

# HB0248

~~{Omitted text}~~ shows text that was in HB0248 but was omitted in HB0248S01

**inserted text** shows text that was not in HB0248 but was inserted into HB0248S01

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## Family Law Modifications

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor:

# LONG TITLE

### General Description:

This bill addresses family law issues related to spousal support, child support, custody, and parent-time.

### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the duties of the Office of Recovery Services with regard to spousal support;
- ▶ requires the director of the Office of Recovery Services to hold certain meetings for obligees and obligors and places a sunset date on the requirement;
- ▶ creates a reporting requirement for the director of the Office of Recovery Services and places a sunset date on the reporting requirement;
- ▶ addresses the collection of spousal support by the Office of Recovery Services after a child support obligation ends;
- ▶ allows a certain amount of money from a monthly child support payment to pass through to a family who is receiving public assistance on and after July 1, 2028;

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19       ▸ addresses the suspension of a driver license by the Office of Recovery Services, including the  
suspension of an individual's driver license when the individual is in arrears of at least {~~\$10,000~~  
\$35,000;

22       ▸ {~~requires a juvenile court to search and review the Xchange database before a  
postadjudication hearing for any records relating to an individual for whom the court is  
considering placing a minor or granting custody or parent-time;~~}

22       ▸ modifies the information provided by the Online Court Assistance Program;

25       ▸ provides that a delinquent payment for child support accrues interest on and after July 1,  
2027;and

27       ▸ {~~requires a court to search and review records in the Xchange database when making a  
determination about custody or parent-time; and~~}

29       ▸ makes technical and conforming changes.

### 26 Money Appropriated in this Bill:

27       None

### 28 Other Special Clauses:

29       None

### 30 Utah Code Sections Affected:

#### 31 AMENDS:

32       **7-1-1006** , as last amended by Laws of Utah 2023, Chapter 327

33       **26B-9-101** , as last amended by Laws of Utah 2025, Chapter 426

34       **26B-9-104** , as last amended by Laws of Utah 2025, Chapter 426

35       **26B-9-108** , as last amended by Laws of Utah 2025, Chapter 426

36       **26B-9-112** , as renumbered and amended by Laws of Utah 2023, Chapter 305

37       **26B-9-113** , as renumbered and amended by Laws of Utah 2023, Chapter 305

38       **26B-9-210** , as last amended by Laws of Utah 2024, Chapter 366

39       **26B-9-212** , as last amended by Laws of Utah 2024, Chapter 366

40       **26B-9-213** , as last amended by Laws of Utah 2025, Chapter 426

41       **26B-9-502** , as renumbered and amended by Laws of Utah 2023, Chapter 305

42       **63I-2-226** , as last amended by Laws of Utah 2025, Chapters 277, 414

43       **78A-2-501** , as last amended by Laws of Utah 2019, Chapter 246

47       ~~**{80-3-108, as renumbered and amended by Laws of Utah 2021, Chapter 261}**~~

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44 **81-7-101** , as enacted by Laws of Utah 2024, Chapter 366

45 **81-7-102** , as renumbered and amended by Laws of Utah 2024, Chapter 366

50 ~~{81-9-204 , as last amended by Laws of Utah 2025, Chapter 426}~~

46 ENACTS:

47 **26B-9-114** , Utah Code Annotated 1953

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

50 Section 1. Section **7-1-1006** is amended to read:

51 **7-1-1006. Inapplicable to certain official investigations.**

57 (1) Sections 7-1-1002 and 7-1-1003 do not apply if an examination of a record is a part of an official investigation by:

59 (a) local police;

60 (b) a sheriff;

61 (c) a peace officer;

62 (d) a city attorney;

63 (e) a county attorney;

64 (f) a district attorney;

65 (g) the attorney general;

66 (h) the Department of Public Safety;

67 (i) the Office of Recovery Services of the Department of Health and Human Services;

68 (j) the Insurance Department;

69 (k) the Department of Commerce;

70 (l) the Benefit Payment Control Unit or the Payment Error Prevention Unit of the Department of Workforce Services;

72 (m) the state auditor;

73 (n) the State Tax Commission; or

74 (o) the Department of Health and Human Services or its designee, when undertaking an official investigation to determine whether an individual qualifies for certain assistance programs as provided in Section 26B-3-106.

77 (2) Except for the Office of Recovery Services, if a governmental entity listed in Subsection (1) seeks a record, the entity shall obtain the record as follows:

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- (a) if the record is a nonprotected record, by request in writing that:
- (i) certifies that an official investigation is being conducted; and
- (ii) is signed by a representative of the governmental entity that is conducting the official investigation;
- or
- (b) if the record is a protected record, by obtaining:
- (i) a subpoena authorized by statute;
- (ii) other legal process:
- (A) ordered by a court of competent jurisdiction; and
- (B) served upon the financial institution; or
- (iii) written permission from all account holders of the account referenced in the record to be examined.
- (3) If the Office of Recovery Services seeks a record, the Office of Recovery Services shall obtain the record pursuant to:
- (a) Subsection [~~26B-9-104(1)(g)~~] 26B-9-104(1)(h);
- (b) Section 26B-9-205;
- (c) Section 26B-9-208; or
- (d) Title IV, Part D of the Social Security Act as codified in 42 U.S.C. 651 et seq.
- (4) A financial institution may not give notice to an account holder or person named or referenced within the record disclosed pursuant to Subsection (2)(a).
- (5) In accordance with Section 7-1-1004, the governmental entity conducting the official investigation that obtains a record from a financial institution under this section shall reimburse the financial institution for costs reasonably and directly incurred by the financial institution.
- Section 2. Section **26B-9-101** is amended to read:
- 26B-9-101. Definitions.**
- As used in this part:
- (1) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.
- (2) "Alleged father" means the same as that term is defined in Section 81-5-102.
- (3) "Assistance" means public assistance.
- (4) "Birth mother" means the same as that term is defined in Section 81-5-102.
- (5) "Child" means the same as that term is defined in Section 81-6-101.
- (6)

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

(b) "Child support" includes spousal support if:

(i) the child resides with the spouse or former spouse receiving the spousal support; and

(ii) the spousal support is collected with child support for the child.

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

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

(8) "Director" means the director of the Office of Recovery Services.

