried biological father's rights in accordance with
 13359 the requirements of [~~that section~~] Section 81-13-208.
- 13360 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father
 13361 to the adoption of a child adoptee is required if:
- 13362 (a)(i) the unmarried biological father did not know, and through the exercise of

13363 reasonable diligence could not have known, before the time the birth mother
13364 executed a consent to adoption or relinquishment of the child adoptee for adoption
13365 that a qualifying circumstance existed;

13366 (ii) before the birth mother executed a consent to adoption or relinquishment of the
13367 child adoptee for adoption, the unmarried biological father fully complied with the
13368 requirements to establish parental rights and duties in the child adoptee, and to
13369 preserve the right to notice of a proceeding in connection with the adoption of the
13370 child adoptee, imposed by:

13371 (A) the last state where the unmarried biological father knew, or through the
13372 exercise of reasonable diligence should have known, that the birth mother
13373 resided in before the birth mother executed the consent to adoption or
13374 relinquishment of the child adoptee for adoption; or

13375 (B) the state where the child adoptee was conceived; and

13376 (iii) the unmarried biological father has demonstrated, based on the totality of the
13377 circumstances, a full commitment to the unmarried biological father's parental
13378 responsibilities as described in Subsection (9); or

13379 (b)(i) the unmarried biological father knew, or through the exercise of reasonable
13380 diligence should have known, before the time the birth mother executed a consent
13381 to adoption or relinquishment of the child adoptee for adoption that a qualifying
13382 circumstance existed; and

13383 (ii) the unmarried biological father complied with the requirements of Subsections (2)
13384 through (7) before the later of:

13385 (A) 20 days after the day that the unmarried biological father knew, or through the
13386 exercise of reasonable diligence should have known, that a qualifying
13387 circumstance existed; or

13388 (B) the time that the birth mother executed a consent to adoption or
13389 relinquishment of the child adoptee for adoption.

13390 (9) When determining whether an unmarried biological father has demonstrated a full
13391 commitment to the unmarried biological father's parental responsibilities for purposes of
13392 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,
13393 if applicable:

13394 (a) the efforts the unmarried biological father has taken to discover the location of the
13395 child adoptee or the child adoptee's birth mother;

13396 (b) whether the unmarried biological father has expressed and demonstrated an interest

- 13397 in taking responsibility for the child adoptee;
- 13398 (c) whether, and to what extent, the unmarried biological father has developed, or
- 13399 attempted to develop, a relationship with the child adoptee;
- 13400 (d) whether the unmarried biological father offered to provide and, unless the offer was
- 13401 rejected, did provide, financial support for the child adoptee or the child adoptee's
- 13402 birth mother;
- 13403 (e) whether, and to what extent, the unmarried biological father has communicated, or
- 13404 attempted to communicate, with the child adoptee or the child adoptee's birth mother;
- 13405 (f) whether the unmarried biological father has timely filed legal proceedings to
- 13406 establish the unmarried biological father's parentage of, and take responsibility for,
- 13407 the child adoptee; and
- 13408 (g) whether the unmarried biological father has timely filed a notice with a public
- 13409 official or agency relating to:
- 13410 (i) the unmarried biological father's parentage of the child adoptee;
- 13411 (ii) legal proceedings to establish the unmarried biological father's parentage of the
- 13412 child adoptee; or
- 13413 (iii) other evidence that shows whether the unmarried biological father has
- 13414 demonstrated a full commitment to the unmarried biological father's parental
- 13415 responsibilities.
- 13416 (10) An unmarried biological father who does not fully and strictly comply with the
- 13417 requirements of this section is considered to have waived and surrendered any right in
- 13418 relation to the child adoptee, including the right to:
- 13419 (a) notice of any judicial proceeding in connection with the adoption of the child
- 13420 adoptee; and
- 13421 (b) consent, or refuse to consent, to the adoption of the child adoptee.
- 13422 (11) Notwithstanding any other provision of this section, the consent of an unmarried
- 13423 biological father is not required in a case where it is shown that the child adoptee was
- 13424 conceived as a result of conduct that constitutes a sexual offense, regardless of whether
- 13425 the unmarried biological father is formally charged with or convicted of the sexual
- 13426 offense.
- 13427 [(7)] (12) Unless the child adoptee is conceived or born within a marriage, the petitioner in
- 13428 an adoption proceeding shall, [~~prior to~~] before entrance of a final decree of adoption, file
- 13429 with the court a certificate from the [~~state registrar of vital statistics within the~~
- 13430 ~~Department of Health and Human Services~~] office, stating:

- 13431 (a) that a diligent search has been made of the registry of notices from unmarried
 13432 biological fathers described in Subsection [~~(3)(d)~~] (4)(c); and
 13433 (b)(i) that no filing has been found pertaining to the unmarried biological father of
 13434 the child adoptee in question; or
 13435 (ii) if a filing is found, the name of the [~~putative~~] unmarried biological father and the
 13436 time and date of filing.

13437 (13) Unless an individual who is an unmarried biological father has fully and strictly
 13438 complied with the requirements of this section and Section 81-13-212, an out-of-state
 13439 order that adjudicates parentage, or an out-of-state declaration or acknowledgment of
 13440 paternity:

- 13441 (a) only has the effect of establishing that the individual is an unmarried biological
 13442 father of the child adoptee to whom the order, declaration, or acknowledgment
 13443 relates; and
 13444 (b) does not entitle the individual to:
 13445 (i) notice of any judicial proceeding related to the adoption of the child adoptee;
 13446 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or
 13447 (iii) the right to custody of, control over, or visitation with the child adoptee.

13448 Section 347. Section **81-13-214**, which is renumbered from Section 78B-6-124 is renumbered
 13449 and amended to read:

13450 **[78B-6-124] 81-13-214 . Persons who may take consents and relinquishments.**

13451 (1) [~~A consent or relinquishment by a birth mother or an adoptee shall be signed before~~] A
 13452 birth mother shall sign a consent or relinquishment, or a child adoptee shall sign a
 13453 consent, before:

- 13454 (a) a judge of any court that has jurisdiction over adoption proceedings;
 13455 (b) subject to Subsection (6), a person appointed by the judge described in Subsection
 13456 (1)(a) to take consents or relinquishments; or
 13457 (c) subject to Subsection (6), a person who is authorized by a child-placing agency to
 13458 take consents or relinquishments[;] if the consent or relinquishment grants legal
 13459 custody of the child adoptee to a child-placing agency or an extra-jurisdictional
 13460 child-placing agency.

13461 (2) If the consent or relinquishment of a birth mother or child adoptee is taken out of state[
 13462 ~~it shall be signed~~] , the birth mother or child adoptee shall sign the consent or
 13463 relinquishment before:

- 13464 (a) subject to Subsection (6), a person who is authorized by a child-placing agency to

- 13465 take consents or relinquishments[;] if the consent or relinquishment grants legal
 13466 custody of the child adoptee to a child-placing agency or an extra-jurisdictional
 13467 child-placing agency;
- 13468 (b) subject to Subsection (6), a person authorized or appointed to take consents or
 13469 relinquishments by a court of this state that has jurisdiction over adoption
 13470 proceedings;
- 13471 (c) a court that has jurisdiction over adoption proceedings in the state where the consent
 13472 or relinquishment is taken; or
- 13473 (d) a person authorized[~~-, under the laws of the state where the consent or relinquishment~~
 13474 ~~is taken,~~] to take consents or relinquishments of a birth mother or child adoptee under
 13475 the laws of the state where the consent or relinquishment is taken.
- 13476 (3) ~~[The] A person described in Subsection 81-13-211(1) that is not the birth mother or the~~
 13477 ~~child adoptee may sign a consent or relinquishment [of any other person or agency as~~
 13478 ~~required by Section 78B-6-120 may be signed before a Notary Public] before a notary~~
 13479 ~~public~~ or any person authorized to take a consent or relinquishment under Subsection (1)
 13480 or (2).
- 13481 (4) A person, authorized by Subsection (1) or (2) to take consents or relinquishments, shall
 13482 certify to the best of [his] the person's information and belief that the person executing
 13483 the consent or relinquishment has read and understands the consent or relinquishment
 13484 and has signed [it] the consent or relinquishment freely and voluntarily.
- 13485 (5) A person executing a consent or relinquishment is entitled to receive a copy of the
 13486 consent or relinquishment.
- 13487 (6) A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:
 13488 (a) notarized; or
 13489 (b) witnessed by two individuals who are not members of the birth mother's or the child
 13490 adoptee's immediate family.
- 13491 (7) Except as provided in Subsection 26B-2-127(2), a transfer of relinquishment from one
 13492 child-placing agency to another child-placing agency shall be signed before a [~~Notary~~
 13493 ~~Public~~] notary public.

13494 Section 348. Section **81-13-215**, which is renumbered from Section 78B-6-133 is renumbered
 13495 and amended to read:

13496 ~~[78B-6-133]~~ **81-13-215 . Contested adoption of a minor child -- Rights of parties**
 13497 **-- Determination of custody.**

13498 (1) If [~~a person~~] an individual whose consent for an adoption of a minor child is required [

13499 pursuant to ~~Subsection 78B-6-120(1)(b)~~ as described in Subsection 81-13-212(1)(b), (c),
13500 (d), (e), or (f) refused to consent, the court shall determine whether proper grounds exist
13501 for the termination of that ~~[person's rights pursuant to the provisions of]~~ individual's
13502 rights in accordance with this chapter or Title 80, Chapter 4, Termination and
13503 Restoration of Parental Rights.

13504 (2)(a) If there are proper grounds to terminate the ~~[person's]~~ individual's parental rights,
13505 the court shall order that the ~~[person's]~~ individual's rights be terminated.

13506 (b) If there are not proper grounds to terminate the ~~[person's]~~ individual's parental rights,
13507 the court shall:

13508 (i) dismiss the adoption petition;

13509 (ii) conduct an evidentiary hearing to determine who should have custody of the
13510 minor child; and

13511 (iii) award custody of the minor child in accordance with the minor child's best
13512 interest.

13513 (c) Termination of ~~[a person's]~~ an individual's parental rights does not terminate the right
13514 of a relative of the parent to seek adoption of the minor child.

13515 (3) Evidence considered at the custody hearing may include:

13516 (a) evidence of psychological or emotional bonds that the minor child has formed with a
13517 third person, including the prospective adoptive parent; and

13518 (b) any detriment that a change in custody may cause the minor child.

13519 (4) If the court dismisses the adoption petition, the fact that ~~[a person]~~ an individual
13520 relinquished a minor child for adoption or consented to the adoption may not be
13521 considered as evidence in a custody proceeding described in this section, or in any
13522 subsequent custody proceeding, that it is not in the minor child's best interest for custody
13523 to be awarded to such person or that:

13524 (a) the ~~[person]~~ individual is unfit or incompetent to be a parent;

13525 (b) the ~~[person]~~ individual has neglected or abandoned the minor child;

13526 (c) the ~~[person]~~ individual is not interested in having custody of the minor child; or

13527 (d) the ~~[person]~~ individual has forfeited the ~~[person's]~~ individual's parental presumption.

13528 (5) Any custody order entered ~~[pursuant to]~~ under this section may also:

13529 (a) include provisions for:

13530 (i) parent-time; or

13531 (ii) visitation by an interested third party, including the prospective adoptive parent;

13532 and

- 13533 (b) provide for the financial support of the minor child.
- 13534 (6)(a) If a person [~~or entity~~] whose consent is required for an adoption under Subsection [
 13535 ~~78B-6-120(1)(a)~~] 81-13-212(1)(a) or (g) refuses to consent, the court shall proceed
 13536 with an evidentiary hearing and award custody as [~~set forth~~] described in Subsection
 13537 (2).
- 13538 (b) The court may also finalize the adoption if doing so is in the best interest of the
 13539 minor child.
- 13540 (7)(a) A person may not contest an adoption after the final decree of adoption is entered,
 13541 if that person:
- 13542 (i) was a party to the adoption proceeding;
 13543 (ii) was served with notice of the adoption proceeding; or
 13544 (iii) executed a consent to the adoption or relinquishment for adoption.
- 13545 (b) No person may contest an adoption after one year from the day on which the final
 13546 decree of adoption is entered.
- 13547 (c) The limitations on contesting an adoption action, described in this Subsection (7),
 13548 apply to all attempts to contest an adoption:
- 13549 (i) regardless of whether the adoption is contested directly or collaterally; and
 13550 (ii) regardless of the basis for contesting the adoption, including claims of fraud,
 13551 duress, undue influence, lack of capacity or competency, mistake of law or fact, or
 13552 lack of jurisdiction.
- 13553 (d) The limitations on contesting an adoption action, described in this Subsection (7), do
 13554 not prohibit a timely appeal of:
- 13555 (i) a final decree of adoption; or
 13556 (ii) a decision in an action challenging an adoption, if the action was brought within
 13557 the time limitations described in Subsections (7)(a) and (b).
- 13558 (8) A court that has jurisdiction over a minor child for whom more than one petition for
 13559 adoption is filed shall grant a hearing only under the following circumstances:
- 13560 (a) to a petitioner:
- 13561 (i) with whom the minor child is placed;
 13562 (ii) who has custody or guardianship of the minor child;
 13563 (iii) who has filed a written statement with the court within [~~eight months~~] 240 days
 13564 after the day on which the shelter hearing is held:
- 13565 (A) requesting immediate placement of the minor child with the petitioner; and
 13566 (B) expressing the petitioner's intention of adopting the minor child;

