

# SB0257S02 compared with SB0257

{Omitted text} shows text that was in SB0257 but was omitted in SB0257S02

inserted text shows text that was not in SB0257 but was inserted into SB0257S02

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1 **Domestic Relations Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to domestic relations.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ amends definitions for, and the use of, "parent" and "natural parent" throughout the Utah Code to reflect the definition of a parent-child relationship under Title 81, Chapter 5, Uniform Parentage Act;

11 ▶ creates definitions related to the definition of "parent";

12 ▶ requires the Office of Recovery Services to review the requirements for calculating a minimal child support award for a child support order and to report to the Judiciary Interim Committee regarding the review;

15 ▶ clarifies language regarding the parent-child relationship for purposes of intestate succession;

17 ▶ provides that the district court of each judicial district assign any case or proceeding involving the same child or family to a single judge;

19 ▶

SB0257

## SB0257 compared with SB0257S02

~~{ requires at least one party to }~~ modifies the requirements for a marriage ~~{ to be }~~ license with regard to parties that are not physically present in the state ~~{ at }~~ in the ~~{ time of the marriage }~~ same location as the officiant;

- 21       ▶ ~~{ provides that a marriage solemnized on or after May 6, 2026, is prohibited and void if: }~~
- 22             • ~~{ the marriage is solemnized remotely through electronic means; }~~
- 23             • ~~{ both individuals marrying are not residents of the state; and }~~
- 24             • ~~{ the individuals marrying are not located in the same location in the state when the marriage is solemnized; }~~
- 26       ▶ provides that a man is not presumed to be the father of a child in certain circumstances;
- 27       ▶ addresses the authority of a court to deny a motion for genetic testing, or disregard genetic test results, in a parentage proceeding;
- 29       ▶ defines terms related to child support;
- 30       ▶ modifies the requirements for child care expenses in a child support order, including the requirements for a minimal child care award;
- 32       ▶ provides that the base child support award is automatically adjusted for the remaining children in the child support order when parental rights to a child are terminated for the parent who is obligated to pay child support;
- 35       ▶ creates a table for the purposes of establishing a minimal child care award for certain child support orders entered or modified on or after January 1, 2027;
- 37       ▶ clarifies the list of offenses requiring notification when a parent is residing with an individual, or providing an individual with access to the parent's minor child, who has been convicted of an offense;
- 40       ▶ provides that a court may not require a parent in a custody and parent-time proceeding to disclose the parent's address if the parent relocated due to domestic violence or family violence by the other parent;
- 43       ▶ addresses the establishment and modification of a parent-time schedule;
- 44       ▶ clarifies the list of offenses related to when a court may order supervised parent-time;
- 45       ▶ clarifies, for purposes of modifying custody due to a substantial and material change, the list of offenses for when a parent is residing with an individual, or providing an individual with access to the parent's minor child, and the parent knows that the individual has been convicted of an offense;
- 49       ▶ addresses a change of custody or parent-time for a minor child who turns five years old;
- 50       ▶

## SB0257 compared with SB0257S02

addresses make-up parent-time when a parent has been denied parent-time due to an investigation by the Division of Child and Family Services;

- 52       ▶ modifies the parent-time requirements upon the relocation of a parent;
- 53       ▶ addresses telephone contact and virtual parent-time for a noncustodial parent when a parent relocates;
- 55       ▶ requires the time periods for extended parent-time by a parent for summer break or off-track time to be consecutive;
- 57       ▶ modifies the parent-time schedules to address consistency issues;
- 58       ▶ modifies the parent-time schedules for Mother's Day and Father's Day;
- 59       ▶ removes Columbus Day and Veterans Day as holidays in the parent-time schedules;
- 60       ▶ clarifies the list of offenses regarding when a court cannot grant custody to an individual who is convicted, pleads guilty, or pleads no contest to an offense; {and}
- 62       ▶ makes technical and conforming corrections{:} ;
- 58       ▶ includes a coordination clause to modify a term if this bill and H.B. 30, Human Trafficking, Exploitation, and Smuggling Amendments, both pass and become law; and
- 60       ▶ includes a coordination clause to address a substantive conflict with the parent-time schedule for Juneteenth National Freedom Day if this bill and H.B. 309, Juneteenth Observance Amendments, both pass and become law.

### 63 Money Appropriated in this Bill:

64       None

### 65 Other Special Clauses:

66       This bill provides coordination clauses.

### 67 Utah Code Sections Affected:

68 AMENDS:

69       **13-76-101** , as enacted by Laws of Utah 2025, Chapter 446

70       **26B-3-222** , as last amended by Laws of Utah 2024, Chapter 247

71       **26B-8-301** , as renumbered and amended by Laws of Utah 2023, Chapter 306

72       **26B-9-104** , as last amended by Laws of Utah 2025, Chapter 426

73       **53-29-101** , as enacted by Laws of Utah 2025, Chapter 291

74       **53-29-201** , as enacted by Laws of Utah 2025, Chapter 291

75       **53-29-202** , as enacted by Laws of Utah 2025, Chapter 291

## **SB0257 compared with SB0257S02**

76 **53-29-203** , as enacted by Laws of Utah 2025, Chapter 291  
77 **53-29-205** , as enacted by Laws of Utah 2025, Chapter 291  
78 **53-29-307** , as renumbered and amended by Laws of Utah 2025, Chapter 291  
79 **53-29-405** , as enacted by Laws of Utah 2025, Chapter 291  
80 **53-30-101** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
81 **53E-1-102** , as last amended by Laws of Utah 2025, Chapter 343  
82 **53E-3-907** , as renumbered and amended by Laws of Utah 2018, Chapter 1  
83 **53E-3-1204** , as enacted by Laws of Utah 2025, Chapter 438  
84 **53H-11-202** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8  
86 **59-10-1005** , as last amended by Laws of Utah 2022, Chapter 456  
87 **63A-17-806** , as last amended by Laws of Utah 2025, Chapter 494  
88 **75-2-114** , as last amended by Laws of Utah 2025, Chapter 426  
89 **75-2-705** , as enacted by Laws of Utah 1998, Chapter 39  
90 **76-2-409** , as enacted by Laws of Utah 2020, Chapter 411  
91 **76-5-301.2** , as last amended by Laws of Utah 2025, Chapter 426  
92 **76-5-404.1** , as last amended by Laws of Utah 2025, Chapters 223, 320  
93 **78A-5-103** , as renumbered and amended by Laws of Utah 2008, Chapter 3  
94 **78A-6-104** , as last amended by Laws of Utah 2025, Chapter 426  
95 **78B-7-102** , as last amended by Laws of Utah 2025, Chapters 212, 332  
96 **80-1-102** , as last amended by Laws of Utah 2025, Chapter 426  
97 **81-1-101** , as last amended by Laws of Utah 2025, Chapter 426  
98 **81-2-302** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
99 **81-2-303** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
100 **81-2-403** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
101 **81-4-104** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
102 **81-5-102** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
103 **81-5-204** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
104 **81-5-608** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
105 **81-5-609** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
106 **81-5-705** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
107 **81-6-101** , as last amended by Laws of Utah 2025, First Special Session, Chapter 11

## SB0257 compared with SB0257S02

108 **81-6-202** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
109 **81-6-213** , as enacted by Laws of Utah 2024, Chapter 366  
110 **81-9-202** , as last amended by Laws of Utah 2025, Chapter 426  
111 **81-9-204** , as last amended by Laws of Utah 2025, Chapter 426  
112 **81-9-206** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
113 **81-9-207** , as last amended by Laws of Utah 2025, Chapter 284  
114 **81-9-208** , as last amended by Laws of Utah 2025, Chapter 426  
115 **81-9-209** , as last amended by Laws of Utah 2025, Chapter 426  
116 **81-9-302** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
117 **81-9-303** , as last amended by Laws of Utah 2025, Chapter 426  
118 **81-9-304** , as renumbered and amended by Laws of Utah 2024, Chapter 366  
119 **81-9-402** , as last amended by Laws of Utah 2025, Chapter 426  
120 **81-13-204** , as enacted by Laws of Utah 2025, Chapter 426  
121 **81-13-205** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
122 **81-13-207** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
123 **81-13-212** , as renumbered and amended by Laws of Utah 2025, Chapter 426  
124 **81-13-213** , as renumbered and amended by Laws of Utah 2025, Chapter 426