(9) "Financial institution" means:

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

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

(c) any federal credit union or state credit union as defined in the Federal Credit Union Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit union as defined in 12 U.S.C. Sec. 1786(r);

(d) a broker-dealer as defined in Section 61-1-13; or

(e) any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to do business in the state.

(10) "Financial record" means the same as that term is defined in the Right to Financial Privacy Act of 1978, 12 U.S.C. Sec. 3401.

(11)

(a) "Income" means earnings, compensation, or other payment due to an individual, regardless of source, whether denominated as wages, salary, commission, bonus, pay, or contract payment, or denominated as advances on future wages, salary, commission, bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive pay.

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- 144 (b) "Income" includes:
- 145 (i) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion  
of capital assets;
- 147 (ii) interest and dividends;
- 148 (iii) periodic payments made under pension or retirement programs or insurance policies of any type;
- 150 (iv) unemployment compensation benefits;
- 151 (v) workers' compensation benefits; and
- 152 (vi) disability benefits.
- 153 (12) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.
- 154 (13) "IV-D child support services" means child support services.
- 155 (14) "New hire registry" means the centralized new hire registry created in Section 35A-7-103.
- 157 (15) "Obligee" means an individual, this state, another state, or other comparable jurisdiction to whom  
a debt is owed or who is entitled to reimbursement of child support, spousal support, or public  
assistance.
- 160 (16) "Obligor" means a person, firm, corporation, or the estate of a decedent owing money to this  
state, to an individual, to another state, or other comparable jurisdiction in whose behalf this state is  
acting.
- 163 (17) "Office" means the Office of Recovery Services.
- 164 (18) "Parentage" means the same as that term is defined in Section 81-5-102.
- 165 (19) "Public assistance" means:
- 166 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;
- 167 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;
- 168 (c) foster care maintenance payments under Part E of Title IV of the Social Security Act, 42 U.S.C. Sec.  
670, et seq.;
- 170 (d) SNAP benefits as defined in Section 35A-1-102; or
- 171 (e) any other public funds expended for the benefit of a person in need of financial, medical, food,  
housing, or related assistance.
- 173 (20) "Spousal support" means any obligation ordered by a tribunal for the support of a spouse or former  
spouse.

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(21) "Spousal support only case" means a case for which the office is collecting spousal support for an obligee after the collection of child support has ended for that obligee as described in Section 26B-9-114.

(22) "Support order" means a child support order.

~~[(20)]~~ (23) "State case registry" means the central, automated record system maintained by the office and the central, automated district court record system maintained by the Administrative Office of the Courts, that contains records which use standardized data elements, such as names, Social Security numbers and other uniform identification numbers, dates of birth, and case identification numbers, with respect to:

(a) each case in which services are being provided by the office under the state IV-D child support services plan; and

(b) each support order established or modified in the state on or after October 1, 1998.

Section 3. Section **26B-9-104** is amended to read:

### **26B-9-104. Duties of the Office of Recovery Services.**

(1) The office ~~[has the following duties]~~ shall:

(a) except as provided in Subsection (2), ~~[to]~~provide child support services if:

(i) the office has received an application for child support services;

(ii) the state has provided public assistance; or

(iii) a child lives out of the home in the protective custody, temporary custody, or custody or care of the state;

(b) for the purpose of collecting child support, ~~[to]~~carry out the obligations of the department contained in:

(i) this chapter;

(ii) Title 81, Chapter 5, Uniform Parentage Act;

(iii) Title 81, Chapter 6, Child Support;

(iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and

(v) Title 81, Chapter 8, Uniform Interstate Family Support Act;

(c) collect a spousal support only case as described in Section 26B-9-114;

~~[(e)]~~ (d) ~~[to]~~collect money due the department which could act to offset expenditures by the state;

~~[(d)]~~ (e) ~~[to]~~cooperate with the federal government in programs designed to recover health and social service funds;

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207     ~~[(e)]~~ (f) ~~[to]~~ collect civil or criminal assessments, fines, fees, amounts awarded as restitution, and  
reimbursable expenses owed to the state or any of ~~[its]~~ the state's political subdivisions, if the office  
has contracted to provide collection services;

210     ~~[(f)]~~ (g) ~~[to]~~ implement income withholding for collection of child support in accordance with Part 3,  
Income Withholding in IV-D Cases;

212     ~~[(g)]~~ (h) ~~[to]~~ enter into agreements with financial institutions doing business in the state to develop and  
operate, in coordination with such financial institutions, a data match system in the manner provided  
for in Section 26B-9-208;

215     ~~[(h)]~~ (i) ~~[to]~~ establish and maintain the state case registry in the manner required by the Social Security  
Act, 42 U.S.C. Sec. 654a, ~~[which shall include]~~ that includes a record in each case of:

218     (i) the amount of monthly or other periodic support owed under the order, and other amounts, including  
arrearages, interest, late payment penalties, or fees, due or overdue under the order;

221     (ii) any amount described in Subsection~~[-(1)(h)(i)]~~ (1)(i)(i) that has been collected;

222     (iii) the distribution of collected amounts;

223     (iv) the birth date of any child for whom the order requires the provision of support; and

225     (v) the amount of any lien imposed with respect to the order pursuant to this part;

226     ~~[(i)]~~ (j) ~~[to]~~ contract with the Department of Workforce Services to establish and maintain the new hire  
registry created under Section 35A-7-103;

228     ~~[(j)]~~ (k) ~~[to]~~ determine whether an individual who has applied for or is receiving cash assistance or  
Medicaid is cooperating in good faith with the office as required by Section 26B-9-213;

231     ~~[(k)]~~ (l) ~~[to]~~ finance any costs incurred from collections, fees, General Fund appropriation, contracts,  
and federal financial participation;

233     ~~[(l)]~~ (m) ~~[to]~~ provide notice to a noncustodial parent in accordance with Section 26B-9-207 of the  
opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of past-due  
child support, prior to taking action against a noncustodial parent to collect the alleged past-due  
support;

237     ~~[(m)]~~ (n) ~~[to]~~ review the child support guidelines, as that term is defined in Section 81-6-101, to ensure  
the application of the guidelines results in the determination of appropriate child support award  
amounts; and

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[~~(n)~~] (o) [~~to~~] submit to the Judiciary Interim Committee, in accordance with Section 68-3-14, a summary of the review described in Subsection [~~(1)~~](~~m~~) (1)(n) on or before October 1, 2025, and every four years thereafter on or before October 1.