- 13567 (iv) who is a relative with whom the minor child has a significant and substantial
13568 relationship and who was unaware, within [~~the first eight months~~] 240 days after
13569 the day on which the shelter hearing is held, of the minor child's removal from the
13570 minor child's parent; or
- 13571 (v) who is a relative with whom the minor child has a significant and substantial
13572 relationship and, in a case where the minor child is not placed with a relative or is
13573 placed with a relative that is unable or unwilling to adopt the minor child:
- 13574 (A) was actively involved in the minor child's child welfare case with the division
13575 or the juvenile court while the minor child's parent engaged in reunification
13576 services; and
- 13577 (B) filed a written statement with the court that includes the information described
13578 in Subsections (8)(a)(iii)(A) and (B) within 30 days after the day on which the
13579 court terminated reunification services; or
- 13580 (b) if the minor child:
- 13581 (i) has been in the current placement for less than 180 days before the day on which
13582 the petitioner files the petition for adoption; or
- 13583 (ii) is placed with, or is in the custody or guardianship of, an individual who
13584 previously informed the division or the court that the individual is unwilling or
13585 unable to adopt the minor child.
- 13586 (9)(a) If the court grants a hearing on more than one petition for adoption, there is a
13587 rebuttable presumption that it is in the best interest of a minor child to be placed for
13588 adoption with a petitioner:
- 13589 (i) who has fulfilled the requirements [~~described in Title 78B, Chapter 6, Part 1, Utah~~
13590 ~~Adoption Act~~] of this chapter; and
- 13591 (ii)(A) with whom the minor child has continuously resided for [~~six months~~] 180
13592 days;
- 13593 (B) who has filed a written statement with the court within [~~eight months~~] 240 days
13594 after the day on which the shelter hearing is held, as described in Subsection
13595 (8)(a)(iii); or
- 13596 (C) who is a relative described in Subsection (8)(a)(iv).
- 13597 (b) The court may consider other factors relevant to the best interest of the minor child
13598 to determine whether the presumption is rebutted.
- 13599 (c) The court shall weigh the best interest of the minor child uniformly between
13600 petitioners if more than one petitioner satisfies a rebuttable presumption condition

13601 described in Subsection (9)(a).

13602 (10) Nothing in this section shall be construed to prevent the division or the minor child's
 13603 guardian ad litem from appearing or participating in any proceeding for a petition for
 13604 adoption.

13605 (11) The division shall use best efforts to provide a known relative with timely information
 13606 relating to the relative's rights or duties under this section.

13607 Section 349. Section **81-13-216**, which is renumbered from Section 78B-6-146 is renumbered
 13608 and amended to read:

13609 **~~[78B-6-146]~~ 81-13-216 . Postadoption contact agreement.**

13610 (1) As used in this section:

13611 (a) "Postadoption contact agreement" means a document, agreed upon prior to the
 13612 finalization of an adoption of a minor child in the custody of the division, that
 13613 outlines the relationship between an adoptive parent, birth parent, or other birth
 13614 relative, and ~~[an adopted child]~~ the minor child after the finalization of adoption.

13615 (b) "Other birth relative" means a grandparent, stepparent, sibling, stepsibling, aunt, or
 13616 uncle of the ~~[prospective adoptive child]~~ child adoptee.

13617 (2)(a) Notwithstanding any other provision in this chapter, if a child adoptee in the
 13618 custody of the division is placed for adoption, the prospective adoptive parent and
 13619 birth parent, or other birth relative, may enter into a postadoption contact agreement
 13620 as provided in this section.

13621 (b) A birth parent is not required to be a party to a postadoption contact agreement in
 13622 order to permit an open adoption agreement between a prospective adoptive parent
 13623 and another birth relative of the child adoptee.

13624 (3) In order to be legally enforceable, a postadoption contact agreement shall be:

13625 (a) approved by the court before the finalization of the adoption, with the court making a
 13626 specific finding that the agreement is in the best interest of the child adoptee;

13627 (b) signed by each party claiming a right or obligation in the agreement; and

13628 (c) if the ~~[adopted child]~~ child adoptee is 12 years old or older, approved by the child
 13629 adoptee.

13630 (4) A postadoption contact agreement shall:

13631 (a) describe:

13632 (i) visits, if any, that shall take place between the birth parent, other birth relative,
 13633 adoptive parent, and ~~[adopted child]~~ child adoptee;

13634 (ii) the degree of supervision, if any, that shall be required during a visit between a

- 13635 birth parent, other birth relative, and [~~adopted child~~] child adoptee;
- 13636 (iii) the information, if any, that shall be provided to a birth parent, or other birth
13637 relative, about the [~~adopted child~~] child adoptee and how often that information
13638 shall be provided;
- 13639 (iv) the grounds, if any, on which the adoptive parent may:
- 13640 (A) decline to permit visits, described in Subsection (4)(a)(i), between the birth
13641 parent, or other birth relative, and [~~adopted child~~] child adoptee; or
- 13642 (B) cease providing the information described in Subsection (4)(a)(iii) to the birth
13643 parent or other birth relative; and
- 13644 (b) state that following the adoption, the court shall presume that the adoptive parent's
13645 judgment about the best interest of the child adoptee is correct in any action seeking
13646 to enforce, modify, or terminate the agreement.
- 13647 (5) A postadoption contact agreement may not limit the adoptive parent's ability to move
13648 out of state.
- 13649 (6) A postadoption contact agreement may only be modified with the consent of the
13650 adoptive parent.
- 13651 (7) In an action seeking enforcement of a postadoption contact agreement:
- 13652 (a) an adoptive parent's judgment about the best interest of the child adoptee is entitled
13653 to a presumption of correctness;
- 13654 (b) if the party seeking to enforce the postadoption contact agreement successfully
13655 rebuts the presumption described in Subsection (7)(a), the court shall consider
13656 whether:
- 13657 (i) the parties performed the duties outlined in the open adoption agreement in good
13658 faith;
- 13659 (ii) there is a reasonable alternative that fulfills the spirit of the open adoption
13660 agreement without ordering mandatory compliance with the open adoption
13661 agreement; and
- 13662 (iii) enforcement of the open adoption agreement is in the best interest of the [
13663 ~~adopted child~~] child adoptee; and
- 13664 (c) the court shall order the parties to attend mediation, if the presumption in Subsection
13665 (7)(a) is successfully rebutted and mediation is in the [~~child's~~] child adoptee's best
13666 interest.
- 13667 (8) An open adoption agreement that has been found not to be in the best interest of the [
13668 ~~adopted child~~] child adoptee shall not be enforced.

- 13669 (9) Violation of an open adoption agreement is not grounds:
13670 (a) to set aside an adoption; or
13671 (b) for an award of money damages.
- 13672 (10) Nothing in this section shall be construed to mean that an open adoption agreement is
13673 required before an adoption may be finalized.
- 13674 (11) Refusal or failure to agree to a postadoption contact agreement is not admissible in any
13675 adoption proceeding.
- 13676 (12) The court that approves a postadoption contact agreement retains jurisdiction over
13677 modification, termination, and enforcement of an approved postadoption contact
13678 agreement.
- 13679 Section 350. Section **81-13-217**, which is renumbered from Section 78B-6-140 is renumbered
13680 and amended to read:
- 13681 **[78B-6-140] 81-13-217 . Affidavit regarding fees and expenses before final decree**
13682 **of adoption of a minor child.**
- 13683 (1)(a) Except as provided in Subsection (5), before the date that a final decree of
13684 adoption for a child adoptee is entered, a prospective adoptive parent or, if the child
13685 adoptee was placed by a child-placing agency, the person or agency placing the child
13686 adoptee shall file with the court an affidavit regarding fees and expenses on a form
13687 prescribed by the Judicial Council in accordance with Subsection (2).
- 13688 (b) An affidavit filed pursuant to Subsection (1)(a) shall be signed by each prospective
13689 adoptive parent and, if the child adoptee was placed by a child-placing agency, the
13690 person or agency placing the child adoptee.
- 13691 (c) The court shall review an affidavit filed under this section for completeness and
13692 compliance with the requirements of this section.
- 13693 (d) The results of the court's review under Subsection (1)(c) shall be noted in the court's
13694 record.
- 13695 (2)(a) The Judicial Council shall prescribe a uniform form for the affidavit described in
13696 Subsection (1).
- 13697 (b) The uniform affidavit form shall require itemization of the following items in
13698 connection with the adoption:
- 13699 (i) all legal expenses that have been or will be paid to or on behalf of the preexisting
13700 parents of the child adoptee, including the source of payment;
- 13701 (ii) all maternity expenses that have been or will be paid to or on behalf of the
13702 preexisting parents of the child adoptee, including the source of payment;

- 13703 (iii) all medical or hospital expenses that have been or will be paid to or on behalf of
13704 the preexisting parents of the child adoptee, including the source of payment;
- 13705 (iv) all living expenses that have been or will be paid to or on behalf of the
13706 preexisting parents of the child adoptee, including the source of payment;
- 13707 (v) fees paid by the prospective adoptive parent or parents in connection with the
13708 adoption;
- 13709 (vi) all gifts, property, or other items that have been or will be provided to the
13710 preexisting parents, including the source and approximate value of the gifts,
13711 property, or other items;
- 13712 (vii) all public funds used for any medical or hospital costs in connection with the:
13713 (A) pregnancy;
13714 (B) delivery of the child adoptee; or
13715 (C) care of the child adoptee; and
- 13716 (viii) if a child-placing agency placed the child adoptee:
13717 (A) a description of services provided to the prospective adoptive parents or
13718 preexisting parents in connection with the adoption;
13719 (B) all expenses associated with matching the prospective adoptive parent or
13720 parents and the birth mother;
13721 (C) all expenses associated with advertising; and
13722 (D) any other agency fees or expenses paid by an adoptive parent that are not
13723 itemized under one of the other categories described in this Subsection (2)(b),
13724 including a description of the reason for the fee or expense.
- 13725 (c) The uniform affidavit form shall require:
- 13726 (i) a statement of the state of residence of the:
13727 (A) birth mother or the preexisting parents; and
13728 (B) prospective adoptive parent or parents;
- 13729 (ii) a declaration that Section 76-7-203 has not been violated; and
- 13730 (iii) if the affidavit includes an itemized amount for both of the categories described
13731 in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or
13732 hospital expenses were paid by a source other than public funds.
- 13733 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit
13734 that is submitted in a form accepted by the Office of Licensing within the Department
13735 of Health and Human Services if the affidavit contains the same information and is in
13736 a reasonably equivalent format as the uniform affidavit form prescribed by the

13737 Judicial Council.

- 13738 (3)(a) If a child-placing agency, that is licensed by this state, placed the child adoptee,
13739 the child-placing agency shall provide a copy of the affidavit described in Subsection
13740 (1) to the Office of Licensing within the Department of Health and Human Services.
- 13741 (b) Before August 30 of each even-numbered year, the Office of Licensing within the
13742 Department of Health and Human Services shall provide a written report to the
13743 Health and Human Services Interim Committee and to the Judicial Council regarding
13744 the cost of adoptions in the state that includes:
- 13745 (i) the total number of affidavits provided to the Office of Licensing during the
13746 previous year;
- 13747 (ii) for each of the categories described in Subsection (2)(b):
- 13748 (A) the average amount disclosed on affidavits submitted during the previous
13749 year; and
- 13750 (B) the range of amounts disclosed on affidavits submitted during the previous
13751 year;
- 13752 (iii) the average total amount disclosed on affidavits submitted during the previous
13753 year;
- 13754 (iv) the range of total amounts disclosed on affidavits submitted during the previous
13755 year; and
- 13756 (v) any recommended legislation that may help reduce the cost of adoptions.
- 13757 (c) The Health and Human Services Interim Committee shall, based on information in
13758 reports provided under Subsection (3)(b) and in consultation with a consortium
13759 described in Subsection 26B-2-127(8), consider:
- 13760 (i) what constitutes reasonable fees and expenses related to adoption; and
13761 (ii) the standards that may be used to determine whether fees and expenses related to
13762 adoption are reasonable in a specific case.
- 13763 (4) The Judicial Council shall make a copy of each report provided by the Office of
13764 Licensing under Subsection (3)(b) available to each court that may be required to review
13765 an affidavit under Subsection (1)(c).
- 13766 (5) This section does not apply if the prospective adoptive parent is the legal spouse of a
13767 preexisting parent.

13768 Section 351. Section **81-13-218**, which is renumbered from Section 78B-6-136 is renumbered
13769 and amended to read:

13770 **[78B-6-136] 81-13-218 . Final decree of adoption of a minor child -- Agreement**

13771 **by adoptive parent or parents.**

13772 (1)(a) Before entering a final decree of adoption, the court shall examine separately each
 13773 person appearing before the court in accordance with this chapter.

13774 (b) If the court is satisfied that the interests of the child adoptee will be promoted by the
 13775 adoption, the court shall enter a final decree of adoption in accordance with Section
 13776 81-13-219 declaring that:

13777 (i) the child adoptee is adopted by the adoptive parent or parents; and

13778 (ii) the child adoptee is regarded and treated in all respects as the child of the
 13779 adoptive parent or parents.