### ENACTS:

126 **81-6-306** , Utah Code Annotated 1953

### REPEALS AND REENACTS:

128 **81-6-209** , as last amended by Laws of Utah 2025, Chapter 479

### REPEALS:

130 **81-6-209.5** , as enacted by Laws of Utah 2025, Chapter 479

### Utah Code Sections affected by Coordination Clause:

132 **53-29-202 (05/06/26)** , as enacted by Laws of Utah 2025, Chapter 291

133 **53-29-203 (05/06/26)** , as enacted by Laws of Utah 2025, Chapter 291

134 **81-9-302 (01/01/27)** , as as renumbered and amended by Laws of Utah 2024, Chapter 366

135 **81-9-303 (01/01/27)** , as as last amended by Laws of Utah 2025, Chapter 426

136 **81-9-304 (01/01/27)** , as as renumbered and amended by Laws of Utah 2024, Chapter 366

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

## SB0257 compared with SB0257S02

139 Section 1. Section **13-76-101** is amended to read:

140 **13-76-101. Definitions.**

As used in this chapter:

- 136 (1) "Age category" means one of the following categories of individuals based on age:
- 137 (a) "child" which means an individual who is under 13 years old;
- 138 (b) "younger teenager" which means an individual who is at least 13 years old and under 16 years old;
- 140 (c) "older teenager" which means an individual who is at least 16 years old and under 18 years old; or
- 142 (d) "adult" which means an individual who is at least 18 years old.
- 143 (2) "Age category data" means information about a user's age category that is:
- 144 (a) collected by an app store provider; and
- 145 (b) shared with a developer.
- 146 (3) "Age rating" means a classification that provides an assessment of the suitability of an app's content  
for different age groups.
- 148 (4) "App" means a software application or electronic service that a user may run or direct on a mobile  
device.
- 150 (5) "App store" means a publicly available website, software application, or electronic service that  
allows users to download apps from third-party developers onto a mobile device.
- 153 (6) "App store provider" means a person that owns, operates, or controls an app store that allows users  
in the state to download apps onto a mobile device.
- 155 (7) "Content description" means a description of the specific content elements that informed an app's  
age rating.
- 157 (8) "Developer" means a person that owns or controls an app made available through an app store in the  
state.
- 159 (9) "Division" means the Division of Consumer Protection, established in Section 13-2-1.
- 160 (10) "Knowingly" means to act with actual knowledge or to act with knowledge fairly inferred based on  
objective circumstances.
- 162 (11) "Minor" means an individual under 18 years old.
- 163 (12) "Minor account" means an account with an app store provider that:
- 164 (a) is established by an individual who the app store provider has determined is under 18 years old  
through the app store provider's age verification methods; and
- 166 (b) requires affiliation with a parent account.

## SB0257 compared with SB0257S02

- 167 (13) "Mobile device" means a phone or general purpose tablet that:
- 168 (a) provides cellular or wireless connectivity;
- 169 (b) is capable of connecting to the ~~[Internet]~~ internet;
- 170 (c) runs a mobile operating system; and
- 171 (d) is capable of running apps through the mobile operating system.
- 172 (14) "Mobile operating system" means software that:
- 173 (a) manages mobile device hardware resources;
- 174 (b) provides common services for mobile device programs;
- 175 (c) controls memory allocation; and
- 176 (d) provides interfaces for applications to access device functionality.
- 177 (15) "Parent" means, with respect to a minor, any of the following individuals who have legal authority to make decisions on behalf of the minor:
- 179 ~~[(a) an individual with a parent-child relationship under Section 78B-15-201;]~~
- 180 (a) an individual who has a parent-child relationship, as defined in Section 81-5-102, with the minor;
- 182 (b) a legal guardian; or
- 183 (c) an individual with legal custody.
- 184 (16) "Parent account" means an account with an app store provider that:
- 185 (a) is verified to be established by an individual who the app store provider has determined is at least 18 years old through the app store provider's age verification methods; and
- 188 (b) may be affiliated with one or more minor accounts.
- 189 (17) "Parental consent disclosure" means the following information that an app store provider is required to provide to a parent before obtaining parental consent:
- 191 (a) if the app store provider has an age rating for the app or in-app purchase, the app's or in-app purchase's age rating;
- 193 (b) if the app store provider has a content description for the app or in-app purchase, the app's or in-app purchase's content description;
- 195 (c) a description of:
- 196 (i) the personal data collected by the app from a user; and
- 197 (ii) the personal data shared by the app with a third party; and
- 198 (d) if personal data is collected by the app, the methods implemented by the developer to protect the personal data.

## SB0257 compared with SB0257S02

200 (18) "Significant change" means a material modification to an app's terms of service or privacy policy  
that:

202 (a) changes the categories of data collected, stored, or shared;

203 (b) alters the app's age rating or content descriptions;

204 (c) adds new monetization features, including:

205 (i) in-app purchases; or

206 (ii) advertisements; or

207 (d) materially changes the app's:

208 (i) functionality; or

209 (ii) user experience.

210 (19) "Verifiable parental consent" means authorization that:

211 (a) is provided by an individual who the app store provider has verified is an adult;

212 (b) is given after the app store provider has clearly and conspicuously provided the parental consent  
disclosure to the individual; and

214 (c) requires the parent to make an affirmative choice to:

215 (i) grant consent; or

216 (ii) decline consent.

223 Section 2. Section **26B-3-222** is amended to read:

224 **26B-3-222. Medicaid waiver expansion for extraordinary care reimbursement.**

219 (1) As used in this section:

220 (a) "Existing home and community-based services waiver" means an existing home and community-  
based services waiver in the state that serves an individual:

222 (i) with an acquired brain injury;

223 (ii) with an intellectual or physical disability; or

224 (iii) who is 65 years old or older.

225 (b) "Guardian" means a person appointed by a court to manage the affairs of a living individual.

227 (c) "Parent" means ~~a biological parent, adoptive parent, or step-parent of an individual~~ :

228 (i) an individual who has a parent-child relationship, as defined in Section 81-5-102, with the other  
individual; or

230 (ii) a step-parent of the individual.

231 (d) "Personal care services" means a service that:

## SB0257 compared with SB0257S02

- 232 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital, nursing facility,  
intermediate care facility, or institution for mental diseases;
- 234 (ii) is authorized for an individual described in Subsection (1)(d)(i) in accordance with a plan of  
treatment;
- 236 (iii) is provided by an individual who is qualified to provide the services; and
- 237 (iv) is furnished in a home or another community-based setting.
- 238 (e) "Waiver enrollee" means an individual who is enrolled in an existing home and community-based  
services waiver.
- 240 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an existing  
home and community-based services waiver to implement a program to offer reimbursement to  
an individual who provides personal care services that constitute extraordinary care to a waiver  
enrollee who is the individual's spouse.
- 244 (3) If CMS approves the amendment described in Subsection (2), the department shall implement the  
program described in Subsection (2).
- 246 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, define "extraordinary care" for purposes of Subsection (2).
- 249 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an existing  
home and community-based services waiver to implement a program to offer reimbursement to  
an individual who provides personal care services that constitute extraordinary care to a waiver  
enrollee to whom the individual is a parent or guardian.
- 253 (6) If CMS approves the amendment described in Subsection (5), the department shall implement the  
program described in Subsection (5).
- 255 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, define "extraordinary care" for purposes of Subsection (5).
- 264 Section 3. Section **26B-8-301** is amended to read:
- 265 **26B-8-301. Definitions.**
- As used in this part:
- 261 (1) "Adult" means an individual who is at least 18 years old.
- 262 (2) "Agent" means an individual:
- 263 (a) authorized to make health care decisions on the principal's behalf by a power of attorney for health  
care; or