(2)

(a) The office may not provide child support services to the Division of Child and Family Services for a calendar month when the child to whom the child support services relate is:

[~~(a)~~] (i) in the custody of the Division of Child and Family Services; and

[~~(b)~~] (ii) lives in the home of a custodial parent of the child for more than seven consecutive days, regardless of whether:

[~~(i)~~] (A) the greater than seven consecutive day period starts during one month and ends in the next month; and

[~~(ii)~~] (B) the child is living in the home on a trial basis.

[~~(3)~~] (b) The Division of Child and Family Services is not entitled to child support, for a child to whom the child support relates, for a calendar month when child support services may not be provided under Subsection (2)(a).

[~~(4)~~] (3) To conduct the review described in Subsection [~~(1)~~](~~m~~) (1)(n), the office may consider input from the Judicial Council, members of the Utah State Bar Association representing attorneys who practice family law, individuals with economic expertise, and other interested parties.

Section 4. Section **26B-9-108** is amended to read:

**26B-9-108. Director -- Powers of office -- Representation by county attorney or attorney general -- Receipt of grants -- Rulemaking and enforcement -- Meetings.**

(1) The director of the office shall be appointed by the executive director.

(2) The office has power to administer oaths, certify to official acts, issue subpoenas, and to compel witnesses and the production of books, accounts, documents, and evidence.

(3) The office has the power to seek administrative and judicial orders to require an obligor who owes past-due support and is obligated to support a child receiving public assistance to participate in appropriate work activities if the obligor is unemployed and is not otherwise incapacitated.

(4) The office has the power to enter into reciprocal child support enforcement agreements with foreign countries consistent with federal law and cooperative enforcement agreements with Indian Tribes.

(5) The office has the power to pursue through court action the withholding, suspension, and revocation of driver's licenses, professional and occupational licenses, and recreational licenses of individuals

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owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or orders relating to parentage or child support proceedings pursuant to Section 78B-6-315.

277 (6)

(a) It is the duty of the attorney general or the county attorney of any county in which a cause of action can be filed, to represent the office.

279 (b) Neither the attorney general nor the county attorney represents or has an attorney-client relationship with the obligee or the obligor in carrying out the duties arising under this chapter.

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

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

287 (9)

(a) The director, or the director's designee, shall hold a meeting:

288 (i) at least twice per calendar year for obligors to provide feedback to the office on the office's procedures and processes that impact obligors; and

290 (ii) at least twice per calendar year for obligees to provide feedback to the office on the office's procedures and processes that impact obligees.

292 (b) The director shall provide a written report to the Health and Human Services Interim Committee on or before November 30 of each year on:

294 (i) the feedback that the director has received under Subsection (9)(a) from obligors and obligees; and

296 (ii) the steps that the office has taken to address the feedback from obligors and obligees.

293 Section 5. Section **26B-9-112** is amended to read:

294 **26B-9-112. Alternative payment by obligor through electronic funds transfer.**

300 (1)

(a) The office may enter into a written alternative payment agreement with an obligor [which] that provides for electronic payment of:

302 (i) [-]child support under Part 3, Income Withholding in IV-D Cases, or Part 4, Income Withholding in Non IV-D Cases[-] ; or

304 (ii) spousal support for a spousal support only case under Section 26B-9-114.

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(b) Electronic payment shall be accomplished through an automatic withdrawal from the obligor's account at a financial institution.

(2) The alternative payment agreement shall:

(a) provide for electronic payment of child support or spousal support in lieu of income withholding;

(b) specify the date on which electronic payments will be withdrawn from an obligor's account; and

(c) specify the amount which will be withdrawn.

(3) The office may terminate the agreement and initiate immediate income withholding, as defined in Section 26B-9-301, if:

(a) required to meet federal or state requirements or guidelines;

(b) funds available in the account at the scheduled time of withdrawal are insufficient to satisfy the agreement; or

(c) requested by the obligor.

(4)

(a) If the payment amount requires adjusting, the office may initiate a new written agreement with the obligor.

(b) If, for any reason, the office and obligor fail to agree on the terms, the office may terminate the agreement and initiate income withholding.

(5) If an agreement is terminated for insufficient funds, a new agreement may not be entered into between the office and obligor for a period of at least 12 months.

(6) The office shall make rules specifying eligibility requirements for obligors to enter into alternative payment agreements.

Section 6. Section **26B-9-113** is amended to read:

**26B-9-113. Mandatory distribution to obligee through electronic funds transfer.**

~~[(1) Notwithstanding any provision of this chapter to the contrary, the office shall, except as provided in Subsection (3), distribute child support payments, under Subsection 26B-9-312(2) or Section 26B-9-406, by electronic funds transfer.]~~

(1) Notwithstanding any provision of this chapter to the contrary, and except as provided in Subsection (3), the office shall distribute:

(a) a child support payment under Subsection 26B-9-312(2) or Section 26B-9-406 by electronic funds transfer; and

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(b) a spousal support payment for a spousal support only case under Section 26B-9-114 by electronic funds transfer.

(2) Distribution of [~~child support payments~~] a child support payment or spousal support payment by electronic payment under this section shall be made to:

(a) an account of the obligee; or

(b) an account that may be accessed by the obligee through the use of an electronic access card.

(3)

(a) Subject to Subsection (3)(b), the office may make rules, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to allow exceptions to the requirement to make distributions by electronic funds transfer under Subsection (1).

(b) The rules described in Subsection (3)(a) may only allow exceptions under circumstances where:

(i) requiring distribution by electronic funds transfer would result in an undue hardship to the office or a person; or

(ii) it is not likely that distribution will be made to the obligee on a recurring basis.

Section 7. Section 7 is enacted to read:

### **26B-9-114. Collection of spousal support after child support ends.**

(1) An obligee may request that the office continue to collect spousal support on behalf of the obligee if:

(a) the office has been collecting spousal support for the obligee as a part of child support; and

(b) the office is no longer collecting child support for the obligee and has closed the case related to the child support.

(2) Upon a request described in Subsection (1), the office shall collect spousal support until:

(a) the spousal support is no longer enforceable; or

(b) the obligee requests that the office no longer collect the spousal support on the obligee's behalf.