13780 ~~[(4)]~~ (2) Except as provided in Subsection ~~[(2)]~~ (3), before the court enters a final decree of
 13781 adoption of a child adoptee:

13782 (a) the prospective adoptive parent or parents and the child adoptee being adopted shall
 13783 appear before the appropriate court; and

13784 (b) the prospective adoptive parent or parents shall execute an agreement stating that the
 13785 child adoptee shall be adopted and treated in all respects as the adoptive parent's or
 13786 parents' own lawful child.

13787 ~~[(2)]~~ (3) ~~[Except as provided in Subsection 78B-6-115(4), a]~~ The court may waive the
 13788 requirement ~~[-]~~ described in Subsection ~~[(1)(a)]~~ (2)(a) if:

13789 (a) the adoption is not contested;

13790 (b) the prospective adoptive parent or parents:

13791 (i) execute an agreement stating that the child adoptee shall be adopted and treated in
 13792 all respects as the parent's or parents' own lawful child;

13793 (ii) have the agreement described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i) notarized; and

13794 (iii) file the agreement described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i) with the court; and

13795 (c) all requirements of this chapter to obtain a final decree of adoption are otherwise
 13796 complied with.

13797 (4) At the time that a final decree of adoption is entered, the child adoptee may take the
 13798 family name of the adoptive parent or parents.

13799 (5) After a final decree of adoption is entered, the adoptive parent or parents and the child
 13800 adoptee shall:

13801 (a) sustain the legal relationship of a parent and child; and

13802 (b) have all the rights and be subject to all the duties of a parent-child relationship.

13803 Section 352. Section **81-13-219**, which is renumbered from Section 78B-6-136.5 is renumbered
 13804 and amended to read:

13805 **[78B-6-136.5] 81-13-219 . Timing of entry of final decree of adoption of a minor**
 13806 **child -- Posthumous adoption of a minor child.**

13807 (1)(a) Except as provided in Subsection (1)(b) or (2), ~~[a final decree of adoption may not~~
 13808 ~~be entered]~~ the court may not enter a final decree of adoption for a child adoptee until
 13809 the earlier of:

13810 [(a)] (i) when the child adoptee has lived in the home of the prospective adoptive
 13811 parent for ~~[three months]~~ 90 days; or

13812 [(b)] (ii) when the child adoptee has been placed for adoption with the prospective
 13813 adoptive parent for ~~[three months]~~ 90 days.

13814 (b) Notwithstanding Subsection (1)(a), the court may enter a final decree of adoption at
 13815 an earlier or later time than described in Subsection (1) if the court finds that there is
 13816 good cause.

13817 (2)(a) If the prospective adoptive parent is the spouse of the preexisting parent, ~~[a final~~
 13818 ~~decree of adoption may not be entered until the child]~~ the court may not enter a final
 13819 decree of adoption for a child adoptee until the child adoptee has lived in the home of
 13820 that prospective adoptive parent for ~~[six months, unless, based on a finding of good~~
 13821 cause, the court orders that the final decree of adoption may be entered at an earlier
 13822 time] 180 days.

13823 (b) Notwithstanding Subsection (2)(a), the court may enter a final decree of adoption at
 13824 an earlier time than described in Subsection (2)(a) if the court finds that there is good
 13825 cause.

13826 ~~[(b) The court may, based on a finding of good cause, order that the final decree of~~
 13827 ~~adoption be entered at a later time than described in Subsection (1).]~~

13828 (3) The court ~~[has authority to]~~ may enter a final decree of adoption for a child adoptee after [
 13829 a child's] the child adoptee's death upon the request of the prospective adoptive parent or
 13830 parents of the child adoptee if:

13831 (a) the child adoptee dies during the time that the child adoptee is placed in the home of
 13832 a prospective adoptive parent or parents for the purpose of adoption; or

13833 (b) the prospective adoptive parent is the spouse of a preexisting parent of the child
 13834 adoptee and the child adoptee lived with the prospective adoptive parent before the [
 13835 child's] child adoptee's death.

13836 (4) The court may enter a final decree of adoption for a child adoptee declaring that [a child]
 13837 the child adoptee is adopted by:

13838 (a) both a deceased and a surviving adoptive parent if after the child adoptee is placed in

- 13839 the home of the ~~[child's]~~ child adoptee's prospective adoptive parents:
- 13840 (i) one of the prospective adoptive parents dies;
- 13841 (ii) the surviving prospective adoptive parent requests that the court enter the decree;
- 13842 and
- 13843 (iii) the decree is entered after the child adoptee has lived in the home of the
- 13844 surviving prospective adoptive parent for at least ~~[three months]~~ 180 days; or
- 13845 (b) a spouse of a preexisting parent if after the child adoptee has lived with the spouse of
- 13846 the preexisting parent:
- 13847 (i) the preexisting parent, or the spouse of the preexisting parent, dies;
- 13848 (ii) the preexisting parent, or the spouse of the preexisting parent, requests that the
- 13849 court enter the decree; and
- 13850 (iii) the child adoptee has lived in the same home as the spouse of the preexisting
- 13851 parent for at least ~~[six months]~~ 180 days.
- 13852 (5) Upon request of a surviving preexisting parent, or a surviving parent for whom adoption
- 13853 of a child adoptee has been finalized, the court may enter a final decree of adoption
- 13854 declaring that a child adoptee is adopted by a deceased adoptive parent who was the
- 13855 spouse of the surviving parent at the time of the prospective adoptive parent's death.
- 13856 (6) The court may enter a final decree of adoption declaring that a child adoptee is adopted
- 13857 by both deceased prospective adoptive parents if:
- 13858 (a) both of the prospective adoptive parents die after the child adoptee is placed in the
- 13859 prospective adoptive parents' home; and
- 13860 (b) it is in the best interests of the child adoptee to enter the decree.
- 13861 (7) Nothing in this section shall be construed to grant any rights to the preexisting parents
- 13862 of a child adoptee to assert any interest in the child adoptee during the ~~[three-month or~~
- 13863 ~~six-month]~~ time periods described in this section.

13864 Section 353. Section **81-13-220**, which is renumbered from Section 78B-6-138 is renumbered

13865 and amended to read:

13866 **[78B-6-138] 81-13-220 . Effect of adoption of a minor child on pre-existing parent.**

- 13867 (1) A pre-existing parent of ~~[an adopted child]~~ a child adoptee:
- 13868 (a) is released from all parental rights and duties toward and all responsibilities for the [~~adopted child]~~ child adoptee, including residual parental rights and duties, as defined
- 13869 in Section 80-1-102~~[, and]~~ ; and
- 13870
- 13871 (b) has no further parental rights or duties with regard to ~~[that adopted child]~~ the child
- 13872 adoptee at the earlier of:

- 13907 [(1) As used in this section, "vulnerable adult" means:]
13908 [(a) an individual who is 65 years old or older; or]
13909 [(b) an adult who is 18 years old or older, and who has a mental or physical impairment
13910 that substantially affects that adult's ability to:]
13911 [(i) provide personal protection;]
13912 [(ii) provide necessities such as food, shelter, clothing, or medical or other health care;]
13913 [(iii) obtain services necessary for health, safety, or welfare;]
13914 [(iv) carry out the activities of daily living;]
13915 [(v) manage the adult's own resources; or]
13916 [(vi) comprehend the nature and consequences of remaining in a situation of abuse,
13917 neglect, or exploitation.]
- 13918 [(2) Subject to this section and Section 78B-6-117, any adult may be adopted by another
13919 adult.]
- 13920 [(3) The following provisions of this part apply to the adoption of an adult just as though
13921 the individual being adopted were a minor:]
- 13922 [(a)(i) Section 78B-6-108;]
13923 [(ii) Section 78B-6-114;]
13924 [(iii) Section 78B-6-116;]
13925 [(iv) Section 78B-6-118;]
13926 [(v) Section 78B-6-124;]
13927 [(vi) Section 78B-6-136;]
13928 [(vii) Section 78B-6-137;]
13929 [(viii) Section 78B-6-138;]
13930 [(ix) Section 78B-6-139;]
13931 [(x) Section 78B-6-141; and]
13932 [(xi) Section 78B-6-142;]
- 13933 [(b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the
13934 juvenile court does not have jurisdiction over a proceeding for adoption of an adult,
13935 unless the adoption arises from a case where the juvenile court has continuing
13936 jurisdiction over the mature adoptee; and]
- 13937 [(c) if the mature adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131,
13938 regardless of whether the mature adoptee resides, or will reside, with the adopters,
13939 unless the court, based on a finding of good cause, waives the requirements of those
13940 sections.]

13941 [~~(4) Before a court enters a final decree of adoption of a mature adoptee, the mature adoptee~~
 13942 ~~and the prospective adoptive parent or parents shall appear before the court presiding~~
 13943 ~~over the adoption proceeding and execute consent to the adoption.]~~

13944 [~~(5) No provision of this part, other than those listed or described in this section or Section~~
 13945 ~~78B-6-117, apply to the adoption of an adult.]~~

13946 (1) Except as provided in Subsections (2) and (3), an adult may adopt another adult.

13947 (2) A married adult who is lawfully separated from the married adult's spouse may not
 13948 adopt another adult without the consent of the married adult's spouse if the spouse is
 13949 capable of giving consent.

13950 (3) An individual adopting an adult may not adopt the adult unless:

13951 (a) the individual is at least 10 years older than the adult; or

13952 (b) at least one individual of a married couple is at least 10 years older than the adult if a
 13953 married couple is adopting the adult.

13954 (4) The placement requirements described in Part 4, Placement of a Minor Child or
 13955 Vulnerable Adult for Adoption, apply to an adult adoptee that is a vulnerable adult
 13956 regardless of whether the adult adoptee resides, or will reside, with the adoptive parents,
 13957 unless the court waives the placement requirements upon a finding of good cause.

13958 Section 356. Section **81-13-303**, which is renumbered from Section 78B-6-116 is renumbered
 13959 and amended to read:

13960 **[78B-6-116] 81-13-303 . Notice of adoption of an adult.**

13961 [~~(1)(a) Consent to the adoption of an adult is required from:~~]

13962 [~~(i) the mature adoptee;~~]

13963 [~~(ii) any person who is adopting the adult;~~]

13964 [~~(iii) the spouse of a person adopting the adult; and~~]

13965 [~~(iv) any legally appointed guardian or custodian of the adult adoptee.]~~]

13966 [~~(b) No person, other than a person described in Subsection (1)(a), may consent, or~~
 13967 ~~withhold consent, to the adoption of an adult.]~~

13968 [~~(2)] (1)(a) Except as provided in Subsection [(2)(b), notice of a proceeding for the
 13969 adoption of an adult shall be served on each person described in Subsection (1)(a)
 13970 and the spouse of the mature adoptee.] (1)(c), a petitioner in an adoption proceeding
 13971 shall serve notice of the proceeding on:~~

13972 (i) the adult adoptee;

13973 (ii) the spouse of the petitioner if the petitioner is married;

13974 (iii) any legally appointed guardian or custodian of the adult adoptee; and

- 13975 (iv) the spouse of the adult adoptee if the adult adoptee is married.
- 13976 (b) The petitioner shall serve the notice described in Subsection (1)(a) at least 30 days
- 13977 before the day on which the adoption is finalized.
- 13978 ~~(b)~~ (c) The notice described in Subsection ~~[(2)(a)]~~ (1)(a) may be waived, in writing, by
- 13979 the person entitled to receive notice.
- 13980 ~~[(3)]~~ (2) The notice described in Subsection ~~[(2)]~~ (1):
- 13981 ~~[(a)]~~ shall be served at least 30 days before the day on which the adoption is finalized;
- 13982 ~~[(b)]~~ (a) shall specifically state that the person served must respond to the petition within
- 13983 30 days of service if the person intends to intervene in the adoption proceeding;
- 13984 ~~[(c)]~~ (b) shall state the name of the ~~[person to be adopted]~~ adult adoptee;
- 13985 ~~[(d)]~~ (c) may not state the name of a person adopting the ~~[mature]~~ adult adoptee, unless
- 13986 the person consents, in writing, to disclosure of the person's name;
- 13987 ~~[(e)]~~ (d) with regard to a person described in Subsection (1)(a):
- 13988 (i) except as provided in Subsection ~~[(2)(b)]~~ (2)(a), shall be in accordance with the
- 13989 provisions of the Utah Rules of Civil Procedure; and
- 13990 (ii) may not be made by publication; and
- 13991 ~~[(f)]~~ (e) with regard to the spouse of the ~~[mature]~~ adult adoptee, may be made:
- 13992 (i) in accordance with the provisions of the Utah Rules of Civil Procedure;
- 13993 (ii) by certified mail, return receipt requested; or
- 13994 (iii) by publication, posting, or other means if:
- 13995 (A) the service described in Subsection ~~[(3)(f)(ii)]~~ (2)(e)(ii) cannot be completed
- 13996 after two attempts; and
- 13997 (B) the court issues an order providing for service by publication, posting, or other
- 13998 means.
- 13999 ~~[(4)]~~ (3) Proof of service of the notice on each person to whom notice is required by this
- 14000 section shall be filed with the court before the adoption is finalized.
- 14001 ~~[(5)]~~ (4)(a) Any person who is served with notice of a proceeding for the adoption of an
- 14002 adult adoptee and who wishes to intervene in the adoption shall file a motion in the
- 14003 adoption proceeding:
- 14004 (i) within 30 days after the day on which the person is served with notice of the
- 14005 adoption proceeding;
- 14006 (ii) that sets forth the specific relief sought; and
- 14007 (iii) that is accompanied by a memorandum specifying the factual and legal grounds
- 14008 upon which the motion is made.