## SB0257 compared with SB0257S02

- 265 (b) expressly authorized to make an anatomical gift on the principal's behalf by any other record signed  
by the principal.
- 267 (3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's  
death for the purpose of transplantation, therapy, research, or education.
- 269 (4) "Decedent" means:
- 270 (a) a deceased individual whose body or part is or may be the source of an anatomical gift; and
- 272 (b) includes:
- 273 (i) a stillborn infant; and
- 274 (ii) subject to restrictions imposed by law other than this part, a fetus.
- 275 (5)
- (a) "Disinterested witness" means:
- 276 (i) a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the  
individual who makes, amends, revokes, or refuses to make an anatomical gift; or
- 279 (ii) another adult who exhibited special care and concern for the individual.
- 280 (b) "Disinterested witness" does not include a person to which an anatomical gift could pass under  
Section 26B-8-310.
- 282 (6)
- (a) "Document of gift" means a donor card or other record used to make an anatomical gift. [~~The term~~]
- 284 (b) "Document of gift" includes a statement or symbol on a driver license, identification card, or donor  
registry.
- 286 (7) "Donor" means an individual whose body or part is the subject of an anatomical gift.
- 287 (8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or  
revocations of anatomical gifts.
- 289 (9) "Driver license" means a license or permit issued by the Driver License Division of the Department  
of Public Safety, to operate a vehicle, whether [~~or not~~] conditions are attached to the license or  
permit.
- 292 (10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to  
engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or  
portions of human eyes.
- 295 (11) "Guardian":
- 296

## SB0257 compared with SB0257S02

- (a) means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual; and
- 298 (b) does not include a guardian ad litem.
- 299 (12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.
- 301 (13) "Identification card" means an identification card issued by the Driver License Division of the Department of Public Safety.
- 303 (14) "Know" means to have actual knowledge.
- 304 (15) "Minor" means an individual who is under 18 years~~[of age]~~ old.
- 305 (16) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.
- 308 (17) "Parent" means~~[a parent whose parental rights have not been terminated.]~~ , with respect to a minor, an individual:
- 310 (a) who has a parent-child relationship, as defined in Section 81-5-102, with the minor; and
- 312 (b) whose parental rights have not been terminated.
- 313 (18)
- (a) "Part" means an organ, an eye, or tissue of a human being. ~~[The term]~~
- 314 (b) "Part" does not include the whole body.
- 315 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- 319 (20) "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.
- 321 (21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.
- 323 (22) "Prospective donor":
- 324 (a) means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education; and
- 327 (b) does not include an individual who has made a refusal.
- 328

## SB0257 compared with SB0257S02

- (23) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.
- 331 (24) "Recipient" means an individual into whose body a decedent's part has been or is intended to be  
transplanted.
- 333 (25) "Record" means information that is inscribed on a tangible medium or that is stored in an  
electronic or other medium and is retrievable in perceivable form.
- 335 (26) "Refusal" means a record created under Section 26B-8-306 that expressly states an intent to bar  
other persons from making an anatomical gift of an individual's body or part.
- 338 (27) "Sign" means, with the present intent to authenticate or adopt a record:
- 339 (a) to execute or adopt a tangible symbol; or
- 340 (b) to attach to or logically associate with the record an electronic symbol, sound, or process.
- 342 (28) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States  
Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- 345 (29) "Technician":
- 346 (a) means an individual determined to be qualified to remove or process parts by an appropriate  
organization that is licensed, accredited, or regulated under federal or state law; and
- 349 (b) includes an enucleator.
- 350 (30)
- (a) "Tissue" means a portion of the human body other than an organ or an eye.
- 351 (b) ~~[The term]~~ "Tissue" does not include blood unless the blood is donated for the purpose of research  
or education.
- 353 (31) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to  
engage in the recovery, screening, testing, processing, storage, or distribution of tissue.
- 356 (32) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and  
surgical specialty services required for the care of transplant patients.
- 364 Section 4. Section **26B-9-104** is amended to read:
- 365 **26B-9-104. Duties of the Office of Recovery Services.**
- 360 (1) The office ~~[has the following duties]~~ shall:
- 361 (a) except as provided in Subsection (2), ~~[to]~~ provide child support services if:
- 362 (i) the office has received an application for child support services;

## SB0257 compared with SB0257S02

- 363 (ii) the state has provided public assistance; or  
364 (iii) a child lives out of the home in the protective custody, temporary custody, or custody or care of the  
state;
- 366 (b) for the purpose of collecting child support, [tø]carry out the obligations of the department contained  
in:
- 368 (i) this chapter;  
369 (ii) Title 81, Chapter 5, Uniform Parentage Act;  
370 (iii) Title 81, Chapter 6, Child Support;  
371 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and  
372 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;
- 373 (c) [tø]collect money due the department which could act to offset expenditures by the state;  
375 (d) [tø]cooperate with the federal government in programs designed to recover health and social service  
funds;
- 377 (e) [tø]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;
- 380 (f) [tø]implement income withholding for collection of child support in accordance with Part 3, Income  
Withholding in IV-D Cases;
- 382 (g) [tø]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;
- 385 (h) [tø]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:
- 388 (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;  
391 (ii) any amount described in Subsection (1)(h)(i) that has been collected;  
392 (iii) the distribution of collected amounts;  
393 (iv) the birth date of any child for whom the order requires the provision of support; and  
395 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 396 (i) [tø]contract with the Department of Workforce Services to establish and maintain the new hire  
registry created under Section 35A-7-103;

## SB0257 compared with SB0257S02

- 398 (j) ~~[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;
- 401 (k) ~~[to]~~finance any costs incurred from collections, fees, General Fund appropriation, contracts, and  
federal financial participation;
- 403 (l) ~~[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]~~ before taking action against a noncustodial parent to collect the alleged past-due support;
- 407 (m) ~~[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]~~
- 410 (n) review the requirements for calculating a minimal child care award under Title 81, Chapter 6, Child  
Support, to ensure the application of the requirements results in the determination of appropriate  
minimal child care awards; and
- 413 ~~[(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) on or before October 1, 2025]~~ reviews  
described in Subsections (1)(m) and (n) on or before October 1, 2029, and every four years  
thereafter on or before October 1.
- 417 (2) 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:
- 420 (a) in the custody of the Division of Child and Family Services; and
- 421 (b) lives in the home of a custodial parent of the child for more than seven consecutive days, regardless  
of whether:
- 423 (i) the greater than seven consecutive day period starts during one month and ends in the next month;  
and
- 425 (ii) the child is living in the home on a trial basis.
- 426 (3) 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).
- 429 (4) To conduct the review described in Subsection (1)(m) or (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.

## SB0257 compared with SB0257S02

439 Section 5. Section **53-29-101** is amended to read:

440 **53-29-101. Definitions.**

As used in this chapter:

436 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety  
established in Section 53-10-201.

438 (2) "Certificate of eligibility" means the certificate issued by the bureau described in Section 53-29-207.

440 (3) "Child" means an individual who is younger than 18 years old.

441 [~~(3)~~] (4) "Child abuse offender" means an individual who meets the requirements under Subsection  
53-29-202(2)(a).

443 [~~(4)~~] (5)

(a) "Convicted" means a plea or conviction of:

444 (i) guilty;

445 (ii) guilty with a mental illness; or

446 (iii) no contest.

447 (b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a plea is held in  
abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.

450 (c) "Convicted" does not include:

451 (i) a withdrawn or dismissed plea in abeyance;

452 (ii) a diversion agreement; or

453 (iii) an adjudication of a minor for an offense under Section 80-6-701.

454 [~~(5)~~] (6) "Division" means the Division of Juvenile Justice and Youth Services.

455 [~~(6)~~] (7) "Employed" means employment that is full time or part time, whether financially compensated,  
volunteered, or for the purpose of government or educational benefit.

457 [~~(7)~~] (8) "Kidnap offender" means an individual who meets the requirements under Subsection  
53-29-202(2)(c).

459 [~~(8)~~] (9) "Offender" means an individual who qualifies as a sex offender, a kidnap offender, or a child  
abuse offender as described in Section 53-29-202.

461 [~~(9)~~] (10)

(a) "Online identifier" means any electronic mail, chat, instant messenger, social networking, or similar  
name used for [~~Internet~~] internet communication.

463

## SB0257 compared with SB0257S02

(b) "Online identifier" does not include date of birth, social security number, PIN number, or  
[Internet] internet passwords.

465 (11)

(a) "Parent" means, with respect to a child, an individual who has a parent-child relationship, as defined  
in Section 81-5-102, with the child.

467 (b) "Parent" includes a noncustodial parent of the child.

468 [(10)] (12) "Primary residence" means the location where an offender regularly resides, even if the  
offender intends to move to another location or return to another location at a future date.