(3) For a spousal support only case, the office shall collect and enforce spousal support for the obligee in the same manner and to the same extent as child support, including:

(a) initiating and ordering income withholding in accordance with Part 3, Income Withholding in IV-D Cases;

(b) subpoenaing financial or other information needed to enforce the spousal support including:

(i) the name, address, and employer of an obligor that appears on the customer records of public utilities and cable television companies; and

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- 371 (ii) information held by financial institutions on such things as the assets and liabilities of the obligor;  
373 (c) requiring a public or private employer to promptly disclose information to the office on the name,  
address, date of birth, social security number, employment status, compensation, and benefits,  
including health insurance, of any person employed as an employee or contractor by the employer;  
377 (d) obtaining access to information in the records and automated databases of other state and local  
government agencies;  
379 (e) securing assets to satisfy spousal support that is past due by:  
380 (i) intercepting or seizing periodic or lump-sum payments from:  
381 (A) a state or local government agency, including unemployment compensation, workers'  
compensation, and other benefits; and  
383 (B) judgments, settlements, and lotteries; and  
384 (ii) attaching and seizing assets of an obligor held in financial institutions;  
385 (f) attaching public and private retirement funds if the obligor is:  
386 (i) receiving periodic payments; or  
387 (ii) has the authority to withdraw some or all of the funds; and  
388 (g) imposing liens against real and personal property.  
389 (4) Any action taken under Subsection (3) shall comply with the requirements described in this chapter  
for taking that same action with regard to child support.

386 Section 8. Section **26B-9-210** is amended to read:

387 **26B-9-210. Issuance or modification of an order to collect support for persons not receiving**  
**public assistance.**

The office may proceed to issue or modify an order under Section 26B-9-206 and collect  
under this part even though public assistance is not being provided on behalf of a child if the  
office provides support collection services in accordance with:

- 397 (1) an application for services provided under Title IV-D of the federal Social Security Act;  
398 (2) the continued service provisions of Subsection [~~26B-9-213(5)~~] 26B-9-213(6); or  
399 (3) the interstate provisions of Section 26B-9-209.

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

396 **26B-9-212. Collection directly from responsible parent.**

- 402 (1)

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- (a) The office may issue or modify an order under Section 26B-9-206 and collect under this part directly from a responsible parent if the procedural requirements of applicable law have been met and if public assistance is provided on behalf of that parent's child.
- 406 (b) The direct right to issue an order under this Subsection (1) is independent of and in addition to the right derived from that assigned under Section 35A-3-108.
- 408 (2) An order issuing or modifying a support obligation under Subsection (1), issued while public assistance was being provided for a child, remains in effect and may be enforced by the office under Section 26B-9-210 after provision of public assistance ceases.
- 411 (3)
- (a) The office may issue or modify an administrative order, subject to the procedural requirements of applicable law, that requires that obligee to pay to the office assigned support that an obligee receives and retains in violation of Subsection [26B-9-213(4)] 26B-9-213(5) and may reduce to judgment any unpaid balance due.
- 415 (b) The office may collect the judgment debt in the same manner as it collects any judgment for past-due support owed by an obligor.
- 417 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall have full standing and authority to establish and enforce child support obligations against an alleged parent currently or formerly in a same-sex marriage on the same terms as the Office of Recovery Services' authority against other mothers and fathers.

416 Section 10. Section **26B-9-213** is amended to read:

417 **26B-9-213. Duties of obligee after assignment of support rights.**

- 423 (1) [~~An~~] This section applies to an obligee whose rights to support have been assigned under Section 35A-3-108 as a condition of eligibility for public assistance[~~-has the following duties:~~] .

426 [~~(a)~~] (2)

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

- 428 (i) cooperate in good faith with the office by providing the name and other identifying information of the other parent of the obligee's child for the purpose of:
- 430 (A) establishing parentage; or
- 431 (B) establishing, modifying, or enforcing a child support order;
- 432 (ii) supply additional necessary information and appear at interviews, hearings, and legal proceedings; and

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- 434 (iii) submit the obligee's child and the obligee to judicially or administratively ordered genetic  
testing.
- 436 (b) The obligee may not commence an action against an obligor or file a pleading to collect or modify  
support without the office's written consent.
- 438 (c) The obligee may not do anything to prejudice the rights of the office to establish parentage, enforce  
provisions requiring health insurance, or to establish and collect support.
- 441 (d) The obligee may not agree to allow the obligor to change the court or administratively ordered  
manner or amount of payment of past, present, or future support without the office's written consent.
- 444 ~~[(2)]~~ (3)  
~~[(a)]~~ The office shall determine and redetermine, when appropriate, whether an obligee has cooperated  
with the office as required by Subsection ~~[(1)(a)]~~ (2)(a).
- 446 ~~[(b)]~~ (4) If the office determines that an obligee has not cooperated as required by Subsection ~~[(1)~~  
~~(a)]~~ (2)(a), the office shall:
- 448 ~~[(i)]~~ (a) forward the determination and the basis for it to the Department of Workforce Services, which  
shall inform the department of the determination, for a determination of whether compliance by the  
obligee should be excused on the basis of good cause or other exception; and
- 452 ~~[(ii)]~~ (b) send to the obligee:
- 453 ~~[(A)]~~ (i) a copy of the notice; and
- 454 ~~[(B)]~~ (ii) information that the obligee may, within 15 days of notice being sent:
- 455 ~~[(H)]~~ (A) contest the office's determination of noncooperation by filing a written request for an  
adjudicative proceeding with the office; or
- 457 ~~[(H)]~~ (B) assert that compliance should be excused on the basis of good cause or other exception by  
filing a written request for a good cause exception with the Department of Workforce Services.
- 460 ~~[(3)]~~ (5) The office's right to recover is not reduced or terminated if an obligee agrees to allow the  
obligor to change the court or administratively ordered manner or amount of payment of support  
regardless of whether that agreement is entered into before or after public assistance is furnished on  
behalf of a child.
- 464 ~~[(4)]~~ (6)  
(a) If an obligee receives direct payment of assigned support from an obligor, the obligee shall  
immediately deliver that payment to the office.
- 466 (b)