- 14009 (b) A person who fails to file the motion described in Subsection ~~[(5)(a)]~~ (4)(a) within
 14010 the time described in Subsection ~~[(5)(a)(i)]~~ (4)(a)(i):
- 14011 (i) waives any right to further notice of the adoption proceeding; and
- 14012 (ii) is barred from intervening in, or bringing or maintaining any action challenging,
 14013 the adoption proceeding.
- 14014 ~~[(6)]~~ (5) Except as provided in Subsection ~~[(7)]~~ (6), after a court enters a final decree of
 14015 adoption of an adult adoptee, the ~~[mature]~~ adult adoptee shall:
- 14016 (a) serve notice of the finalization of the adoption, ~~[pursuant to]~~ in accordance with the
 14017 Utah Rules of Civil Procedure, on each person who was a legal parent of the adult
 14018 adoptee before the final decree of adoption described in this Subsection ~~[(6)]~~ (5) was
 14019 entered; and
- 14020 (b) file with the court proof of service of the notice described in Subsection ~~[(6)(a)]~~ (5)(a).
- 14021 ~~[(7)]~~ (6) A court may ~~[- based on a finding of good cause,]~~ waive the notification
 14022 requirement described in Subsection ~~[(6)]~~ (5) upon a finding of good cause.
- 14023 Section 357. Section **81-13-304** is enacted to read:
- 14024 **81-13-304 . Necessary consent to adoption of an adult -- Persons who may take**
 14025 **consents.**
- 14026 (1) The following persons are required to consent to an adoption of an adult adoptee before
 14027 the adoption is granted:
- 14028 (a) the adult adoptee;
- 14029 (b) any individual who is adopting the adult adoptee;
- 14030 (c) the spouse of the individual adopting the adult adoptee if the individual is married;
 14031 and
- 14032 (d) any legally appointed guardian or custodian of the adult adoptee.
- 14033 (2) An adult adoptee shall sign a consent before:
- 14034 (a) the court with jurisdiction over the adoption proceeding; or
- 14035 (b) a person appointed by the court to take the consent.
- 14036 (3) If the consent of the adult adoptee is taken out of state, the adult adoptee shall sign the
 14037 consent before:
- 14038 (a) a person authorized or appointed to take a consent by a court of this state that has
 14039 jurisdiction over adoption proceedings;
- 14040 (b) a court that has jurisdiction over adoption proceedings in the state where the consent
 14041 is taken; or
- 14042 (c) a person authorized, under the laws of the state where the consent is taken, to take a

14043 consent of the adult adoptee.

14044 (4) A person other than the adult adoptee may sign the consent before a notary or any
 14045 person authorized to take the consent as described in Subsection (2) or (3).

14046 (5) A person authorized by Subsection (2) or (3) to take a consent shall certify to the best of
 14047 the person's information and belief that the person executing the consent has read and
 14048 understands the consent and has signed the consent freely and voluntarily.

14049 (6) A person executing a consent is entitled to receive a copy of the consent.

14050 (7) A signature described in Subsection (2)(b) or (3)(a), shall be:

14051 (a) notarized; or

14052 (b) witnessed by two individuals who are not members of the adult adoptee's immediate
 14053 family.

14054 Section 358. Section **81-13-305** is enacted to read:

14055 **81-13-305 . Final decree of adoption of an adult -- Agreement by adoptive parent**
 14056 **or parents.**

14057 (1) Before entering a final decree of adoption of an adult adoptee, the court shall examine
 14058 separately each person appearing before the court in accordance with this chapter.

14059 (2) If the court is satisfied that the interests of the adult adoptee will be promoted by the
 14060 adoption, the court shall enter a final decree of adoption declaring that:

14061 (a) the adult adoptee is adopted by the adoptive parent or parents; and

14062 (b) the adult adoptee is regarded and treated in all respects as the child of the adoptive
 14063 parent or parents.

14064 (3) Before the court enters a final decree of adoption of an adult adoptee, the prospective
 14065 adoptive parent or parents and the adult adoptee shall:

14066 (a) appear before the court;

14067 (b) execute a consent to the adoption as described in Section 81-13-304; and

14068 (c) execute an agreement stating that the adult adoptee shall be adopted and treated in all
 14069 respects as the adoptive parent's or parents' own lawful child.

14070 (4) When a final decree of adoption is entered, the adult adoptee may take the family name
 14071 of the adoptive parent or parents.

14072 (5) After a final decree of adoption is entered, the adoptive parent or parents and the adult
 14073 adoptive shall:

14074 (a) sustain the legal relationship of a parent and child; and

14075 (b) have all the rights and be subject to all the duties of a parent-child relationship.

14076 Section 359. Section **81-13-306** is enacted to read:

- 14077 **81-13-306 . Effect of adoption of an adult on pre-existing parent.**
- 14078 (1) A pre-existing parent of an adult adoptee:
- 14079 (a) is released from all parental rights and duties toward and all responsibilities for the
- 14080 adult adoptee, including residual parental rights and duties, as defined in Section
- 14081 80-1-102; and
- 14082 (b) has no further parental rights or duties with regard to the adult adoptee at the earlier
- 14083 of:
- 14084 (i) the time the pre-existing parent's parental rights are terminated; or
- 14085 (ii) except as provided in Subsection (2), and subject to Subsections (3) and (4), the
- 14086 time the final decree of adoption is entered.
- 14087 (2) The parental rights and duties of a pre-existing parent who, at the time the adult adoptee
- 14088 is adopted, is lawfully married to the individual adopting the adult adoptee are not
- 14089 released under Subsection (1)(b).
- 14090 (3) The parental rights and duties of a pre-existing parent who, at the time the adult adoptee
- 14091 is adopted, is not lawfully married to the individual adopting the adult adoptee are
- 14092 released under Subsection (1)(b).
- 14093 (4)(a) Notwithstanding the provisions of this section, the court may allow a prospective
- 14094 adoptive parent to adopt an adult adoptee without releasing the pre-existing parent
- 14095 from parental rights and duties under Subsection (1)(b) if:
- 14096 (i) the pre-existing parent and the prospective adoptive parent were lawfully married
- 14097 at some time during the adult adoptee's life;
- 14098 (ii) the pre-existing parent consents to the prospective adoptive parent's adoption of
- 14099 the adult adoptee or is unable to consent because the pre-existing parent is
- 14100 deceased or incapacitated;
- 14101 (iii) notice of the adoption proceeding is provided in accordance with Section
- 14102 81-13-303;
- 14103 (iv) consent to the adoption is provided in accordance with Section 81-13-304; and
- 14104 (v) the court finds that it is in the best interest of the adult adoptee to grant the
- 14105 adoption without releasing the pre-existing parent from parental rights and duties.
- 14106 (b) This Subsection (4) does not permit an adult adoptee to have more than two parents.
- 14107 (5) This section may not be construed as terminating any child support obligation of a
- 14108 parent incurred before the adoption.

14109 Section 360. Section **81-13-401** is enacted to read:

14110 **Part 4. Placement of a Minor Child or Vulnerable Adult for Adoption**

14111 **81-13-401 . Definitions for part.**

14112 Reserved.

14113 Section 361. Section **81-13-402**, which is renumbered from Section 78B-6-131 is renumbered
14114 and amended to read:

14115 **[78B-6-131] 81-13-402 . Placement of an adoptee in custody of state -- Priority**
14116 **placement.**

14117 (1) To provide a minor child, who is in the legal custody of the division, with the most
14118 beneficial family structure when the minor child is placed for adoption, the division or
14119 child-placing agency shall place the minor child with a married couple, unless:

14120 (a) there are no qualified married couples who:

14121 (i) have applied to adopt a minor child;

14122 (ii) are willing to adopt the minor child; and

14123 (iii) are an appropriate placement for the minor child;

14124 (b) the minor child is placed with a relative of the minor child;

14125 (c) the minor child is placed with an individual who has already developed a substantial
14126 relationship with the minor child;

14127 (d) the minor child is placed with an individual who:

14128 (i) is selected by a birth parent or former parent of the minor child if the birth parent
14129 or former parent consented to the adoption of the minor child; and

14130 (ii) the parent or former parent described in Subsection (1)(d)(i):

14131 (A) knew the individual with whom the minor child is placed before the parent
14132 consented to the adoption; or

14133 (B) became aware of the individual with whom the minor child is placed through a
14134 source other than the division or the child-placing agency that assists with the
14135 adoption of the minor child; or

14136 (iii) it is in the best interests of the minor child to place the minor child with a single
14137 adult.

14138 [(1)] (2) Notwithstanding Sections [78B-6-128 through 78B-6-130] 81-13-403 through
14139 81-13-405, and except as provided in Subsection [(2), a child] (3), an adoptee, who is a
14140 minor child or vulnerable adult in the legal custody of the state, may not be placed with
14141 a prospective foster parent or a prospective adoptive parent, unless, before the [child]
14142 adoptee is placed with the prospective foster parent or the prospective adoptive parent:

14143 (a) a fingerprint based [FBI] Federal Bureau of Investigation national criminal history
14144 records check is conducted on the prospective foster parent, prospective adoptive

14145 parent, and any other adult residing in the household;
 14146 (b) the Department of Health and Human Services conducts a check of the child abuse
 14147 and neglect registry in each state where the prospective foster parent or prospective
 14148 adoptive parent resided in the five years immediately preceding the day on which the
 14149 prospective foster parent or prospective adoptive parent applied to be a foster parent
 14150 or adoptive parent, to determine whether the prospective foster parent or prospective
 14151 adoptive parent is listed in the registry as having a substantiated or supported finding
 14152 of child abuse or neglect;

14153 (c) the Department of Health and Human Services conducts a check of the child abuse
 14154 and neglect registry of each state where each adult living in the home of the
 14155 prospective foster parent or prospective adoptive parent described in Subsection [
 14156 ~~(1)(b)~~] (2)(b) resided in the five years immediately preceding the day on which the
 14157 prospective foster parent or prospective adoptive parent applied to be a foster parent
 14158 or adoptive parent, to determine whether the adult is listed in the registry as having a
 14159 substantiated or supported finding of child abuse or neglect; and

14160 (d) each person required to undergo a background check described in this section passes
 14161 the background check, pursuant to the provisions of Section 26B-2-120.

14162 [~~(2)~~] (3) The requirements under Subsection [~~(1)~~] (2) do not apply to the extent that:

14163 (a) federal law or rule permits otherwise; or

14164 (b) the requirements would prohibit the division or a court from placing ~~[a-child]~~ an
 14165 adoptee, who is a minor child or vulnerable adult in the legal custody of the state,
 14166 with:

14167 (i) a noncustodial parent, under Section 80-2a-301, 80-3-302, or 80-3-303; or

14168 (ii) a relative, under Section 80-2a-301, 80-3-302, or 80-3-303, pending completion
 14169 of the background check described in Subsection [~~(1)~~] (2).

14170 (4) When an adoption petition is to be finalized in this state with regard to any prospective
 14171 adoptive parent who is not a resident of this state at the time an adoptee, who is a minor
 14172 child or vulnerable adult, is placed in the prospective adoptive parent's home, the
 14173 prospective adoptive parent shall comply with Sections 81-13-403 through 81-13-405.