471 [(11)] (13) "Registrable offense" means an offense described in Subsection 53-29-202(1).

472 [(12)] (14) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification and  
Registration website described in Section 53-29-404.

474 [(13)] (15) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry maintained by the  
department and created in Section 53-29-102 to monitor and track offenders.

477 [(14)] (16) "Registry office" means the office within the department that manages the Sex, Kidnap, and  
Child Abuse Offender Registry.

479 [(15)] (17) "Sex offender" means an individual who meets the requirements under Subsection  
53-29-202(2)(b).

481 [(16)] (18) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in any  
jurisdiction.

489 Section 6. Section **53-29-201** is amended to read:

490 **53-29-201. Definitions.**

As used in this part:

486 (1) "Court" means a state, federal, or military court.

487 (2) "External jurisdiction" means:

488 (a) a state of the United States not including Utah;

489 (b) the United States federal government;

490 (c) Indian country;

491 (d) a United States territory;

492 (e) the United States military; or

493 (f) Canada, Australia, New Zealand, or the United Kingdom.

494 (3) "Indian country" means:

## SB0257 compared with SB0257S02

- 495 (a) all land within the limits of an Indian reservation under the jurisdiction of the United States  
government, regardless of the issuance of any patent, and includes rights-of-way running through  
the reservation;
- 498 (b) all dependent Indian communities within the borders of the United States whether within the  
original or subsequently acquired territory, and whether [~~or not~~] within the limits of a state; and
- 501 (c) all Indian allotments, including the Indian allotments to which the Indian titles have not been  
extinguished, including rights-of-way running through the allotments.
- 503 [~~(4) "Natural parent" means a minor's biological or adoptive parent, including the minor's noncustodial  
parent.~~]
- 505 [~~(5)~~ (4) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the  
Influence and Reckless Driving.
- 514 Section 7. Section **53-29-202** is amended to read:
- 515 **53-29-202. Registrable offenses -- Status as a sex offender, kidnap offender, and child abuse  
offender established.**
- 510 (1) An individual is an offender described in Subsection (2) and subject to the requirements,  
restrictions, and penalties described in this chapter if the individual:
- 512 (a) has been convicted in this state of:
- 513 (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 514 (ii) child torture under Section 76-5-109.4;
- 515 (iii) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417;
- 517 (iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 518 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
- 519 (vi) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
- 521 (vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 522 (viii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
- 524 (ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided in Subsection  
76-5-401(3)(b) or (c);
- 526 (x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense unless the  
individual was younger than 21 years old at the time of the offense then on the individual's second  
offense;
- 529 (xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;

## SB0257 compared with SB0257S02

- 530 (xii) rape under Section 76-5-402;
- 531 (xiii) rape of a child under Section 76-5-402.1;
- 532 (xiv) object rape under Section 76-5-402.2;
- 533 (xv) object rape of a child under Section 76-5-402.3;
- 534 (xvi) a felony violation of forcible sodomy under Section 76-5-403;
- 535 (xvii) sodomy on a child under Section 76-5-403.1;
- 536 (xviii) forcible sexual abuse under Section 76-5-404;
- 537 (xix) sexual abuse of a child under Section 76-5-404.1;
- 538 (xx) aggravated sexual abuse of a child under Section 76-5-404.3;
- 539 (xxi) aggravated sexual assault under Section 76-5-405;
- 540 (xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18  
years old and the offense is committed on or after May 10, 2011;
- 542 (xxiii) sexual exploitation of a minor under Section 76-5b-201;
- 543 (xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 544 (xxv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- 545 (xxvi) incest under Section 76-7-102;
- 546 (xxvii) lewdness under Section 76-5-419, if the individual has been convicted of the offense four or  
more times;
- 548 (xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of the offense four  
or more times;
- 550 (xxix) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under  
Section 76-5-418, that total four or more convictions;
- 552 (xxx) lewdness involving a child under Section 76-5-420;
- 553 (xxxi) a felony or class A misdemeanor violation of:
- 554 (A) voyeurism under Section 76-12-306;
- 555 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 556 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 557 (xxxii) aggravated exploitation of prostitution under Section 76-5d-208;
- 558 (xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the ~~natural~~ parent  
of the child victim;
- 560

## SB0257 compared with SB0257S02

- (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the ~~[natural]~~parent of the child victim;
- 562 (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the ~~[natural]~~parent of the child victim;
- 564 (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not the ~~[natural]~~parent of the child victim;
- 566 (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the ~~[natural]~~parent of the child victim;
- 568 (xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not the ~~[natural]~~parent of the child victim;
- 570 (xxxix) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the ~~[natural]~~parent of the child victim;
- 572 (xl) aggravated human smuggling under Section 76-5-310.1, if the offender was not the ~~[natural]~~parent of the child victim;
- 574 (xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the offender was not the ~~[natural]~~parent of the child victim; or
- 576 (xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense listed in Subsections (1)(a)(i) through (xl);
- 578 (b)
- (i) has been convicted of a criminal offense, or an attempt, solicitation, or conspiracy to commit a criminal offense in an external jurisdiction that is substantially equivalent to the offense listed in Subsection (1)(a); and
- 581 (ii)
- (A) is a Utah resident; or
- 582 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month period, regardless of whether the individual intends to permanently reside in this state;
- 585 (c)
- (i)
- (A) is required to register on a registry in an external jurisdiction for individuals who have committed an offense listed in Subsection (1)(a) or a substantially equivalent offense;
- 588

## SB0257 compared with SB0257S02

- (B) is ordered by a court to register on a registry for individuals who have committed an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 591 (C) would be required to register on a registry in an external jurisdiction for individuals who have committed an offense listed in Subsection (1)(a), or a substantially equivalent offense, if residing in the external jurisdiction of the conviction regardless of the date of the conviction or a previous registration requirement; and
- 596 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether the individual intends to permanently reside in this state;
- 598 (d)
- (i)
- (A) is a nonresident regularly employed or working in this state; or
- 599 (B) [~~who~~] is a student in this state; and
- 600 (ii)
- (A) is convicted of an offense listed in Subsection (1)(a) or a substantially equivalent offense in an external jurisdiction; or
- 602 (B) is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the individual's state of residence based on a conviction for an offense that is not substantially equivalent to an offense listed in Subsection (1)(a);
- 606 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 608 (f)
- (i) is adjudicated under Section 80-6-701 for one or more offenses listed in Subsection (1)(a); and
- 610 (ii) has been committed to the division for secure care, as defined in Section 80-1-102, for that offense if:
- 612 (A) the individual remains in the division's custody until 30 days before the individual's 21st birthday;
- 614 (B) the juvenile court extended the juvenile court's jurisdiction over the individual under Section 80-6-605 and the individual remains in the division's custody until 30 days before the individual's 25th birthday; or
- 617 (C) the individual is moved from the division's custody to the custody of the department before expiration of the division's jurisdiction over the individual.
- 619 (2) Subject to Subsection (3), an individual is:

## SB0257 compared with SB0257S02

- 620 (a) a child abuse offender if the individual:
- 621 (i) has committed, attempted, solicited, or conspired to commit an offense described in Subsection (1)  
(a)(i) through (ii); or
- 623 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in  
Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
- 625 (b) a sex offender if the individual:
- 626 (i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)  
(a)(iii) through (xxxii); or
- 628 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in  
Subsections (1)(a)(iii) through (xxxii) or a substantially equivalent offense; or
- 631 (c) a kidnap offender if the individual:
- 632 (i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)  
(a)(xxxiii) through (xli); or
- 634 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in  
Subsections (1)(a)(xxxiii) through (xli) or a substantially equivalent offense.
- 637 (3) An individual who has committed a registrable offense described in Subsection (1)(d)(ii)(B) in an  
external jurisdiction that is not substantially equivalent to an offense described in Subsection (1)(a)  
and is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the  
individual's state of residence is a child abuse offender, sex offender, or kidnap offender based on  
the individual's status on the registry in the individual's state of residence.
- 643 (4) Notwithstanding Subsection [~~53-29-101(4)(a)~~] 53-29-101(5)(a), a plea of guilty or nolo contendere  
to a charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a,  
Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently reduced or  
dismissed in accordance with the plea in abeyance agreement.
- 655 Section 8. Section **53-29-203** is amended to read:
- 656 **53-29-203. Registration lengths -- 10 years -- Lifetime.**
- 649 (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a registrable offense is  
required to register on the registry for:
- 651 (a) 10 years after the day on which the offender's sentence for the offense has been terminated if the  
registrable offense is for:

653

## SB0257 compared with SB0257S02

- 656 (i) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417, if the  
offender enticed the minor to engage in sexual activity that is one of the offenses described in  
Subsections (1)(a)(ii) through (xxiv);
- 657 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 658 (iii) child torture under Section 76-5-109.4;
- 660 (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the [~~natural~~]parent of  
the child victim;
- 662 (v) human trafficking for labor under Section 76-5-308, if the offender was not the [~~natural~~]parent of  
the child victim;
- 664 (vi) human smuggling under Section 76-5-308.3, if the offender was not the [~~natural~~]parent of the child  
victim;
- 666 (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not  
the [~~natural~~]parent of the child victim;
- 668 (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the  
[~~natural~~]parent of the child victim;
- 669 (ix) aggravated human smuggling under Section 76-5-310.1;
- 670 (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 672 (xi) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
- 673 (xii) sexual abuse of a minor under Section 76-5-401.1;
- 674 (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 675 (xiv) forcible sexual abuse under Section 76-5-404;
- 676 (xv) custodial sexual relations under Section 76-5-412;
- 677 (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 679 (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- 680 (xviii) incest under Section 76-7-102;
- 681 (xix) four to seven convictions of lewdness under Section 76-5-419;
- 682 (xx) four to seven convictions of sexual battery under Section 76-5-418;
- 683 (xxi) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under  
Section 76-5-418, that total four to seven convictions;
- 684 (xxii) lewdness involving a child under Section 76-5-420;
- 684 (xxiii) a felony or class A misdemeanor violation of:

## SB0257 compared with SB0257S02

- 685 (A) voyeurism under Section 76-12-306;
- 686 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 687 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 688 (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9,  
2011;
- 690 (xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections(1)(a)(i) through  
(xxiv) if the attempt, solicitation, or conspiracy is a registrable offense; or
- 693 (xxvi) attempting, soliciting, or conspiring to commit:
- 694 (A) aggravated kidnapping under Section 76-5-302, if the offender was not the [~~natural~~]parent of the  
child victim;
- 696 (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the  
[~~natural~~]parent of the child victim;
- 698 (C) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the  
offender was not the [~~natural~~]parent of the child victim;
- 700 (D) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was  
not the [~~natural~~]parent of the child victim;
- 702 (E) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the  
offender was not the [~~natural~~]parent of the child victim;
- 704 (F) forcible sodomy under Section 76-5-403;
- 705 (G) sexual abuse of a child under Section 76-5-404.1;
- 706 (H) sexual exploitation of a minor under Section 76-5b-201;
- 707 (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 708 (J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 709 (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- 711 (b) the offender's lifetime if the registrable offense is:
- 712 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at the time of  
conviction for the offense:
- 714 (A) previously been convicted of an offense described in Subsection (1)(a), or a substantially equivalent  
offense in an external jurisdiction; or
- 716 (B) previously been required to register as an offender for an offense described in Subsection (1)(a)  
committed as a juvenile;

## SB0257 compared with SB0257S02

- 718 (ii) a following offense, including attempting, soliciting, or conspiring to commit a felony violation of:  
720 (A) child kidnapping under Section 76-5-301.1, if the offender was not the [~~natural~~]parent of the child  
victim;
- 722 (B) rape under Section 76-5-402;  
723 (C) rape of a child under Section 76-5-402.1;  
724 (D) object rape under Section 76-5-402.2;  
725 (E) object rape of a child under Section 76-5-402.3;  
726 (F) sodomy on a child under Section 76-5-403.1;  
727 (G) aggravated sexual abuse of a child under Section 76-5-404.3; or  
728 (H) aggravated sexual assault under Section 76-5-405;
- 729 (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the [~~natural~~]parent of the  
child victim;
- 731 (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the  
[~~natural~~]parent of the child victim;
- 733 (v) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the  
offender was not the [~~natural~~]parent of the child victim;
- 735 (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was  
not the [~~natural~~]parent of the child victim;
- 737 (vii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the  
offender was not the [~~natural~~]parent of the child victim;
- 739 (viii) forcible sodomy under Section 76-5-403;  
740 (ix) sexual abuse of a child under Section 76-5-404.1;  
741 (x) sexual exploitation of a minor under Section 76-5b-201;  
742 (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;  
743 (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);  
744 (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or  
746 (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to  
engage in sexual activity that is one of the offenses described in Subsections (1)(b)(ii) through (xiii).
- 749 (2) An individual who qualifies as an offender based on a conviction in an external jurisdiction for a  
registrable offense, or a substantially equivalent offense, and is on an external jurisdiction's sex,

## SB0257 compared with SB0257S02

kidnap, and child abuse registry, or an equivalent registry, is required to register on the registry for the time period required by the external jurisdiction.

- 754 (3)
- (a) If the sentencing court at any time after an offender is convicted of an offense requiring lifetime registration described in Subsection (1)(b), and after considering the factors described in Subsection (3)(b), determines that the offender was under 21 years old at the time the offense was committed and the offense did not involve force or coercion, the requirement that the offender register for the offender's lifetime does not apply and the offender shall register for 10 years after the day on which the offender's sentence for the offense has been terminated.
- 761 (b) In determining whether an offense committed by an offender involves force or coercion under Subsection (3)(a), the sentencing court shall consider:
- 763 (i) the age of the victim;
- 764 (ii) the vulnerability of the victim;
- 765 (iii) the physical, mental, psychological, or emotional harm the victim suffered from the offense;
- 767 (iv) whether the offender used fraud or deception to commit the offense;
- 768 (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103, was:
- 770 (A) distributed to the victim by the offender; or
- 771 (B) distributed, produced, or possessed by the offender at the time of the offense, that involved force or coercion against a victim depicted in the child sexual abuse material; and
- 774 (vi) any other factor the sentencing court determines is relevant.
- 775 (4) Except for an individual who is adjudicated for a registrable offense and is an offender who meets the requirements under Subsection 53-29-202(1)(f), an individual who is under 18 years old and commits a registrable offense after May 3, 2023, is not subject to registration requirements under this chapter unless the offender:
- 779 (a) is charged by criminal information in juvenile court under Section 80-6-503;
- 780 (b) is bound over to district court in accordance with Section 80-6-504; and
- 781 (c) is convicted of a registrable offense.
- 782 (5) An offender subject to the 10-year or lifetime registration requirements under Subsection (1) may petition the court for an order of removal from the registry in accordance with Section 53-29-204, 53-29-205, or 53-29-206.

793 Section 9. Section **53-29-205** is amended to read:

## SB0257 compared with SB0257S02

794 **53-29-205. Ten-year petition for removal from registry -- Eligibility.**

- 787 (1) An offender who is required to register on the registry for a registrable offense described in  
Subsection (3) subject to a 10-year registration period as described in Section 53-29-203 is eligible  
to petition the court under Section 53-29-207 for an order of removal from the registry at a 10-year  
after entrance into the community period described in Subsection (2) if:
- 792 (a) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or  
capital felony within the most recent 10-year period after the date described in Subsection (2), as  
evidenced by a certificate of eligibility issued by the bureau;
- 796 (b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and  
Parole relating to the offense; and
- 798 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating  
to the offense.
- 800 (2) An offender who qualifies under Subsection (1) may petition the court under Section 53-29-207 for  
an order of removal from the registry if 10 years have passed after the later of the following events  
in which the offender entered into the community:
- 803 (a) the day on which the offender was placed on probation;
- 804 (b) the day on which the offender was released from incarceration to parole;
- 805 (c) the day on which the offender's sentence was terminated without parole;
- 806 (d) the day on which the offender entered a community-based residential program; or
- 807 (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender  
was terminated.
- 809 (3) The offenses that qualify for a 10-year petition for an order of removal from the registry referenced  
in Subsection (1) are:
- 811 (a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to  
engage in sexual activity that is one of the offenses described in Subsections (3)(b) through (v);
- 814 (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 815 (c) child torture under Section 76-5-109.4;
- 816 (d) human trafficking for labor under Section 76-5-308;
- 817 (e) human smuggling under Section 76-5-308.3;
- 818 (f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
- 819 (g) aggravated human trafficking for labor under Section 76-5-310;