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- (i) If an obligee agrees with an obligor to receive payment of support other than in the court or administratively ordered manner and receives payment as agreed with the obligor, the obligee shall immediately deliver the cash equivalent of the payment to the office.
- 470 (ii) If the amount delivered to the office by the obligee under Subsection ~~[(4)(b)(i)]~~ (6)(b)(i) exceeds the amount of the court or administratively ordered support due, the office shall return the excess to the obligee.
- 473 (7) On and after July 1, 2028, the office shall distribute to an obligee, as allowed by the pass through requirements described in 42 U.S.C. Sec. 657:
- 475 (a) for a family with one child, \$100 or the entire amount of the monthly child support payment if the monthly child support payment is less than \$100; and
- 477 (b) for a family of two or more children, \$200 or the entire amount of the monthly child support payment if the monthly child support payment is less than \$200.
- 479 ~~[(5)]~~ (8)
- (a) If public assistance furnished on behalf of a child is terminated, the office may continue to provide parentage establishment and support collection services.
- 481 (b) Unless the obligee notifies the office to discontinue these services, the obligee is considered to have accepted and is bound by the rights, duties, and liabilities of an obligee who has applied for those services.
- 479 Section 11. Section **26B-9-502** is amended to read:
- 480 **26B-9-502. Suspension of driver license for child support delinquency -- Reinstatement.**
- 487 ~~[(1) Subject to the provisions of this section, the office may order the suspension of a person's driver license if the person is delinquent on a child support obligation.]~~
- 489 ~~[(2) Before ordering a suspension of a person's driver license, the office shall serve the person with a "notice of intent to suspend driver license."]~~
- 491 (1) An individual who is delinquent on a child support obligation is subject to the suspension of the individual's driver license as described in this section.
- 493 (2) Before the office orders a suspension of an individual's driver license under this section, the office shall serve an individual with a notice that the office intends to suspend the individual's driver license.
- 496 (3) The notice described in Subsection (2) shall:
- 497



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(a) be ~~[personally served or]~~ served by certified mail or personally served if the individual is unable to be served by certified mail;

(b) except as otherwise provided in this section, comply with Title 63G, Chapter 4, Administrative Procedures Act;

(c) state the amount that the [person] individual is in arrears on the [person's] individual's child support obligation; and

(d) state that, if the [person] individual desires to contest the suspension of the [person's] individual's driver license, the [person] individual must request an informal adjudicative proceeding with the office within 30 days after the day on which the notice is mailed or personally served on the individual.

(4)

(a) The office shall hold an informal adjudicative proceeding to determine whether [a person's] an individual's driver license should be suspended if the [person] individual requests a hearing within 30 days after the day on which the notice described in Subsection (2) is mailed or personally served on the [person] individual.

(b) The informal adjudicative proceeding described in Subsection (4)(a), and any appeal of the decision rendered in that proceeding, shall comply with Title 63G, Chapter 4, Administrative Procedures Act.

(5) Except as provided in ~~[Subsection (6)]~~ Subsections (6) and (7), the office may order that [a person's] an individual's driver license be suspended if:

(a) ~~[if, after the notice described in Subsection (2) is mailed or personally served, the person]~~

(i) the individual is in arrears on the individual's child support obligation; and

(ii) the individual fails to request an informal adjudicative proceeding within the time period described in Subsection (4)(a) after the notice described in Subsection (2) is mailed or personally served on the individual; or

(b) following the informal adjudicative proceeding described in Subsection (4)(a) ~~[, if]:~~

(i) the presiding officer finds that the [person] individual is delinquent on a child support obligation; and

(ii) the finding described in Subsection (5)(b)(i):

(A) is not timely appealed; or

(B) is upheld after a timely appeal becomes final.

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(6) Except as provided in Subsection (7), the office shall order that an individual's driver license be suspended if:

(a)

(i) the individual becomes delinquent at least {~~\$10,000~~} \$35,000 on or after May 6, 2026, on the individual's child support obligation;

(ii) the individual has not made a full monthly payment toward the individual's child support obligation for 60 days; and

(iii) the individual fails to request an informal adjudicative proceeding within the time period described in Subsection (4)(a) after the notice described in Subsection (2) is mailed or personally served on the individual; or

(b) following the informal adjudicative proceeding described in Subsection (4)(a):

(i) the presiding officer finds that the individual became delinquent at least {~~\$10,000~~} \$35,000 on or after May 6, 2026, on the individual's child support obligation; and

(ii) the individual has not made a full monthly payment towards the individual's child support obligation within 60 days before the day on which the {~~the~~} notice described in Subsection (2) was mailed or personally served on the individual; and

(iii) the finding described in Subsection (6)(b)(i) or (ii):

(A) is not timely appealed; or

(B) is upheld after a timely appeal becomes final.

~~[(6)]~~ (7) The office may not order the suspension of [a person's] an individual's driver license under Subsection (5) or (6) if the [person] individual:

(a) pays the full amount that the [person] individual is in arrears on the [person's] individual's child support obligation;

(b) subject to Subsection ~~[(8)]~~ (9):

(i) enters into a payment agreement with the office for the payment of the [person's] individual's current child support obligation and all arrears; and

(ii) complies with the agreement described in Subsection ~~[(6)(b)(i)]~~ (7)(b)(i) for any initial compliance period required by the agreement;

(c) obtains a judicial order staying enforcement of the [person's] individual's child support obligation or the amount in arrears; or

(d) is not currently delinquent on a child support obligation.