14174 *The following section is affected by a coordination clause at the end of this bill.*

14175 Section 362. Section **81-13-403**, which is renumbered from Section 78B-6-128 is renumbered
 14176 and amended to read:

14177 **[78B-6-128] 81-13-403 . Preplacement adoptive evaluations -- Exceptions.**

14178 (1)(a) Except as otherwise provided in this section, [a-child] an adoptee, who is a minor

- 14179 child or vulnerable adult, may not be placed in an adoptive home until a
14180 preplacement adoptive evaluation, assessing the prospective adoptive parent and the
14181 prospective adoptive home, has been conducted in accordance with the requirements
14182 of this section.
- 14183 (b) Except as provided in Section [~~78B-6-131~~] 81-13-402, the court may, at any time,
14184 authorize temporary placement of [~~a-child~~] an adoptee, who is a minor child or
14185 vulnerable adult, in a prospective adoptive home pending completion of a
14186 preplacement adoptive evaluation described in this section.
- 14187 (c)(i) Subsection (1)(a) does not apply if a [~~pre-existing parent~~] birth parent has legal
14188 custody of the [~~child to be adopted~~] adoptee and the prospective adoptive parent is
14189 related to [~~that child~~] the adoptee or the [~~pre-existing parent~~] birth parent as a
14190 stepparent, sibling by half or whole blood or by adoption, grandparent, aunt,
14191 uncle, or first cousin, unless the court otherwise requests the preplacement
14192 adoption.
- 14193 (ii) The prospective adoptive parent described in this Subsection (1)(c) shall obtain
14194 the information described in Subsections (2)(a) and (b), and file that
14195 documentation with the court prior to finalization of the adoption.
- 14196 (d)(i) The preplacement adoptive evaluation shall be completed or updated within the
14197 12-month period immediately preceding the placement of [~~a-child~~] the adoptee
14198 with the prospective adoptive parent.
- 14199 (ii) If the prospective adoptive parent has previously received custody of [~~a-child~~] an
14200 adoptee, who is a minor child or vulnerable adult, for the purpose of adoption, the
14201 preplacement adoptive evaluation shall be completed or updated within the
14202 12-month period immediately preceding the placement of [~~a-child~~] an adoptee,
14203 who is a minor child or vulnerable adult, with the prospective adoptive parent and
14204 after the placement of the previous [~~child~~] adoptee with the prospective adoptive
14205 parent.
- 14206 (2) The preplacement adoptive evaluation shall include:
- 14207 (a) a criminal history background check regarding each prospective adoptive parent and
14208 any other adult living in the prospective home, prepared no earlier than 18 months
14209 immediately preceding placement of the [~~child~~] adoptee in accordance with the
14210 following:
- 14211 (i) if the [~~child~~] adoptee is in state custody, each prospective adoptive parent and any
14212 other adult living in the prospective home shall submit fingerprints to the

- 14213 Department of Health and Human Services, which shall perform a criminal history
 14214 background check in accordance with Section 26B-2-120; or
- 14215 (ii) subject to Subsection (3), if the [child] adoptee is not in state custody, an adoption
 14216 service provider or an attorney representing a prospective adoptive parent shall
 14217 submit fingerprints from the prospective adoptive parent and any other adult
 14218 living in the prospective home to:
- 14219 (A) [-]the [~~Criminal and Technical Services Division of Public Safety~~] Bureau of
 14220 Criminal Identification within the Department of Public Safety for a regional
 14221 and nationwide background check[~~, or to~~] ;
- 14222 (B) the Office of Background Processing within the Department of Health and
 14223 Human Services for a background check in accordance with Section 26B-2-120[
 14224 ~~, or to~~] ; or
- 14225 (C) the Federal Bureau of Investigation;
- 14226 (b) a report containing all information regarding reports and investigations of child
 14227 abuse, neglect, and dependency, with respect to each prospective adoptive parent and
 14228 any other adult living in the prospective home, obtained no earlier than 18 months
 14229 immediately preceding the day on which the [child] adoptee is placed in the
 14230 prospective home, pursuant to waivers executed by each prospective adoptive parent
 14231 and any other adult living in the prospective home, that:
- 14232 (i) if the prospective adoptive parent or the adult living in the prospective adoptive
 14233 parent's home is a resident of Utah, is prepared by the Department of Health and
 14234 Human Services from the records of the Department of Health and Human
 14235 Services; or
- 14236 (ii) if the prospective adoptive parent or the adult living in the prospective adoptive
 14237 parent's home is not a resident of Utah, prepared by the Department of Health and
 14238 Human Services, or a similar agency in another state, district, or territory of the
 14239 United States, where each prospective adoptive parent and any other adult living
 14240 in the prospective home resided in the five years immediately preceding the day
 14241 on which the [child] adoptee is placed in the prospective adoptive home;
- 14242 (c) in accordance with Subsection (6), a home study conducted by an adoption service
 14243 provider that is:
- 14244 (i) an expert in family relations approved by the court;
- 14245 (ii) a certified social worker;
- 14246 (iii) a clinical social worker;

- 14247 (iv) a marriage and family therapist;
- 14248 (v) a psychologist;
- 14249 (vi) a social service worker, if supervised by a certified or clinical social worker;
- 14250 (vii) a clinical mental health counselor; or
- 14251 (viii) an Office of Licensing employee within the Department of Health and Human
- 14252 Services who is trained to perform a home study; and
- 14253 (d) in accordance with Subsection (7), if the ~~[child to be adopted is a child who]~~ adoptee
- 14254 is in the custody of any public child welfare agency~~[-, and is a child who]~~ and has a
- 14255 special need as defined in Section 80-2-801, the preplacement adoptive evaluation
- 14256 shall be conducted by the Department of Health and Human Services or a
- 14257 child-placing agency that has entered into a contract with the department to conduct
- 14258 the preplacement adoptive evaluations for ~~[children]~~ adoptees with special needs.
- 14259 (3) For purposes of Subsection (2)(a)(ii), subject to Subsection (4), the criminal history
- 14260 background check described in Subsection (2)(a)(ii) shall be submitted in a manner
- 14261 acceptable to the court that will:
- 14262 (a) preserve the chain of custody of the results; and
- 14263 (b) not permit tampering with the results by a prospective adoptive parent or other
- 14264 interested party.
- 14265 (4) In order to comply with Subsection (3), the manner in which the criminal history
- 14266 background check is submitted shall be approved by the court.
- 14267 (5) Except as provided in Subsection ~~[78B-6-131(2)]~~ 81-13-402(3), and in addition to the
- 14268 other requirements of this section, ~~[before a child in state custody is placed with a~~
- 14269 ~~prospective foster parent or a prospective adoptive parent,-]~~ the Department of Health
- 14270 and Human Services shall comply with Section ~~[78B-6-131]~~ 81-13-402 before an
- 14271 adoptee, who is a minor child or vulnerable adult in state custody, is placed with a
- 14272 prospective foster parent or a prospective adoptive parent.
- 14273 (6)(a) An individual described in Subsections (2)(c)(i) through (vii) shall be licensed to
- 14274 practice under the laws of:
- 14275 (i) this state; or
- 14276 (ii) the state, district, or territory of the United States where the prospective adoptive
- 14277 parent or other person living in the prospective adoptive home resides.
- 14278 (b) ~~[Neither the]~~ The Department of Health and Human Services~~[-nor]~~ , or any of the
- 14279 department's divisions, may not proscribe who qualifies as an expert in family
- 14280 relations or who may conduct a home study under Subsection (2)(c).

- 14281 (c) The home study described in Subsection (2)(c) shall be a written document that
 14282 contains the following:
- 14283 (i) a recommendation to the court regarding the suitability of the prospective adoptive
 14284 parent for placement of ~~[a child]~~ an adoptee who is a minor child or vulnerable
 14285 adult;
 - 14286 (ii) a description of in-person interviews with the prospective adoptive parent, the
 14287 prospective adoptive parent's children, and other individuals living in the home;
 - 14288 (iii) a description of character and suitability references from at least two individuals
 14289 who are not related to the prospective adoptive parent and with at least one
 14290 individual who is related to the prospective adoptive parent;
 - 14291 (iv) a medical history and a doctor's report, based upon a doctor's physical
 14292 examination of the prospective adoptive parent, made within two years before the
 14293 date of the application; and
 - 14294 (v) a description of an inspection of the home to determine whether sufficient space
 14295 and facilities exist to meet the needs of the ~~[child]~~ adoptee and whether basic
 14296 health and safety standards are maintained.
- 14297 (7) Any fee assessed by the evaluating agency described in Subsection (2)(d) is the
 14298 responsibility of the adopting parent.
- 14299 (8) The person conducting the preplacement adoptive evaluation shall, in connection with
 14300 the preplacement adoptive evaluation, provide the prospective adoptive parent with
 14301 literature approved by the ~~[Division of Child and Family Services]~~ division relating to
 14302 adoption, including information relating to:
- 14303 (a) the adoption process;
 - 14304 (b) developmental issues that may require early intervention; and
 - 14305 (c) community resources that are available to the prospective adoptive parent.
- 14306 (9) A copy of the preplacement adoptive evaluation shall be filed with the court.
- 14307 (10) A home study completed for the purposes of foster care licensing in accordance with
 14308 Title 80, Chapter 2, Part 3, Division Responsibilities, shall be accepted by the court for a
 14309 proceeding under this part.

14310 Section 363. Section **81-13-404**, which is renumbered from Section 78B-6-129 is renumbered
 14311 and amended to read:

14312 **~~[78B-6-129] 81-13-404 . Postplacement adoptive evaluations.~~**

- 14313 (1) Except as provided in Subsections (2) and (3), a postplacement evaluation shall be
 14314 conducted and submitted to the court ~~[prior to]~~ before the final hearing in an adoption

14315 proceeding for a minor child or a vulnerable adult.

14316 (2) The postplacement evaluation under Subsection (1) shall include:

14317 (a) verification of the allegations of fact contained in the petition for adoption;

14318 (b) an evaluation of the progress of the [child's] adoptee's placement in the adoptive
14319 home; and

14320 (c) a recommendation regarding whether the adoption is in the best interest of the [child]
14321 adoptee.

14322 [(2)] (3) The exemptions from and requirements for evaluations, described in Subsections [
14323 78B-6-128(1)(e)] 81-13-403(1)(c), (2)(c), (6), and (8), also apply to postplacement
14324 adoptive evaluations.

14325 [(3)] (4) Upon the request of the petitioner, the court may waive the postplacement adoptive
14326 evaluation, unless [it] the court determines that it is in the best interest of the [child]
14327 adoptee to require the postplacement evaluation.

14328 Section 364. Section **81-13-405**, which is renumbered from Section 78B-6-130 is renumbered
14329 and amended to read:

14330 **[78B-6-130] 81-13-405 . Preplacement and postplacement adoptive evaluations --**
14331 **Review by court.**

14332 (1)(a) If the person conducting the preplacement adoptive evaluation or postplacement
14333 adoptive evaluation disapproves the adoptive placement, the court may dismiss the
14334 petition for adoption.

14335 (b) Upon request by a prospective adoptive parent, the court shall:

14336 (i) order that an additional preplacement adoptive evaluation or postplacement
14337 adoptive evaluation be conducted~~[, and shall]~~ ; and

14338 (ii) hold a hearing on the suitability of the adoption, including testimony of interested
14339 parties.

14340 (2) Before finalization of a petition for adoption the court shall review and consider the
14341 information and recommendations contained in the preplacement adoptive evaluation
14342 and postplacement adoptive evaluation described in Sections [~~78B-6-128 and 78B-6-129~~]
14343 81-13-403 and 81-13-404.

14344 (3) With respect to the home study required as part of the preplacement adoptive evaluation
14345 described in Subsection [~~78B-6-128(2)(e)] 81-13-403(2)(c)~~, a court may review and
14346 consider information other than the information contained in the home study described
14347 in Subsection [~~78B-6-128(6)(e)] 81-13-403(6)(c)~~.

14348 Section 365. Section **81-13-501** is enacted to read:

14349

Part 5. Post Adoption

14350

81-13-501 . Definitions for part.

14351

Reserved.

14352

Section 366. Section **81-13-502**, which is renumbered from Section 78B-6-104 is renumbered and amended to read:

14354

[78B-6-104] 81-13-502 . Applicability of part.

14355

(1) Sections ~~[78B-6-143]~~ 81-13-503 through ~~[78B-6-145]~~ 81-13-505 do not apply to [adoptions] an adoption of a minor child by a stepparent whose spouse is the adoptee's parent.

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(2) Sections ~~[78B-6-143]~~ 81-13-503 through ~~[78B-6-145]~~ 81-13-505 apply only to [adoptions of adoptees] an adoption of an adoptee born in this state.

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14360

Section 367. Section **81-13-503**, which is renumbered from Section 78B-6-143 is renumbered and amended to read:

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14362

[78B-6-143] 81-13-503 . Nonidentifying health history of adoptee filed with office

14363

-- Limited availability.

14364

(1)(a) Upon finalization of an adoption in this state of a minor child, the person who proceeded on behalf of the petitioner for adoption, or a child-placing agency if an agency is involved in the adoption, shall file a report with the office, in the form established by the office.

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(b) The report described in Subsection (1)(a) shall include a detailed health history, and a genetic and social history of the adoptee.

14369

14370

(2) The report described in Subsection (1)(a) may not contain identifying information or any information that identifies the adoptee's ~~[birth]~~ pre-existing parents or members of their families.

14371

14372

14373

(3) When the report described in Subsection (1)(a) is filed, a duplicate report shall be provided to the adoptive parents.

14374

14375

(4) The report described in Subsection (1)(a) shall only be available upon request, and upon presentation of positive identification, to the following persons:

14376

14377

(a) the adoptive parents;

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(b) in the event of the death of the adoptive parents, the adoptee's legal guardian;

14379

(c) the adoptee;

14380

(d) in the event of the death of the adoptee, the adoptee's spouse[;] if the spouse is the parent or guardian of the adoptee's child;

14381

14382

(e) the adoptee's child or descendant;

- 14383 (f) the adoptee's [~~birth~~] pre-existing parent; and
- 14384 (g) the adoptee's adult sibling.
- 14385 (5) No identifying information or information that identifies a [~~birth~~] pre-existing parent or
- 14386 the [~~birth~~] pre-existing parent's family may be disclosed under this section.
- 14387 (6) The actual cost of providing information under this section shall be paid by the person
- 14388 requesting the information.
- 14389 (7) A child-placing agency may provide a copy of the report described in Subsection (1)(a)
- 14390 and information in the child-placing agency's files, except identifying information, to ~~an~~
- 14391 ~~adult adoptee, a birth~~ a child adoptee who is 18 years old or older, a pre-existing parent,
- 14392 or an adoptive parent.
- 14393 (8) Notwithstanding Subsection (7), identifying information may be released to the extent
- 14394 that the individual who is the subject of the information provides written authorization
- 14395 of the information's release.