## SB0257 compared with SB0257S02

- 820 (h) aggravated human smuggling under Section 76-5-310.1;
- 821 (i) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 822 (j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of  
the offense, the offender is more than 10 years older than the victim;
- 824 (k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is more  
than 10 years older than the victim;
- 826 (l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the time of the  
offense, the offender is more than 15 years older than the victim;
- 828 (m) forcible sexual abuse under Section 76-5-404;
- 829 (n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18 years  
old and the offense is committed on or after May 10, 2011;
- 831 (o) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 832 (p) sexual extortion under Subsection 76-5b-204(2)(a);
- 833 (q) incest under Section 76-7-102;
- 834 (r) four or more convictions of lewdness under Section 76-5-419;
- 835 (s) four or more convictions of sexual battery under Section 76-5-418;
- 836 (t) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under  
Section 76-5-418, that total four or more convictions;
- 838 (u) lewdness involving a child under Section 76-5-420;
- 839 (v) a felony violation of:
- 840 (i) recorded or photographed voyeurism under Section 76-12-307; or
- 841 (ii) distribution of images obtained through voyeurism under Section 76-12-308;
- 842 (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9,  
2011;
- 844 (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a) through (v) if  
the attempt, solicitation, or conspiracy is a registrable offense;
- 846 (y) attempting, soliciting, or conspiring to commit:
- 847 (i) human trafficking for sexual exploitation under Section 76-5-308.1;
- 848 (ii) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
- 850 (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 851 (iv) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;

## SB0257 compared with SB0257S02

- 853 (v) aggravated kidnapping under Section 76-5-302, except if the offender is a [~~natural~~]parent of the  
victim;
- 855 (vi) forcible sodomy under Section 76-5-403;
- 856 (vii) sexual abuse of a child under Section 76-5-404.1;
- 857 (viii) sexual exploitation of a minor under Section 76-5b-201;
- 858 (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 859 (x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 860 (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- 862 (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject to a 20-year  
petition for removal as described in Section 53-29-206, if:
- 864 (i) the sentencing court determines that the offender was under 21 years old at the time the offense was  
committed; and
- 866 (ii) the offense did not involve force or coercion as described in Subsection 53-29-203(3).
- 868 (4) An individual who is as an offender under Section 53-29-202 based on a conviction in an external  
jurisdiction for a registrable offense, or a substantially equivalent offense, and is required to register  
on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry,  
may petition for removal from the registry in accordance with the requirements of this section if the  
individual:
- 873 (a) does not have a lifetime registration requirement on the external jurisdiction's sex, kidnap, or child  
abuse offender registry, or an equivalent registry;
- 875 (b) meets the requirements described in Subsections (1)(a) through (c);
- 876 (c) has resided in this state for at least 183 days in a year for two consecutive years;
- 877 (d) intends to primarily reside in this state; and
- 878 (e) has received an order from a court in the external jurisdiction where the offender was initially  
required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, that  
authorizes the offender to be removed from the Sex, Kidnap, and Child Abuse Offender Registry.
- 890 Section 10. Section **53-29-307** is amended to read:
- 891 **53-29-307. Sex offender in presence of a child -- Definitions -- Penalties.**
- 884 (1) As used in this section:
- 885 (a) "Accompany" means:
- 886 (i) to be in the presence of an individual; and

## SB0257 compared with SB0257S02

- 887 (ii) to move or travel with that individual from one location to another, whether outdoors, indoors, or in  
or on any type of vehicle.
- 889 (b) "Child" means an individual younger than 14 years old.
- 890 (2) A sex offender subject to registration in accordance with this chapter, for a registrable offense  
committed or attempted to be committed against a child younger than 14 years old is guilty of a  
class A misdemeanor if the sex offender requests, invites, or solicits a child to accompany the sex  
offender, under circumstances that do not constitute an attempt to violate Section 76-5-301.1, child  
kidnapping, unless:
- 895 (a)
- (i) the sex offender, [~~prior to~~] before accompanying the child:
- 896 (A) verbally advises the child's parent or legal guardian that the sex offender is on the state sex  
offender registry and is required by state law to obtain written permission in order for the sex  
offender to accompany the child; and
- 899 (B) requests that the child's parent or legal guardian provide written authorization for the sex  
offender to accompany the child, including the specific dates and locations;
- 902 (ii) the child's parent or legal guardian has provided to the sex offender written authorization, including  
the specific dates and locations, for the sex offender to accompany the child; and
- 905 (iii) the sex offender has possession of the written authorization and is accompanying the child only at  
the dates and locations specified in the authorization;
- 907 (b) the child's parent or guardian has verbally authorized the sex offender to accompany the child either  
in the child's residence or on property appurtenant to the child's residence, but in no other locations;  
or
- 910 (c) the child is the [~~natural~~]child of the sex offender, and the offender is not prohibited by any court  
order, or probation or parole provision, from contact with the child.
- 912 (3)
- (a) A sex offender convicted of a violation of Subsection (2) is subject to registration in accordance  
with this chapter, for an additional five years [~~subsequent to~~] after the required registration  
described in Section 53-29-203.
- 915 (b) The period of additional registration imposed under Subsection (3)(a) is also in addition to any  
period of registration imposed under Subsection 53-29-305(3) for failure to comply with registration  
requirements.

## SB0257 compared with SB0257S02

- 918 (4) It is not a defense to a prosecution under this section that the defendant mistakenly believed the  
individual to be 14 years old or older at the time of the offense or was unaware of the individual's  
true age.
- 921 (5) This section does not apply if a sex offender is acting to rescue a child who is in an emergency and  
life-threatening situation.
- 931 Section 11. Section **53-29-405** is amended to read:
- 932 **53-29-405. Removal for offenses or convictions for which registration is no longer required.**
- 926 (1) The department shall automatically remove an individual who is currently on the registry if:
- 928 (a) the only offense or offenses for which the individual is on the registry are listed in Subsection (2); or
- 930 (b) the department receives a formal notification or order from the court or the Board of Pardons and  
Parole that the conviction for the registrable offense for which the individual is on the registry has  
been reversed, vacated, or pardoned.
- 933 (2) The offenses described in Subsection (1)(a) are:
- 934 (a) a class B or class C misdemeanor for enticing a minor under Section 76-5-417;
- 935 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);
- 936 (c) child kidnapping under Section 76-5-301.1, if the offender was the [~~natural~~]parent of the child  
victim;
- 938 (d) unlawful detention under Section 76-5-304;
- 939 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B misdemeanor for  
unlawful sexual intercourse, under Section 76-5-401; or
- 941 (f) sodomy, but not forcible sodomy, under Section 76-5-403.
- 942 (3) The department shall notify an individual who has been removed from the registry in accordance  
with Subsection (1) and inform the individual in the notice that the individual is no longer required  
to register as an offender.
- 945 (4) An individual who is currently on the registry may submit a request to the department to be removed  
from the registry if the individual believes that the individual qualifies for removal under Subsection  
(1).
- 948 (5) The department, upon receipt of a request for removal from the registry in accordance with this  
section, shall:
- 950 (a) check the registry for the individual's current status;
- 951 (b) determine whether the individual qualifies for removal based upon this section; and

## SB0257 compared with SB0257S02

- 952 (c) notify the individual in writing of the department's determination and whether the individual:  
954 (i) qualifies for removal from the registry; or  
955 (ii) does not qualify for removal.
- 956 (6) If the department determines that the individual qualifies for removal from the registry, the  
department shall remove the offender from the registry.
- 958 (7)  
(a) If the department determines that the individual does not qualify for removal from the registry, the  
department shall provide an explanation in writing for the department's determination.
- 961 (b) The department's determination under Subsection (7)(a) is final and not subject to administrative  
review.
- 963 (8) The department or an employee of the department is not civilly liable for a determination made in  
good faith in accordance with this section.
- 965 (9)  
(a) The department shall provide a response to a request for removal within 30 days after the day on  
which the department receives the request.
- 967 (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the day on which the  
department receives the request, the department shall notify the individual that the response may be  
delayed up to 30 additional days.
- 978 Section 12. Section **53-30-101** is amended to read:  
979 **53-30-101. Definitions.**  
As used in this chapter:
- 973 (1) "Applicant" means an individual who submits an application for certification.  
974 (2) "Application for certification" means an application described in Subsection  
[53-29-201(1)] 53-30-201(1).
- 976 (3) "Certifying officer" means the commissioner or an individual the commissioner designates to certify  
an application for certification.
- 978 (4) "Credible threat" means a threat to cause death or serious bodily injury that a state or federal law  
enforcement agency has confirmed to be authentic.
- 980 (5) "Easement holder" means the same as that term is defined in Section 57-13c-101.  
981 (6) "Improvement" means the same as that term is defined in Section 78B-2-225.  
982 (7) "Land use authority" means:

## SB0257 compared with SB0257S02

- 983 (a) with respect to protected property located within a municipality, the same as that term is defined in  
Section 10-20-102; or
- 985 (b) with respect to protected property located within an unincorporated area of a county, the same as  
that term is defined in Section 17-79-102.
- 987 (8) "Protected person" means an individual who:
- 988 (a) within the four years preceding the day on which the individual submits an application for  
certification:
- 990 (i) received a credible threat; or
- 991 (ii) was physically harmed; and
- 992 (b) is at risk of serious bodily injury or death caused by:
- 993 (i) the individual who made the credible threat described in Subsection (8)(a)(i) or caused the physical  
harm described in Subsection (8)(a)(ii); or
- 995 (ii) an individual affiliated with the individual who made the credible threat described in Subsection (8)  
(a)(i) or caused the physical harm described in Subsection (8)(a)(ii).
- 998 (9) "Protected property" means real property that is owned or occupied by a protected person.
- 1000 (10) "Protection certificate" means a written determination described in Subsection  
[53-29-201(4)] 53-30-201(4).
- 1002 (11)
- (a) "Security improvement" means an improvement that:
- 1003 (i) is intended to provide protection for a protected person, or a protected person's immediate family  
member living at the same residence as the protected person, from the risk of death or serious  
bodily injury caused by an individual who made a credible threat or caused physical harm to the  
protected person;
- 1007 (ii) is constructed within the boundaries of protected property; and
- 1008 (iii) does not interfere with another property owner's property right.
- 1009 (b) "Security improvement" includes an improvement described in Subsection (11)(a) that provides safe  
egress from, or safety within, the protected property, including an underground improvement or an  
improvement that runs below an easement if the improvement does not damage or interfere with the  
purpose or use of the easement.
- 1021 Section 13. Section **53E-1-102** is amended to read:
- 1022 **53E-1-102. Public education code definitions.**

## SB0257 compared with SB0257S02

Unless otherwise indicated, as used in this title, Title 53F, Public Education System -- Funding, and Title 53G, Public Education System -- Local Administration:

- 1017 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.
- 1018 (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.
- 1020 (3) "Charter school governing board" means the board that governs a charter school.
- 1021 (4) "Custodial parent" means the same as that term is defined in Section 81-1-101.
- 1022 [~~(4)~~] (5) "District school" means a public school under the control of a local school board.
- 1023 [~~(5)~~] (6) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 1026 [~~(6)~~] (7) "LEA governing board" means:
- 1027 (a) for a school district, the local school board;
- 1028 (b) for a charter school, the charter school governing board; or
- 1029 (c) for the Utah Schools for the Deaf and the Blind, the state board.
- 1030 [~~(7)~~] (8) "Local education agency" or "LEA" means:
- 1031 (a) a school district;
- 1032 (b) a charter school; or
- 1033 (c) the Utah Schools for the Deaf and the Blind.
- 1034 [~~(8)~~] (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- 1036 [~~(9)~~] (10) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.
- 1038 [~~(10)~~ "Parent" means a parent or legal guardian.]
- 1039 (11) "Noncustodial parent" means the same as that term is defined in Section 81-1-101.
- 1040 (12) "Parent" means:
- 1041 (a) an individual who has a parent-child relationship as defined in Section 81-5-102; or
- 1042 (b) a legal guardian.
- 1043 [~~(11)~~] (13) "Public education code" means:
- 1044 (a) this title;
- 1045 (b) Title 53F, Public Education System -- Funding; and
- 1046 (c) Title 53G, Public Education System -- Local Administration.

## SB0257 compared with SB0257S02

1047 [(12)] (14) "Section 504 accommodation plan" means a plan developed in accordance with Section 504  
of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet  
the student's educational needs and ensure equitable access to a free appropriate public education.

1051 [(13)] (15) "School nurse" means a registered nurse:

1052 (a) who holds:

1053 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or

1054 (ii) a multistate license as that term is defined in Section 58-31e-102; and

1055 (b) whose primary role is the care of a defined group of students enrolled in the public school system.

1057 [(14)] (16) "State board" means the State Board of Education.

1058 [(15)] (17) "State superintendent" means the state superintendent of public instruction appointed under  
Section 53E-3-301.

1068 Section 14. Section **53E-3-907** is amended to read:

1069 **53E-3-907. Article VI -- Eligibility -- Enrollment -- Extracurricular activities.**

1062 (1) Special power of attorney, relative to the guardianship of a child of a military family and executed  
under applicable law, shall be sufficient for the purposes of enrollment and all other actions  
requiring parental participation and consent.

1065 (2) A local education agency shall be prohibited from charging local tuition to a transitioning military  
child placed in the care of a [~~non-custodial~~] noncustodial parent or other person standing in loco  
parentis who lives in a jurisdiction other than that of the custodial parent.

1069 (3) A transitioning military child, placed in the care of a [~~non-custodial~~] noncustodial parent or other  
person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent,  
may continue to attend the school in which the student was enrolled while residing with the  
custodial parent.

1073 (4) State and local education agencies shall facilitate the opportunity for transitioning military children's  
inclusion in extracurricular activities, regardless of application deadlines, to the extent they are  
otherwise qualified.

1084 Section 15. Section **53E-3-1204** is amended to read:

1085 **53E-3-1204. Parental consent -- Tuition.**

1078 (1) Power of attorney lawfully executed under [~~Title 75, Chapter 9, Uniform Power of Attorney  
Act~~] Title 75A, Chapter 2, Uniform Power of Attorney Act, is sufficient for the purposes of  
enrollment and other actions requiring parental participation or consent.

## SB0257 compared with SB0257S02

- 1081 (2) An LEA may not charge local tuition to a transferring student placed in the care of a [~~non-~~  
1082 ~~eustodial~~] noncustodial parent or other individual standing in loco parentis who lives in a  
1083 jurisdiction other than that of the custodial parent.
- 1084 (3) A transferring student, placed in the care of a [~~non-eustodial~~] noncustodial parent or other individual  
1085 standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may  
1086 continue to attend the school in which the student was enrolled while residing with the custodial  
1087 parent.
- 1096 Section 16. Section **53H-11-202** is amended to read:
- 1097 **53H-11-202. Resident student status -- Definitions -- Exceptions.**
- 1098 (1) As used in this section:
- 1099 (a) "DOD civilian" means an employee of the United States Department of Defense who is assigned to  
1100 perform the employee's duties at a military organization based in Utah.
- 1101 (b) "Eligible person" means an individual who is entitled to post-secondary educational benefits under  
1102 [~~Title 38, Veterans' Benefits, U.S.C~~] Veterans' Benefits, 38 U.S.C. Sec. 101 et seq.
- 1103 (c) "Immediate family member" means an individual's spouse or dependent child.
- 1104 (d) "Inmate" means the same as that term is defined in Section 64-13-1.
- 1105 (e) "Military service member" means an individual who:
- 1106 (i) is serving on active duty in the United States Armed Forces;
- 1107 (ii) is a member of a reserve component of the United States Armed Forces; or
- 1108 (iii) is a member of the National Guard.
- 1109 (f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.
- 1110 (g) "National Guard" means the same as that term is defined in Section 39A-1-102.
- 1111 (h) "Parent" means [~~a student's biological or adoptive parent~~] , with respect to a student, an individual  
1112 who has a parent-child relationship, as defined in Section 81-5-102, with the student.
- 1113 (2) The meaning of "resident student" is determined by reference to the general law on the subject of  
1114 domicile, except as provided in this section.
- 1115 (3)
- 1116 (a) Institutions may grant resident student status to any student who has come to Utah and established  
1117 residency for the purpose of attending an institution of higher education, and who, prior to  
1118 registration as a resident student:
- 1119 (i) has maintained continuous Utah residency status for one full year;