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- 557     ~~[(7)]~~ (8) The office shall rescind an order made by the office to suspend [a] an individual's driver  
license if the ~~[person]~~ individual:
- 559     (a) pays the full amount that the ~~[person]~~ individual is in arrears on the ~~[person's]~~ individual's child  
support obligation;
- 561     (b) subject to Subsection ~~[(8)]~~ (9):
- 562     (i) enters into a payment agreement with the office for the payment of the ~~[person's]~~ individual's current  
child support obligation and all arrears; and
- 564     (ii) complies with the agreement described in Subsection ~~[(7)(b)(i)]~~ (8)(b)(i) for any initial compliance  
period required by the agreement;
- 566     (c) obtains a judicial order staying enforcement of the ~~[person's]~~ individual's child support obligation or  
the amount in arrears; or
- 568     (d) is not currently delinquent on a child support obligation.
- 569     ~~[(8)]~~ (9) ~~[For purposes of Subsections (6)(b) and (7)(b), the]~~ For an agreement described in Subsection  
(7)(b) or (8)(b), the office shall diligently strive to enter into a fair and reasonable payment  
agreement that takes into account the ~~[person's]~~ individual's employment and financial ability to  
make payments~~[-, provided that]~~ if there is a reasonable basis to believe that the ~~[person]~~ individual  
will comply with the agreement.
- 574     ~~[(9)]~~ (10)
- 574     (a) ~~[If, after the office seeks to suspend a person's driver license under this section, it is determined~~  
~~that the person is not delinquent]~~ If it is determined that an individual is not delinquent on a child  
support obligation after the office seeks to suspend the individual's driver license under this section,  
the office shall refund to the ~~[person]~~ individual any noncustodial parent income withholding fee  
that was collected from the ~~[person]~~ individual during the erroneously alleged delinquency.
- 580     (b) Subsection ~~[(9)(a)]~~ (10)(a) does not apply if the ~~[person]~~ individual described in Subsection ~~[(9)~~  
~~(a)]~~ (10)(a) is otherwise in arrears on a child support obligation.
- 582     ~~[(10)]~~ (11)
- 582     (a) ~~[A person whose driver license is ordered suspended pursuant to this section]~~ If the office suspends  
an individual's driver license under this section, the individual may file a request with the office, on  
a form provided by the office, to have the office rescind the order of suspension if:

586

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(i) the ~~[person]~~ individual claims that, since the time of the suspension, circumstances have changed such that the ~~[person]~~ individual is entitled to have the order of suspension rescinded under Subsection ~~[(7)]~~ (8); and

(ii) the office has not rescinded the order of suspension.

~~(b) [The office shall respond, in writing, to a person described in Subsection (10);] The office shall:~~

(i) respond, in writing, to a request described in Subsection (11)(a) within 10 days after the day on which the request is filed with the office~~[-stating]~~ ; and

(ii) state in the response whether the ~~[person]~~ individual is entitled to have the order of suspension rescinded.

(c) If an individual submits a request described in Subsection (11)(a) and the office determines~~[-under Subsection (10)(b);]~~ that an order to suspend ~~[a person's]~~ the individual's driver license should be rescinded, the office shall immediately rescind the order.

(d) If an individual submits a request described in Subsection (11)(a) and the office determines~~[-under Subsection (10)(b);]~~ that an order to suspend ~~[a person's]~~ the individual's driver license should not be rescinded:

(i) the office shall~~[-as part of the response described in Subsection (10)(b), notify the person, in writing, of the reasons for that determination]~~ include the reasons for that determination in the response described in Subsection (11)(b); and

(ii) the ~~[person described in this Subsection (10)(d)]~~ individual may, within 15 days after the day on which the office sends the response described in Subsection ~~[(10)(b)]~~ (11)(b), appeal the determination of the office to ~~[district court]~~ a court with jurisdiction.

(e) The office may not require that ~~[a person]~~ an individual file the request described in ~~[Subsection (10)(a)]~~ this Subsection (11) before the office orders that an order of suspension is rescinded, if the office has already determined that the order of suspension should be rescinded under Subsection ~~[(7)]~~ (8).

~~[(11)]~~ (12) The office may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) implement the provisions of this part; and

(b) determine when the arrears described in Subsections ~~[(6) and (7)]~~ (7) and (8) are considered paid.

Section 12. Section **63I-2-226** is amended to read:

**63I-2-226. Repeal dates: Titles 26 through 26B.**

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- 621 (1) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, 2025.
- 622 (2) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review Board, is repealed  
July 1, 2025.
- 624 (3) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee -- Membership  
-- Compensation -- Duties, is repealed July 1, 2026.
- 626 (4) Section 26B-2-243, Data collection and reporting requirements concerning incidents of abuse,  
neglect, or exploitation, is repealed July 1, 2027.
- 628 (5) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and genetic  
testing, is repealed July 1, 2030.
- 630 (6) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed July 1, 2025.
- 632 (7) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is repealed July 1,  
2025.
- 634 (8) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance Program, is  
repealed July 1, 2027.
- 636 (9) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician Loan  
Repayment Program Advisory Committee, is repealed July 1, 2026.
- 638 (10) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan Repayment  
Program, is repealed July 1, 2026.
- 640 (11) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician Loan  
Repayment Program Advisory Committee, is repealed July 1, 2026.
- 642 (12) Section 26B-5-117, Early childhood mental health support grant program, is repealed January 2,  
2025.
- 644 (13) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital, is repealed  
July 1, 2025.
- 646 (14) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 647 (15) Section 26B-7-120, Invisible condition alert program education and outreach, is repealed July 1,  
2025.
- 649 (16) Subsection 26B-9-108(9), regarding public meetings on office procedures and processes, is  
repealed on July 1, 2029.

647 Section 13. Section 78A-2-501 is amended to read:

648

## HB0248 compared with HB0248S01

### 78A-2-501. Definitions -- Online Court Assistance Program -- Purpose of program -- Online Court Assistance Account -- User's fee.

(1) As used in this part:

(a) "Account" means the Online Court Assistance Account created in this section.

(b) "Program" means the Online Court Assistance Program created in this section.

(2) There is created the ["Online Court Assistance Program,[" administered by the Administrative Office of the Courts, to provide the public with information about civil procedures and to assist the public in preparing and filing civil pleadings and other papers in:

(a) uncontested divorces;

(b) enforcement of orders in the divorce decree;

(c) landlord and tenant actions;

(d) guardianship actions; and

(e) other types of proceedings approved by the board.

(3) The purpose of the program shall be to:

(a) minimize the costs of civil litigation;

(b) improve access to the courts; and

(c) provide for informed use of the courts and the law by pro se litigants.

(4) The program shall include information on how a pro se litigant can access court records from other cases that may be relevant to the pro se litigant's case, including information on how to access court records through the Xchange database.

~~[(4)]~~ (5)

(a)

(i) An additional \$20 shall be added to the filing fee established by Sections 78A-2-301 and 78A-2-301.5 if a person files a complaint, petition, answer, or response prepared through the program.

(ii) There shall be no fee for using the program or for papers filed subsequent to the initial pleading.

(b) There is created within the General Fund a restricted account known as the Online Court Assistance Account.

(c) The fees collected under this Subsection ~~[(4)]~~ (5) shall be deposited ~~[in]~~ into the restricted account and appropriated by the Legislature to the Administrative Office of the Courts to develop, operate, and maintain the program and to support the use of the program through education of the public.