14396 Section 368. Section **81-13-504**, which is renumbered from Section 78B-6-144 is renumbered

14397 and amended to read:

14398 **[78B-6-144] 81-13-504 . Mutual-consent, voluntary adoption registry --**

14399 **Procedures -- Fees.**

14400 (1) As used in this section, "adopted individual" means a child adoptee who is 18 years old

14401 or older.

14402 ~~[(1)]~~ (2) The office shall establish a mutual-consent, voluntary adoption registry.

14403 (3)(a) An ~~[adult adoptee]~~ adopted individual or a [~~birth~~] pre-existing parent of an ~~[adult~~

14404 ~~adoptee]~~ adopted individual, upon presentation of positive identification, may request

14405 identifying information from the office, in the form established by the office.

14406 (b) A court ~~[of competent jurisdiction]~~ or a child-placing agency may accept that request

14407 from the ~~[adult adoptee or birth]~~ adopted individual or pre-existing parent, in the form

14408 provided by the office, and transfer that request to the office.

14409 (c) The ~~[adult adoptee or birth]~~ adopted individual or pre-existing parent is responsible

14410 for notifying the office of any change in information contained in the request.

14411 ~~[(b)]~~ (d) Except as otherwise provided in this ~~[part]~~ chapter, the office may only release

14412 identifying information to an ~~[adult adoptee or birth]~~ adopted individual or

14413 pre-existing parent when ~~[it]~~ the office receives requests from both the ~~[adoptee and~~

14414 ~~the adoptee's birth]~~ adopted individual and the adopted individual's pre-existing parent.

14415 ~~[(c)]~~ (e) After matching the request of an ~~[adult adoptee]~~ adopted individual with that of

14416 at least one of the ~~[adoptee's birth]~~ adopted individual's pre-existing parents, the office

14417 shall notify both the [adult-adoptee] adopted individual and the [birth] pre-existing
 14418 parent that the requests have been matched, and disclose the identifying information
 14419 to those parties. ~~[However, if that adult adoptee]~~

14420 (f) ~~Notwithstanding Subsection (3)(c) or (d), if an adopted individual has a sibling of the~~
 14421 same [birth] pre-existing parent who is under ~~[the age of 18 years,]~~ 18 years old and
 14422 who was raised in the same family setting as the [adult-adoptee] adopted individual,
 14423 the office may not disclose the requested identifying information to that [adult
 14424 adoptee] adopted individual or the [adoptee's birth] adopted individual's pre-existing
 14425 parent.

14426 ~~[(2)] (4)(a) [Adult adoptees and adult siblings of adult adoptees]~~ An adopted individual or
 14427 an adult sibling of an adopted individual, upon presentation of positive identification,
 14428 may request identifying information from the office~~;~~ in the form established by the
 14429 office.

14430 (b) A court ~~[of competent jurisdiction]~~ or a child-placing agency may accept that request
 14431 from the [adult-adoptee] adopted individual or adult sibling~~;~~ in the form provided by
 14432 the office,~~-~~ and transfer that request to the office.

14433 (c) The [adult-adoptee] adopted individual or adult sibling is responsible for notifying the
 14434 office of any change in information contained in the request.

14435 ~~[(b)] (d)~~ The office may only release identifying information to an [adult-adoptee]
 14436 adopted individual or adult sibling when ~~[it]~~ the office receives requests from both
 14437 the [adult-adoptee] adopted individual and the [adult-adoptee's] adopted individual's
 14438 adult sibling.

14439 ~~[(e)] (e)~~ After matching the request of an [adult-adoptee] adopted individual with that of
 14440 the [adoptee's] adopted individual's adult sibling, if the office determines that the
 14441 office has sufficient information to make that match, the office shall notify both the ~~[~~
 14442 adult-adoptee] adopted individual and the adopted individual's adult sibling that the
 14443 requests have been matched, and disclose the identifying information to those parties.

14444 ~~[(d)] (5)~~ After receiving a request for information from an ~~[adult-adoptee and a birth]~~
 14445 adopted individual and a pre-existing parent under this section, the office shall:

14446 ~~[(i)] (a)~~ search the office's vital records for the [adult-adoptee's birth] adopted individual's
 14447 pre-existing parent; and

14448 ~~[(ii)] (b)~~ if the search described in Subsection ~~[(2)(d)(i)] (5)(a)~~ reveals that the [birth]
 14449 pre-existing parent who had requested information under this section is dead, inform
 14450 the [adult-adoptee] adopted individual that the [birth] pre-existing parent is dead and

14451 disclose the identity of the ~~[birth]~~ pre-existing parent.

14452 ~~[(e)]~~ (6) The office shall attempt to notify an individual who requests information under this

14453 section:

14454 ~~[(i)]~~ (a) of the results of the initial search for a match; and

14455 ~~[(ii)]~~ (b) if the initial search does not produce a match, that the office will keep the

14456 request on file and will attempt to notify the individual in the event of a match.

14457 ~~[(3)]~~ (7) Information registered with the office under this section is available only to a

14458 registered ~~[adult adoptee]~~ adopted individual and the ~~[adoptee's registered birth]~~ adopted

14459 individual's pre-existing parent or registered adult sibling~~[,]~~ under the terms of this

14460 section.

14461 ~~[(4)]~~ (8) ~~[Except as provided in Section 78B-6-141, the]~~ The office may not disclose

14462 information regarding a ~~[birth]~~ pre-existing parent who has not registered a request with

14463 the office.

14464 ~~[(5)]~~ (9) Nothing in this section limits the disclosure of information in accordance with

14465 Section ~~[78B-6-141]~~ 81-13-103.

14466 Section 369. Section **81-13-505**, which is renumbered from Section 78B-6-144.5 is renumbered

14467 and amended to read:

14468 **[78B-6-144.5] 81-13-505 . Adoption information -- Adoption records fees.**

14469 (1)(a) The office may not disclose information maintained or filed with the office under

14470 this chapter unless the disclosure is permitted by this chapter or by a court order.

14471 (b) Any person who discloses information obtained from the office's voluntary adoption

14472 registry in violation of this part, or knowingly allows that information to be disclosed

14473 in violation of this chapter, is guilty of a class A misdemeanor.

14474 ~~[(1)]~~ (2)(a) The office shall, in accordance with Section 63J-1-504, establish a fee to be

14475 paid by an individual who requests information or other services under Section [

14476 ~~78B-6-141 or Section 78B-6-144]~~ 81-13-103 or 81-13-504, and to cover the costs

14477 related to providing the information, services, and improvements described in

14478 Subsection (2).

14479 (b) The office may accept donations or grants from public or private entities to cover the

14480 costs related to providing the information, services, and improvements described in

14481 Subsection (2).

14482 ~~[(2)]~~ (3) The office shall deposit fees and donations collected under Subsection ~~[(1)]~~ (2) into

14483 the General Fund as dedicated credits and may be used only to:

14484 (a) fund, automate, and improve the provision of services described in Sections [

14485 ~~78B-6-141 and 78B-6-144]~~ 81-13-103 and 81-13-504; or

14486 (b) implement means of maximizing potential matches for the services described in

14487 Sections ~~[78B-6-141 and 78B-6-144]~~ 81-13-103 and 81-13-504, including the use of

14488 broad search terms and methods.

14489 Section 370. Section **81-14-101**, which is renumbered from Section 78B-24-101 is renumbered

14490 and amended to read:

14491 **CHAPTER 14. UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT**

14492 **Part 1. General Provisions**

14493 ~~[78B-24-101]~~ **81-14-101 . Definitions.**

14494 As used in this chapter:

14495 ~~[(1) "Child" means an unemancipated individual under 18 years old.]~~

14496 ~~[(2)]~~ (1)(a) "Child-placing agency" means a person with authority under other law of this
14497 state to identify or place a minor child for adoption.

14498 (b) "Child-placing agency" does not include a parent of a minor child.

14499 ~~[(3)]~~ (2) "Custody" means the exercise of physical care and supervision of a minor child.

14500 ~~[(4)]~~ (3)(a) "Intercountry adoption" means an adoption or placement for adoption of a
14501 minor child who resides in a foreign country at the time of adoption or placement.

14502 (b) "Intercountry adoption" includes an adoption finalized in the minor child's country of
14503 residence or in a state.

14504 ~~[(5) "Parent" means an individual recognized as a parent under other law of this state.]~~

14505 ~~[(6)]~~ (4) "Person" means an individual, estate, business or nonprofit entity, public
14506 corporation, government or governmental subdivision, agency, or instrumentality, or
14507 other legal entity.

14508 ~~[(7)]~~ (5) "Record" means information:

14509 (a) inscribed on a tangible medium; or

14510 (b) stored in an electronic or other medium and retrievable in perceivable form.

14511 ~~[(8)]~~ (6)(a) "State" means a state of the United States, the District of Columbia, Puerto
14512 Rico, the United States Virgin Islands, or any other territory or possession subject to
14513 the jurisdiction of the United States.

14514 (b) "State" includes a federally recognized Indian tribe.

14515 Section 371. Section **81-14-102**, which is renumbered from Section 78B-24-102 is renumbered

14516 and amended to read:

14517 ~~[78B-24-102]~~ **81-14-102 . Limitations on applicability.**

14518 This chapter does not apply to custody of an Indian child, as defined in the Indian Child
14519 Welfare Act, 25 U.S.C. Sec. 1903, to the extent governed by the Indian Child Welfare Act, 25
14520 U.S.C. Sec. 1901 through 1963.

14521 Section 372. Section **81-14-201**, which is renumbered from Section 78B-24-201 is renumbered
14522 and amended to read:

14523 **Part 2. Prohibition of Unregulated Custody Transfer**

14524 **~~[78B-24-201]~~ 81-14-201 . Definitions for part.**

14525 As used in this part:

- 14526 (1) "Guardian" means a person recognized as a guardian under other law of this state.
14527 (2) "Intermediary" means a person that assists or facilitates a transfer of custody of a minor
14528 child, whether or not for compensation.

14529 Section 373. Section **81-14-202**, which is renumbered from Section 78B-24-202 is renumbered
14530 and amended to read:

14531 **~~[78B-24-202]~~ 81-14-202 . Applicability.**

14532 This part does not apply to a transfer of custody of a minor child by a parent or guardian
14533 of the minor child to:

- 14534 (1) a parent of the minor child;
14535 (2) a stepparent of the minor child;
14536 (3) an adult who is related to the minor child by blood, marriage, or adoption;
14537 (4) an adult who, at the time of the transfer, had a close relationship with the minor child or
14538 the parent or guardian of the minor child for a substantial period, and whom the parent
14539 or guardian reasonably believed, at the time of the transfer, to be a fit custodian of the
14540 minor child;
14541 (5) an Indian custodian, as defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, of
14542 the minor child; or
14543 (6) a member of the minor child's customary family unit recognized by the minor child's
14544 indigenous group.

14545 Section 374. Section **81-14-203**, which is renumbered from Section 78B-24-203 is renumbered
14546 and amended to read:

14547 **~~[78B-24-203]~~ 81-14-203 . Prohibited custody transfer.**

- 14548 (1) Except as provided in Subsection (2), a parent or guardian of a minor child, or an
14549 individual with whom a minor child has been placed for adoption, may not transfer
14550 custody of the minor child to another person with the intent, at the time of the transfer,
14551 to abandon the rights and responsibilities concerning the minor child.

- 14552 (2) A parent or guardian of a minor child or an individual with whom a minor child has
 14553 been placed for adoption may transfer custody of the minor child to another person with
 14554 the intent, at the time of the transfer, to abandon the rights and responsibilities
 14555 concerning the minor child only through:
- 14556 (a) adoption or guardianship;
 - 14557 (b) judicial award of custody;
 - 14558 (c) placement by or through a child-placing agency;
 - 14559 (d) other judicial or tribal action; or
 - 14560 (e) safe relinquishment under Title 80, Chapter 4, Part 5, Safe Relinquishment of a
 14561 Newborn Child.
- 14562 (3)(a) A person may not receive custody of a minor child, or act as an intermediary in a
 14563 transfer of custody of a minor child, if the person knows or reasonably should know
 14564 the transfer violates Subsection (1).
- 14565 (b) This subsection does not apply if the person as soon as practicable after the transfer,
 14566 notifies the Division of Child and Family Services of the transfer or takes appropriate
 14567 action to establish custody under Subsection (2).
- 14568 (4) A violation of this section is a class B misdemeanor.
- 14569 (5) A violation of Subsection (1) is not established solely because a parent or guardian that
 14570 transfers custody of a minor child does not regain custody.
- 14571 Section 375. Section **81-14-204**, which is renumbered from Section 78B-24-204 is renumbered
 14572 and amended to read:
- 14573 **[78B-24-204] 81-14-204 . Authority and responsibility of the Division of Child**
 14574 **and Family Services.**
- 14575 (1) If the Division of Child and Family Services has a reasonable basis to believe that a
 14576 person has transferred or will transfer custody of a minor child in violation of Subsection [
 14577 ~~78B-24-203(1)~~] 81-14-203(1), the Division of Child and Family Services may conduct a
 14578 home visit as provided by other law of this state and take appropriate action to protect
 14579 the welfare of the minor child.
- 14580 (2) If the Division of Child and Family Services conducts a home visit for a minor child
 14581 adopted or placed through an intercountry adoption, the Division of Child and Family
 14582 Services shall:
- 14583 (a) prepare a report on the welfare and plan for permanent placement of the minor child;
 14584 and
 - 14585 (b) provide a copy of the report to the United States Department of State.

14586 (3) This chapter does not prevent the Division of Child and Family Services from taking
14587 appropriate action under law of this state.

14588 Section 376. Section **81-14-205**, which is renumbered from Section 78B-24-205 is renumbered
14589 and amended to read:

14590 **[78B-24-205] 81-14-205 . Prohibited soliciting or advertising.**

14591 (1) A person may not solicit or advertise to:

14592 (a) find a person to which to make a transfer of custody in violation of Subsection [
14593 ~~78B-24-203(1)~~] 81-14-203(1);

14594 (b) identify a minor child for a transfer of custody in violation of Subsection [
14595 ~~78B-24-203(3)~~] 81-14-203(3); or

14596 (c) act as an intermediary in a transfer of custody in violation of Subsection [
14597 ~~78B-24-203(3)~~] 81-14-203(3).

14598 (2) A violation of this section is a class B misdemeanor.

14599 Section 377. Section **81-14-301**, which is renumbered from Section 78B-24-301 is renumbered
14600 and amended to read:

14601 **Part 3. Information and Guidance**

14602 **[78B-24-301] 81-14-301 . Definitions for part.**

14603 As used in this part, "prospective adoptive parent" means an individual who has been
14604 approved or permitted under other law of this state to adopt a minor child.

14605 Section 378. Section **81-14-302**, which is renumbered from Section 78B-24-302 is renumbered
14606 and amended to read:

14607 **[78B-24-302] 81-14-302 . Scope.**

14608 This part applies to placement for adoption of a minor child who:

14609 (1) has been or is in foster or institutional care;

14610 (2) previously has been adopted in a state;

14611 (3) has been or is being adopted under the law of a foreign country;

14612 (4) has come or is coming to a state from a foreign country to be adopted;

14613 (5) is not a citizen of the United States;

14614 (6) has an attachment or trauma-related disorder; or

14615 (7) suffered from prenatal exposure to alcohol or drugs.

14616 Section 379. Section **81-14-303**, which is renumbered from Section 78B-24-303 is renumbered
14617 and amended to read:

14618 **[78B-24-303] 81-14-303 . General adoption information.**

14619 (1) Within a reasonable time before a child-placing agency places a minor child for

- 14620 adoption with a prospective adoptive parent, the child-placing agency shall provide or
 14621 cause to be provided to the prospective adoptive parent general adoption information.
- 14622 (2) The information under Subsection (1) shall address:
- 14623 (a) possible physical, mental, emotional, and behavioral issues concerning:
- 14624 (i) identity, loss, and trauma that a minor child might experience before, during, or
 14625 after adoption; and
- 14626 (ii) a minor child leaving familiar ties and surroundings;
- 14627 (b) the effect that access to resources, including health insurance, might have on the
 14628 ability of an adoptive parent to meet the needs of a minor child;
- 14629 (c) causes of disruption of an adoptive placement or dissolution of an adoption and
 14630 resources available to help avoid disruption or dissolution; and
- 14631 (d) prohibitions under Sections [~~78B-24-203 and 78B-24-205~~] 81-14-203 and 81-14-205.
 14632 Section 380. Section **81-14-304**, which is renumbered from Section 78B-24-304 is renumbered
 14633 and amended to read:
- 14634 **[~~78B-24-304~~] 81-14-304 . Information about a minor child.**
- 14635 (1)(a) Except as prohibited by other law of this state, within a reasonable time before a
 14636 child-placing agency places a minor child for adoption with a prospective adoptive
 14637 parent, the agency shall provide or cause to be provided to the prospective adoptive
 14638 parent information specific to the minor child that is known or reasonably obtainable
 14639 by the child-placing agency and material to the prospective adoptive parents
 14640 informed decision to adopt the minor child.
- 14641 (b) The information under Subsection (1)(a) shall include:
- 14642 (i) the minor child's family, cultural, racial, religious, ethnic, linguistic, and
 14643 educational background;
- 14644 (ii) the minor child's physical, mental, emotional, and behavioral health;
- 14645 (iii) circumstances that may adversely affect the minor child's physical, mental,
 14646 emotional, or behavioral health;
- 14647 (iv) the minor child's medical history, including immunizations;
- 14648 (v) the medical history of the minor child's genetic parents and siblings;
- 14649 (vi) the history of an adoptive or out-of-home placement of the minor child and the
 14650 reason the adoption or placement ended;
- 14651 (vii) the minor child's United States immigration status;
- 14652 (viii) medical, therapeutic, and educational resources, including language-acquisition
 14653 training, available to the adoptive parent and minor child after placement or

14654 adoption to assist in responding effectively to physical, mental, emotional, or
14655 behavioral issues; and

14656 (ix) available records relevant to the information in Subsections (1)(b)(i) through
14657 (viii).

14658 (2) If, before an adoption is finalized, additional information under Subsection (1) that is
14659 material to a prospective adoptive parent's informed decision to adopt the minor child
14660 becomes known or reasonably obtainable by the child-placing agency, the child-placing
14661 agency shall provide the information to the prospective adoptive parent.

14662 (3) If, after an adoption is finalized, additional information under Subsection (1) becomes
14663 known to the child-placing agency, the child-placing agency shall make a reasonable
14664 effort to provide the information to the adoptive parent.

14665 Section 381. Section **81-14-305**, which is renumbered from Section 78B-24-305 is renumbered
14666 and amended to read:

14667 **[78B-24-305] 81-14-305 . Guidance and instruction.**

14668 (1) A child-placing agency placing a minor child for adoption shall provide or cause to be
14669 provided to the prospective adoptive parent guidance and instruction specific to the
14670 minor child to help prepare the parent to respond effectively to needs of the child [which]
14671 that are known or reasonably ascertainable by the child-placing agency.

14672 (2) The guidance and instruction under Subsection (1) shall address, if applicable:

14673 (a) the potential effect on the minor child of:

14674 (i) previous adoption or out-of-home placement;

14675 (ii) multiple previous adoptions or out-of-home placements;

14676 (iii) trauma, insecure attachment, fetal alcohol exposure, or malnutrition;

14677 (iv) neglect, abuse, drug exposure, or similar adversity;

14678 (v) separation from a sibling or significant caregiver; and

14679 (vi) a difference in ethnicity, race, or cultural identity between the minor child and
14680 the prospective adoptive parent or other minor child of the parent;

14681 (b) information available from the federal government on the process for the child to
14682 acquire United States citizenship; and

14683 (c) any other matter the child-placing agency considers material to the adoption.

14684 (3) The guidance and instruction under Subsection (1) shall be provided:

14685 (a) for adoption of a minor child residing in the United States, a reasonable time before
14686 the adoption is finalized; or

14687 (b) for an intercountry adoption, in accordance with federal law.

14688 Section 382. Section **81-14-306**, which is renumbered from Section 78B-24-306 is renumbered
14689 and amended to read:

14690 **[78B-24-306] 81-14-306 . Information about financial assistance and support**
14691 **services.**

14692 On request of a minor child who was placed for adoption or the minor child's adoptive
14693 parent, the child-placing agency placing the minor child or the Division of Child and Family
14694 Services shall provide information about how to obtain financial assistance or support services:

- 14695 (1) to assist the minor child or parent to respond effectively to adjustment, behavioral, and
14696 other challenges; and
14697 (2) to help preserve the placement or adoption.

14698 Section 383. Section **81-14-307**, which is renumbered from Section 78B-24-307 is renumbered
14699 and amended to read:

14700 **[78B-24-307] 81-14-307 . Child-placing agency compliance.**

14701 (1) The Division of Licensing and Background Checks, created in Section 26B-2-103, may
14702 investigate an allegation that a child-placing agency has failed to comply with this part
14703 and commence an action for injunctive or other relief or initiate administrative
14704 proceedings against the child-placing agency to enforce this part.

14705 (2)(a) The Office of Licensing may initiate a proceeding to determine whether a
14706 child-placing agency has failed to comply with this part.

14707 (b) If the Office of Licensing finds that the child-placing agency has failed to comply,
14708 the Office of Licensing may suspend or revoke the child-placing agency's license or
14709 take other action permitted by law of the state.

14710 Section 384. Section **81-14-308**, which is renumbered from Section 78B-24-308 is renumbered
14711 and amended to read:

14712 **[78B-24-308] 81-14-308 . Rulemaking by Division of Licensing and Background**
14713 **Checks.**

14714 The Division of Licensing and Background Checks, created in Section 26B-2-103, may
14715 adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement
14716 Sections [~~78B-24-303, 78B-24-304, 78B-24-305, and 78B-24-306~~] 81-14-303, 81-14-304,
14717 81-14-305, and 81-14-306.

14718 Section 385. Section **81-14-401**, which is renumbered from Section 78B-24-401 is renumbered
14719 and amended to read:

14720 **Part 4. Applicability and Severability Provisions**

14721 **[78B-24-401] 81-14-401 . Uniformity of application and construction.**

14722 In applying and construing this [~~uniform act~~] chapter, a court shall consider the
14723 promotion of uniformity of the law among jurisdictions that enact the uniform act.

14724 Section 386. Section **81-14-402**, which is renumbered from Section 78B-24-402 is renumbered
14725 and amended to read:

14726 **[~~78B-24-402~~] 81-14-402 . Relation to Electronic Signatures in Global and**
14727 **National Commerce Act.**

14728 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
14729 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
14730 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in 15
14731 U.S.C. Sec. 7003(b).

14732 Section 387. Section **81-14-403**, which is renumbered from Section 78B-24-403 is renumbered
14733 and amended to read:

14734 **[~~78B-24-403~~] 81-14-403 . Transitional provisions.**

14735 (1) Part 2, Prohibition of Unregulated Custody Transfer, applies to:

14736 (a) a transfer of custody on or after May 4, 2022; and

14737 (b) soliciting or advertising on or after May 4, 2022.

14738 (2) Part 3, Information and Guidance, applies to placement of a minor child for adoption
14739 more than 60 days after May 4, 2022.

14740 Section 388. Section **81-14-404**, which is renumbered from Section 78B-24-404 is renumbered
14741 and amended to read:

14742 **[~~78B-24-404~~] 81-14-404 . Severability.**

14743 If a provision of this chapter or the provision's application to a person or circumstance is
14744 held invalid, the invalidity does not affect another provision or application that can be given
14745 effect without the invalid provision.

14746 Section 389. **Repealer.**

14747 This bill repeals:

14748 Section **78B-6-101, Title.**

14749 Section **78B-6-107, Compliance with the Interstate Compact on Placement of Children --**
14750 **Compliance with the Indian Child Welfare Act.**

14751 Section **78B-6-108, Alien child -- Evidence of lawful admission to United States required.**

14752 Section **78B-6-111, Criminal sexual offenses.**

14753 Section **78B-6-113, Prospective adoptive parent not a resident -- Preplacement**
14754 **requirements.**

14755 Section **78B-6-114, Adoption by married persons -- Consent.**

- 14756 Section **78B-6-118, Relative ages.**
- 14757 Section **78B-6-120.1, Implied consent.**
- 14758 Section **78B-6-122, Qualifying circumstance.**
- 14759 Section **78B-6-122.5, Effect of out-of-state paternity adjudication, declaration, or**
- 14760 **acknowledgment.**
- 14761 Section **78B-6-123, Power of a minor to consent or relinquish.**
- 14762 Section **78B-6-125, Time period prior to birth mother's consent.**
- 14763 Section **78B-6-126, When consent or relinquishment effective.**
- 14764 Section **78B-6-127, Parents whose rights have been terminated.**
- 14765 Section **78B-6-137, Decree of adoption -- Best interest of child -- Legislative findings.**
- 14766 Section **78B-6-139, Name and status of adopted child.**
- 14767 Section **78B-6-145, Restrictions on disclosure of information -- Violations -- Penalty.**
- 14768 Section **78B-7-101, Title.**
- 14769 Section **78B-13-101, Title.**
- 14770 Section **78B-14-101, Title.**
- 14771 Section **78B-15-101, Title.**
- 14772 Section **78B-15-105, Protection of participants.**
- 14773 Section **78B-15-106, Determination of maternity.**
- 14774 Section **78B-15-107, Effect.**
- 14775 Section **78B-15-108, Obligation to provide address.**
- 14776 Section **78B-15-109, Limitation on recovery from the obligor.**
- 14777 Section **78B-15-110, Duty of attorney general and county attorney.**
- 14778 Section **78B-15-111, Default judgment.**
- 14779 Section **78B-15-112, Standard of proof.**
- 14780 Section **78B-15-113, Parent-time rights of father.**
- 14781 Section **78B-15-114, Social Security number in tribunal records.**
- 14782 Section **78B-15-115, Settlement agreements.**
- 14783 Section **78B-16-101, Title.**
- 14784 Section **78B-20-101, Title.**
- 14785 Section 390. **Effective Date.**
- 14786 This bill takes effect on September 1, 2025.
- 14787 Section 391. **Coordinating S.B. 119 with H.B. 329.**
- 14788 If S.B. 119, Domestic Relations Recodification, and H.B. 329, Homeless Services
- 14789 Amendments, both pass and become law, the Legislature intends that, on September 1, 2025,

14790 the reference in Subsection 26B-2-104(1)(a)(vi) be changed from "Subsection 78B-6-106(3)"
 14791 to "Section 81-13-104."