## HB0248 compared with HB0248S01

[~~(5)~~] (6) The Administrative Office of the Courts shall provide on the front page of the program website a listing of all forms and proceedings available to all pro se litigants within the program.

~~{Section 13. Section 80-3-108 is amended to read: }~~

### **80-3-108. Requirements for postadjudication hearing -- Presence and statement of the minor -- Court record review.**

(1) As used in this section, "postadjudication hearing" means:

- (a) a dispositional hearing;
- (b) a permanency hearing; or
- (c) a review hearing, except a drug court review hearing.

(2) A minor shall be present at any postadjudication hearing in a case relating to the abuse, neglect, or dependency of the minor, unless the juvenile court determines that:

- (a) requiring the minor to be present at the postadjudication hearing would be detrimental to the minor or impractical; or
  - (b) the minor is not sufficiently mature to articulate the minor's wishes in relation to the hearing.
- (3) A juvenile court may, in the juvenile court's discretion, order that a minor described in Subsection (2) be present at a hearing that is not a postadjudication hearing.

(4)

(a) Except as provided in Subsection (4)(b), at any hearing in a case relating to the abuse, neglect, or dependency of a minor, when the minor is present at the hearing, the juvenile court shall:

- (i) ask the minor whether the minor desires the opportunity to address the juvenile court or testify; and
- (ii) if the minor desires an opportunity to address the juvenile court or testify, allow the minor to address the juvenile court or testify.

(b) Subsection (4)(a) does not apply if the juvenile court determines that:

- (i) it would be detrimental to the minor to comply with Subsection (4)(a); or
- (ii) the minor is not sufficiently mature to articulate the minor's wishes in relation to the hearing.

(c) Subject to applicable court rules, the juvenile court may allow the minor to address the court in camera.

(d) If a minor who is 14 years old or older desires an opportunity to address the juvenile court or testify, the juvenile court shall give the minor's desires added weight, but may not treat the minor's

## HB0248 compared with HB0248S01

desires as the single controlling factor in a postadjudication hearing or other hearing described in Subsection (3).

(e) For the purpose of establishing the fact of abuse, neglect, or dependency, the juvenile court may, in the juvenile court's discretion, consider evidence of statements made by a child under eight years old to an individual in a trust relationship.

(5) ~~[This section does]~~ Subsections (2) through (4) do not prohibit a minor from being present at a hearing that the minor is not required to be at under this section or by court order, unless the juvenile court orders otherwise.

(6)

(a) Before a postadjudication hearing, the court shall search and review records in the Xchange database relating to any individual with whom the court is considering placing the minor or granting custody or parent-time of the minor.

(b) The court may only consider relevant records described in Subsection (6)(a) when making a determination about placement, custody, or parent-time at a postadjudication hearing.

Section 14. Section **81-7-101** is amended to read:

### **81-7-101. Definitions for chapter.**

As used in this chapter:

(1) "Alimony" means the same as that term is defined in Section 81-4-101.

(2) "Child support" means the same as that term is defined in Section 81-6-101.

(3) "Child support services" means the same as that term is defined in Section 26B-9-101.

(4) "Delinquent" means a payment for child support that is overdue.

~~[(4)]~~ (5) "Obligee" means the same as that term is defined in Section 81-6-101.

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

~~[(6)]~~ (7) "Support order" means the same as that term is defined in Section 81-6-101.

~~[(7)]~~ (8) "Tribunal" means the same as that term is defined in Section 81-6-101.

Section 15. Section **81-7-102** is amended to read:

### **81-7-102. Payment under child support or alimony order -- Judgment.**

(1) All monthly payments of child support and alimony are due on the 1st day of each month in accordance with Title 26B, Chapter 9, Recovery Services and Administration of Child Support.



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- (2) For purposes of child support services and income withholding described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the 1st day of the following month.
- 715 (3) For purposes other than those specified in Subsection (1), child support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month, unless the order or decree provides for a different time for payment.
- 718 (4) Each payment or installment of child support or alimony under any support order is, on and after the date the payment or installment is due:
- 720 (a) a judgment with the same attributes and effect of any judgment of a district court, except as provided in Subsection (5);
- 722 (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction; and
- 724 (c) not subject to retroactive modification by this or any other jurisdiction, except as provided in Subsection (5).
- 726 (5)
- (a) A child support or alimony payment under a support order may be modified with respect to any period during which a modification is pending, but only from the date of service of the pleading on:
- 729 (i) the obligee if the obligor is the petitioner; or
- 730 (ii) the obligor if the obligee is the petitioner.
- 731 (b) If the tribunal orders that the support order should be modified, the effective date of the modification shall be the month following service on the party whose support is affected.
- 734 (c) Once the tribunal determines that a modification is appropriate, the tribunal shall order a judgment to be entered for any difference in the original order and the modified amount for the period from the service of the pleading until the final order of modification is entered.
- 738 (6) The judgment provided for in Subsection (4)(a), to be effective and enforceable as a lien against the real property interest of any third party relying on the public record, shall be docketed in the district court in accordance with Sections 78B-5-202 and 26B-9-214.
- 741 (7)
- (a) On and after July 1, 2027, interest shall accrue on a child support payment that is delinquent:
- 743 (i) at a rate of 6%; and
- 744 (ii) from the date on which the child support payment becomes delinquent until the date on which the child support payment is paid.

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(b) Interest only accrues under Subsection (7)(a) on the principal amount owed for child support.

~~{Section 16. Section 81-9-204 is amended to read: }~~

### **81-9-204. Custody and parent-time of a minor child -- Custody factors -- Preferences.**

(1) In a proceeding between parents in which the custody and parent-time of a minor child is at issue, the court shall consider the best interests of the minor child in determining any form of custody and parent-time.

(2) The court shall determine whether an order for custody or parent-time is in the best interests of the minor child by a preponderance of the evidence.

(3) In determining any form of custody and parent-time under Subsection (1), the court shall consider:

(a) for each parent, and in accordance with Section 81-9-104, evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, the parent, or a household member of the parent;

(b) whether the parent has intentionally exposed the minor child to:

(i) pornography; or

(ii) material harmful to minors, as "material" and "harmful to minors" are defined in Section 76-5c-101; and

(c) whether custody and parent-time would endanger the minor child's health or physical or psychological safety.

(4) In determining the form of custody and parent-time that is in the best interests of the minor child, the court may consider, among other factors the court finds relevant, the following for each parent:

(a) evidence of psychological maltreatment;

(b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the developmental needs of the minor child, including the minor child's:

(i) physical needs;

(ii) emotional needs;

(iii) educational needs;

(iv) medical needs; and

(v) any special needs;

(c) the parent's capacity and willingness to function as a parent, including:

(i) parenting skills;

(ii) co-parenting skills, including:

(A) ability to appropriately communicate with the other parent;

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- 782 (B) ability to encourage the sharing of love and affection; and  
783 (C) willingness to allow frequent and continuous contact between the minor child and the other parent,  
except that, if the court determines that the parent is acting to protect the minor child from domestic  
violence, neglect, or abuse, the parent's protective actions may be taken into consideration; and  
787 (iii) ability to provide personal care rather than surrogate care;  
788 (d) the past conduct and demonstrated moral character of the parent [~~as described in Subsection (9)~~] in  
accordance with Subsection (10);  
790 (e) the emotional stability of the parent;  
791 (f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other  
causes;  
793 (g) the parent's reason for having relinquished custody or parent-time in the past;  
794 (h) duration and depth of desire for custody or parent-time;  
795 (i) the parent's religious compatibility with the minor child;  
796 (j) the parent's financial responsibility;  
797 (k) the child's interaction and relationship with step-parents, extended family members of other  
individuals who may significantly affect the minor child's best interests;  
799 (l) who has been the primary caretaker of the minor child;  
800 (m) previous parenting arrangements in which the minor child has been happy and well-adjusted in the  
home, school, and community;  
802 (n) the relative benefit of keeping siblings together;  
803 (o) the stated wishes and concerns of the minor child, taking into consideration the minor child's  
cognitive ability and emotional maturity;  
805 (p) the relative strength of the minor child's bond with the parent, meaning the depth, quality, and nature  
of the relationship between the parent and the minor child; and  
807 (q) any other factor the court finds relevant.  
808 (5)  
(a) Before making a determination about custody or parent-time, the court shall search and review  
records in the Xchange database relating to each parent.  
810 (b) The court may only consider relevant records described in Subsection (5)(a) when making a  
determination about custody or parent-time.  
812 [~~(5)~~] (6)

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(a) A minor child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the minor child be heard and there is no other reasonable method to present the minor child's testimony.

816 (b)

(i) The court may inquire and take into consideration the minor child's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the minor child's custody or parent-time otherwise.

820 (ii) The desires of a minor child who is 14 years old or older shall be given added weight, but is not the single controlling factor.

822 (c)

(i) If an interview with a minor child is conducted by the court in accordance with Subsection [~~(5)~~ ~~(b)~~] (6)(b), the interview shall be conducted by the court in camera.

824 (ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a minor child is the only method to ascertain the minor child's desires regarding custody.

827 [~~(6)~~] (7)

(a) Except as provided in Subsection [~~(6)(b)~~] (7)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.

831 (b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:

834 (i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the minor child at issue; and

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

839 (c) Nothing in this section may be construed to apply to adoption proceedings under Chapter 13, Adoption.

841 [~~(7)~~] (8) This section does not establish:

842 (a) a preference for either parent solely because of the gender of the parent; or

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- 843 (b) a preference for or against joint physical custody or sole physical custody, but allows the court and  
the family the widest discretion to choose a parenting plan that is in the best interest of the minor  
child.
- 846 ~~[(8)]~~ (9) When an issue before the court involves custodial responsibility in the event of a deployment  
of a parent who is a service member and the service member has not yet been notified of  
deployment, the court shall resolve the issue based on the standards in Sections 81-10-306 through  
81-10-309.
- 850 ~~[(9)]~~ (10) In considering the past conduct and demonstrated moral standards of each party under  
Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 852 (a)
- (i) consider or treat a parent's lawful possession or use of cannabis in a medicinal dosage form, a  
cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title  
4, Chapter 41a, Cannabis Production Establishments and Pharmacies, Title 26B, Chapter 4, Part  
2, Cannabinoid Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently  
than the court would consider or treat the lawful possession or use of any prescribed controlled  
substance; or
- 859 (ii) discriminate against a parent because of the parent's status as a:
- 860 (A) cannabis production establishment agent, as that term is defined in Section 4-41a-102;
- 862 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 863 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or
- 865 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research  
and Medical Cannabis; or
- 867 (b) discriminate against a parent based upon the parent's agreement or disagreement with a minor child  
of the couple's:
- 869 (i) assertion that the minor child's gender identity is different from the minor child's biological sex;
- 871 (ii) practice of having or expressing a different gender identity than the minor child's biological sex; or
- 873 (iii) sexual orientation.
- 874 ~~[(10)]~~ (11)
- (a) The court shall consider evidence of domestic violence if evidence of domestic violence is  
presented.

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(b) The court shall consider as primary, the safety and well-being of the minor child and the parent who experiences domestic violence.

(c) A court shall consider an order issued by a court in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or substantiated potential harm to the minor child.

(d) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regards to the application of Section 81-9-209.

~~[(11)]~~ (12) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the minor child:

(a) it is in the best interest of the minor child to have frequent, meaningful, and continuing access to each parent following separation or divorce;

(b) each parent is entitled to and responsible for frequent, meaningful, and continuing access with the parent's minor child consistent with the minor child's best interests; and

(c) it is in the best interest of the minor child to have both parents actively involved in parenting the minor child.

~~[(12)]~~ (13) Notwithstanding any other provision of this chapter, the court may not grant custody or parent-time of a minor child to a parent convicted of a sexual offense, as defined in Section 77-37-2, that resulted in the conception of the minor child unless:

(a) the nonconvicted biological parent, or the legal guardian of the minor child, consents to custody or parent-time and the court determines it is in the best interest of the minor child to award custody or parent-time to the convicted parent; or

(b) after the date of the conviction, the convicted parent and the nonconvicted parent cohabit and establish a mutual custodial environment for the minor child.

~~[(13)]~~ (14) A denial of custody or parent-time under Subsection ~~[(12)]~~ (13) does not:

(a) terminate the parental rights of the parent denied parent-time or custody; or

(b) affect the obligation of the convicted parent to financially support the minor child.

Section 16. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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