14792 **Section 392. Coordinating S.B. 119 with H.B. 129.**

14793 If S.B. 119, Domestic Relations Recodification, and H.B. 129, Adoption Records Access
 14794 Amendments, both pass and become law, the Legislature intends that, on September 1, 2025:

14795 (1) Subsection 26B-8-125(7) be amended to read:

14796 "(7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
 14797 Administrative Rulemaking Act, establishing procedures and the content of forms as follows:

14798 (a) for the inspection of adoption documents under Subsection [78B-6-141(4)] 81-13-103(3);

14799 [~~(b) for a birth parent's election to permit identifying information about the birth parent to~~
 14800 ~~be made available, under Section 78B-6-141;~~

14801 [~~(e)~~] ~~(b)~~ for the release of information by the mutual-consent, voluntary adoption registry[;
 14802 ~~under Section 78B-6-144]~~ as described in Section 81-13-504;

14803 [~~(d)~~] ~~(c)~~ for collecting fees and donations under Section [78B-6-144.5] 81-13-505; and

14804 [~~(e)~~] ~~(d)~~ for the review and approval of a request described in Subsection [~~(3)(d)~~] (3)(c).";

14805 (2) Section 81-13-103 (renumbered from Section 78B-6-141) in S.B. 119 be amended to
 14806 read:

14807 **[78B-6-141] 81-13-103. Court hearings -- Adoption documents -- Motion to intervene.**

14808 (1)(a) Notwithstanding Section 80-4-106, [~~court hearings in adoption cases may be closed~~
 14809 ~~to the public]~~ the court may close to the public any court hearing regarding an adoption upon
 14810 the request of a party to the [~~adoption petition and upon court approval]~~ petition for adoption.

14811 (b) In a closed hearing, the court may only admit the following individuals[~~may be admitted~~]:

14812 (i) a party to the proceeding;

14813 (ii) the adoptee;

14814 (iii) a representative of an agency having custody of the adoptee;

14815 (iv) in a hearing to relinquish parental rights, the individual whose rights are to be
 14816 relinquished and invitees of that individual to provide emotional support;

14817 (v) in a hearing on the termination of parental rights, the individual whose rights may be
 14818 terminated;

14819 (vi) in a hearing on a petition to intervene, the proposed intervenor;

14820 (vii) in a hearing to finalize an adoption, invitees of the petitioner; and

14821 (viii) other individuals for good cause, upon order of the court.

14822 (2) [~~An~~] Except as provided in Subsections (3) through (7), an adoption document and any
 14823 other documents filed in connection with a petition for adoption are sealed.

14824 [~~(3) The documents described in Subsection (2) may only be open to inspection and~~
14825 ~~copying;~~]
14826 [~~(a) in accordance with Subsection (5)(a), by a party to the adoption proceeding;~~]
14827 [~~(i) while the proceeding is pending; or]~~
14828 [~~(ii) within six months after the day on which the adoption decree is entered;~~]
14829 [~~(b) subject to Subsection (5)(b), if a court enters an order permitting access to the~~
14830 ~~documents by an individual who has appealed the denial of that individual's motion to~~
14831 ~~intervene;~~]
14832 [~~(c) upon order of the court expressly permitting inspection or copying, after good cause~~
14833 ~~has been shown;~~]
14834 [~~(d) as provided under Section 78B-6-144;~~]
14835 [~~(e) when the adoption document becomes public on the one hundredth anniversary of the~~
14836 ~~date the final decree of adoption was entered;~~]
14837 [~~(f) when the birth certificate becomes public on the one hundredth anniversary of the date~~
14838 ~~of birth;~~]
14839 [~~(g) to a mature adoptee or a parent who adopted the mature adoptee, without a court order,~~
14840 ~~unless the final decree of adoption is entered by the juvenile court under Subsection~~
14841 ~~78B-6-115(3)(b); or]~~
14842 [~~(h) to an adult adoptee, to the extent permitted under Subsection (4).]~~
14843 [~~(4)(a) An adult adoptee that was born in the state may access an adoption document~~
14844 ~~associated with the adult adoptee's adoption without a court order.]~~
14845 [~~(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
14846 [~~(ii) if the birth parents listed on the original birth certificate are deceased.]~~
14847 [~~(b) A birth parent may:]~~
14848 [~~(i) provide consent to allow the access described in Subsection (4)(a) by electing,~~
14849 ~~electronically or on a written form provided by the office, allowing the birth parent to elect to:]~~
14850 [~~(A) allow the office to provide the adult adoptee with the contact information of the birth~~
14851 ~~parent that the birth parent indicates;]~~
14852 [~~(B) allow the office to provide the adult adoptee with the contact information of an~~
14853 ~~intermediary that the birth parent indicates;]~~
14854 [~~(C) prohibit the office from providing any contact information to the adult adoptee;]~~
14855 [~~(D) allow the office to provide the adult adoptee with a noncertified copy of the original~~
14856 ~~birth certificate; and]~~
14857 [~~(ii) at any time, file, electronically or on a written document with the office, to:]~~

14858 [~~(A) change the election described in Subsection (4)(b); or]~~
14859 [~~(B) elect to make other information about the birth parent, including an updated medical~~
14860 ~~history, available for inspection by an adult adoptee.]~~
14861 [~~(e) A birth parent may not access any identifying information or an adoption document~~
14862 ~~under this Subsection (4).]~~
14863 [~~(d) If two birth parents are listed on the original birth certificate and only one birth parent~~
14864 ~~consents under Subsection (4)(b) or is deceased, the office may redact the name of the other~~
14865 ~~birth parent.]~~
14866 [~~(5)(a) An individual who files a motion to intervene in an adoption proceeding:]~~
14867 [~~(i) is not a party to the adoption proceeding, unless the motion to intervene is granted; and]~~
14868 [~~(ii) may not be granted access to the documents described in Subsection (2), unless the~~
14869 ~~motion to intervene is granted.]~~
14870 [~~(b) An order described in Subsection (3)(b) shall:]~~
14871 [~~(i) prohibit the individual described in Subsection (3)(b) from inspecting a document~~
14872 ~~described in Subsection (2) that contains identifying information of the adoptive or prospective~~
14873 ~~adoptive parent; and]~~
14874 [~~(ii) permit the individual described in Subsection (5)(b)(i) to review a copy of a document~~
14875 ~~described in Subsection (5)(b)(i) after the identifying information described in Subsection~~
14876 ~~(5)(b)(i) is redacted from the document.]~~
14877 (3) A person may only inspect and copy the documents described in Subsection (2):
14878 (a) if the adoption proceeding is pending and the person is a party to the adoption
14879 proceeding;
14880 (b) within 180 days after the day on which the final decree of adoption is entered if the
14881 person is a party to the adoption proceeding;
14882 (c) if the court enters an order expressly permitting the inspection or copying the documents
14883 after the person filed a motion to intervene and the motion to intervene was granted on appeal;
14884 (d) if the court enters an order expressly permitting the inspection or copying of the
14885 documents after good cause is shown;
14886 (e) if the office is permitted to release the documents to the person as described in Section
14887 81-13-504;
14888 (f) when the documents becomes public 100 years after the day on which the final decree of
14889 adoption was entered;
14890 (g) when the birth certificate becomes public 100 years after the day on which the adoptee
14891 was born; or

14892 (h) if the person is permitted access to the documents under Subsection (6) or (7).
14893 (4) A person who files a motion to intervene in an adoption proceeding:
14894 (a) is not a party to the adoption proceeding, unless the motion to intervene is granted; and
14895 (b) subject to Subsection (5), may not be granted access to the documents described in
14896 Subsection (2), unless the motion to intervene is granted.
14897 (5) If the court enters an order under Subsection (3)(c) or a potential birth father is made a
14898 party to the adoption proceeding upon a motion to intervene, the court shall:
14899 (a) prohibit the person described in Subsection (3)(c) or the potential birth father from
14900 inspecting a document described in Subsection (2) that contains identifying information of an
14901 adoptive or prospective adoptive parent; and
14902 (b) permit the person described in Subsection (3)(c) or the potential birth father to review a
14903 copy of the document described in Subsection (5)(a) after the identifying information of the
14904 adoptive or prospective adoptive parent is redacted from the document.
14905 (6) (a) A child adoptee, who is 18 years old or older, may access an adoption document
14906 associated with the child adoptee's adoption without a court order, unless there is a court order
14907 sealing the documents as described in this Subsection (6).
14908 (b) For a birth parent of a child adoptee, the birth parent may bring a petition in a court
14909 before the child adoptee reaches 18 years old to keep the documents described in Subsection
14910 (2) sealed for 10 years after the day on which the child adoptee reaches 18 years old.
14911 (c) If the court grants a birth parent's petition under Subsection (6)(b), the birth parent may
14912 bring a petition, every 10 years and before the court order expires, to keep the documents
14913 sealed for an additional 10 years.
14914 (d) The court may only grant a petition under Subsection (6)(b) or (6)(c) if:
14915 (i) access to the documents described in Subsection (2) would place the birth parent in
14916 reasonable fear of harm; or
14917 (ii) there is good cause to prevent access to the documents described in Subsection (2) that
14918 is similar to the good cause described in Subsection (6)(d)(i).
14919 (7) An adult adoptee, or the adoptive parent of the adult adoptee, may inspect an adoption
14920 document associated with the adult adoptee's adoption without a court order, unless the final
14921 decree of adoption is entered by the juvenile court.
14922 (8) A pre-existing parent may not access the documents described in Subsection (2)."; and
14923 (3) the changes to Section 78B-6-141 in H.B. 129 not be made.

14924 **Section 393. Coordinating S.B. 119 with H.B. 30.**

14925 If S.B. 119, Domestic Relations Recodification, and H.B. 30, Indian Family Preservation

14926 Act Amendments, both pass and become law, the Legislature intends that, on September 1,
 14927 2025, Subsection 81-13-204(3) enacted in S.B. 119 be amended to read:
 14928 "(3) In any adoption proceeding involving an Indian child as defined in Section 80-2b-101,
 14929 a child-placing agency and a petitioner shall comply with Title 80, Chapter 2b, Indian Family
 14930 Preservation Act."

14931 **Section 394. Coordinating S.B. 119 with H.B. 21.**

14932 If S.B. 119, Domestic Relations Recodification, and H.B. 21, Criminal Code
 14933 Recodification and Cross References, both pass and become law, the Legislature intends that,
 14934 on September 1, 2025, Section 81-13-201 in S.B. 119 be amended to read:

14935 **" 81-13-201. Definitions for part.**

14936 As used in this part:

14937 (1) "Sexual offense" means:

14938 (a) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses; or

14939 (b) an offense under the laws of the state where the minor child was conceived that is
 14940 substantially similar to an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses.

14941 (2) "Sexual offense" does not include:

14942 (a) an offense described in Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420; or

14943 (b) an offense under the laws of the state where the minor child was conceived that is
 14944 substantially similar to an offense described in Section 76-5-417, 76-5-418, 76-5-419, or
 14945 76-5-420."

14946 **Section 395. Coordinating S.B. 119 with H.B. 141.**

14947 If S.B. 119, Domestic Relations Recodification, and H.B. 141, Adoption Modifications,
 14948 both pass and become law, the Legislature intends that, on September 1, 2025, Subsection
 14949 81-13-403(1)(c)(i) (renumbered from Section 78B-6-128) in S.B. 119 be amended to read:

14950 "(c)(i) Unless the court otherwise requests the preplacement adoption evaluation,

14951 Subsection (1)(a) does not apply if:

14952 (A) a [~~pre-existing parent~~] birth parent has legal custody of the [~~child to be adopted~~] adoptee
 14953 and the prospective adoptive parent is related to [~~that child~~] the adoptee or the [~~pre-existing~~
 14954 parent] birth parent as a stepparent, sibling by half or whole blood or by adoption, grandparent,
 14955 aunt, uncle, or first cousin[~~, unless the court otherwise requests the preplacement adoption.~~];

14956 (B) a birth parent has or had legal custody of the adoptee, the prospective adoptive parent
 14957 was previously married to the birth parent, and the prospective adoptive parent has lived with
 14958 the adoptee for at least 180 days before the day on which the petition for adoption was filed; or

14959 (C) the adoptee has lived in the adoptive home with the prospective adoptive parent for at

14960 least one year before the day on which the petition for adoption was filed and the court finds
14961 that the adoption is in the best interest of the adoptee.".

14962 Section 396. **Coordinating S.B. 119 with H.B. 283.**

14963 If S.B. 119, Domestic Relations Recodification, and H.B. 283, Child and Family
14964 Services Amendments, both pass and become law, the Legislature intends that, on September
14965 1, 2025, Subsection 80-2-1005(1)(e) be amended to read:
14966 "(e) the subject of the report, the [~~natural~~]parents of the child, an individual who has been
14967 awarded permanent custody and guardianship of the child, and the guardian ad litem;".