## SB0257 compared with SB0257S02

- 1113 (ii) has signed a written declaration that the student has relinquished residency in any other state;  
and
- 1115 (iii) has submitted objective evidence that the student has taken overt steps to establish permanent  
residency in Utah and that the student does not maintain a residence elsewhere.
- 1118 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 1119 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in  
the past 12 months;
- 1121 (ii) a Utah voter registration dated a reasonable period prior to application;
- 1122 (iii) a Utah driver license or identification card with an original date of issue or a renewal date several  
months prior to application;
- 1124 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 1125 (v) evidence of employment in Utah for a reasonable period prior to application;
- 1126 (vi) proof of payment of Utah resident income taxes for the previous year;
- 1127 (vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to  
application; and
- 1129 (viii) utility bills showing the student's name and Utah address for at least 12 months prior to  
application.
- 1131 (c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah  
is not eligible to apply for resident student status.
- 1133 (4) Except as provided in Subsection (8), an institution within the state system of higher education may  
establish stricter criteria for determining resident student status.
- 1135 (5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the  
decision of another institution within the state system of higher education to grant a student resident  
student status, unless:
- 1138 (a) the student obtained resident student status under false pretenses; or
- 1139 (b) the facts existing at the time of the granting of resident student status have changed.
- 1140 (6) Within the limits established in this chapter, each institution within the state system of higher  
education may, regardless of its policy on obtaining resident student status, waive nonresident  
tuition either in whole or in part, but not other fees.

1143

## SB0257 compared with SB0257S02

- (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.
- 1147 (8) Notwithstanding Subsection (3), an institution shall grant resident student status for tuition purposes to:
- 1149 (a) a military service member, if the military service member provides:
- 1150 (i) the military service member's current United States military identification card;
- 1151 (ii) a leave and earning statement of the military service member;
- 1152 (iii) the military service member's military orders;
- 1153 (iv) documentation of enlistment by the military service member; or
- 1154 (v) a statement from the military service member's current commander stating that the military service member is currently serving in the military;
- 1156 (b) a military service member's immediate family member, if the military service member's immediate family member provides:
- 1158 (i) any of the documentation described in Subsection (8)(a); or
- 1159 (ii) the immediate family member's current United States military identification card;
- 1160 (c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides evidence of an honorable or general discharge;
- 1162 (d) a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides evidence of the military veteran's honorable or general discharge;
- 1165 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who is either:
- 1167 (i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or
- 1169 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1170 (A) evidence of the foreign service member's status;
- 1171 (B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or
- 1173 (C) evidence that the foreign service member is domiciled in Utah;
- 1174 (f) a foreign service member's immediate family member if the foreign service member is either:
- 1176

## SB0257 compared with SB0257S02

- (i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or
- 1178 (ii) assigned to a duty station in Utah if the foreign service member provides:
  - 1179 (A) evidence of the foreign service member's status;
  - 1180 (B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or
  - 1182 (C) evidence that the foreign service member is domiciled in Utah;
- 1183 (g) an eligible person who provides:
  - 1184 (i) evidence of eligibility under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec. 101 et seq; and
  - 1186 (ii) a signed written declaration that the eligible person will use the veteran benefits under [~~Title 38 U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec. 101 et seq;
- 1188 (h) an alien who provides:
  - 1189 (i) evidence that the alien is a special immigrant visa recipient;
  - 1190 (ii) evidence that the alien has been granted refugee status, humanitarian parole, temporary protected status, or asylum; or
  - 1192 (iii) evidence that the alien has submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law;
- 1195 (i) an inmate:
  - 1196 (i) during the time the inmate is enrolled in the course; and
  - 1197 (ii) for one year after the day on which the inmate is released from a correctional facility as defined in Section 64-13-1;
- 1199 (j) a DOD civilian, if the DOD civilian provides:
  - 1200 (i) the DOD civilian's current United States Department of Defense identification card; and
  - 1202 (ii)
    - (A) a statement from the DOD civilian's current commander, or equivalent, stating that the DOD civilian is assigned in Utah; or
    - 1204 (B) evidence that the DOD civilian is domiciled in Utah, as described in Subsection (9)(a); or
    - 1206 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family member provides:
      - 1208 (i) the DOD civilian's current United States Department of Defense identification card; and

## SB0257 compared with SB0257S02

- 1210 (ii)
- (A) a statement from the DOD civilian's current commander, or equivalent, stating that the DOD civilian is assigned in Utah; or
- 1212 (B) evidence that the DOD civilian is domiciled in Utah, as described in Subsection (9)(a).
- 1214 (9)
- (a) The evidence described in Subsection (8)(j)(ii)(B) or (8)(k)(ii)(B) includes:
- 1215 (i) a current Utah voter registration card;
- 1216 (ii) a valid Utah driver license or identification card;
- 1217 (iii) a current Utah vehicle registration;
- 1218 (iv) a copy of a Utah income tax return, in the name of the DOD civilian or DOD civilian's spouse, filed as a resident in accordance with Section 59-10-502; or
- 1220 (v) proof that the DOD civilian or DOD civilian's spouse owns a home in Utah, including a property tax notice for property owned in Utah.
- 1222 (b) Aliens who are present in the United States on visitor, student, or other visas not listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.
- 1226 (c) Aliens who have been granted or have applied for permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.
- 1229 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.
- 1234 (11) A Job Corps student is entitled to resident student status if the student:
- 1235 (a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
- 1237 (b) submits verification that the student is a current Job Corps student.
- 1238 (12) A person is entitled to resident student status and may immediately apply for resident student status if the person:
- 1240 (a) marries a Utah resident eligible to be a resident student under this section; and
- 1241 (b) establishes [~~his or her~~] the person's domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).

## SB0257 compared with SB0257S02

- 1243 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been  
domiciled in Utah for at least 12 months prior to the student's application is entitled to resident  
student status.
- 1246 (14)
- (a) A person who has established domicile in Utah for full-time permanent employment may rebut  
the presumption of a nonresident classification by providing substantial evidence that the reason  
for the individual's move to Utah was, in good faith, based on an employer requested transfer to  
Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent  
employment in Utah.
- 1252 (b) All relevant evidence concerning the motivation for the move shall be considered, including:
- 1254 (i) the person's employment and educational history;
- 1255 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 1256 (iii) when the person moved to Utah;
- 1257 (iv) the dates when the person applied for admission, was admitted, and was enrolled as a  
postsecondary student;
- 1259 (v) whether the person applied for admission to an institution of higher education sooner than four  
months from the date of moving to Utah;
- 1261 (vi) evidence that the person is an independent person who is:
- 1262 (A) at least 24 years old; or
- 1263 (B) not claimed as a dependent on someone else's tax returns; and
- 1264 (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile  
in Utah for purposes other than to attend an institution of higher education.
- 1267 (15)
- (a) A person who is in residence in Utah to participate in a United States Olympic athlete training  
program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall  
be entitled to resident status for tuition purposes.
- 1270 (b) Upon the termination of the athlete's participation in the training program, the athlete shall be  
subject to the same residency standards applicable to other persons under this section.
- 1273 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah  
residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic  
athlete training program.

## SB0257 compared with SB0257S02

- 1276 (16)
- (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.
- 1282 (b) All relevant evidence concerning the motivation for the move shall be considered, including:
- 1284 (i) the person's employment and educational history;
- 1285 (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
- 1287 (iii) when the person moved to Utah;
- 1288 (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- 1290 (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
- 1292 (vi) evidence that the person is an independent person who is:
- 1293 (A) at least 24 years old; or
- 1294 (B) not claimed as a dependent on someone else's tax returns; and
- 1295 (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.
- 1298 (17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.
- 1303 (18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for resident student status under Subsection (8)(j) or (k) shall retain the eligibility for resident student status if the DOD civilian or the DOD civilian's immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.
- 1308 (19) The board, after consultation with the institutions, shall make rules not inconsistent with this section:
- 1310 (a) concerning the definition of resident and nonresident students;

## SB0257 compared with SB0257S02

- 1311 (b) establishing procedures for classifying and reclassifying students;  
1312 (c) establishing criteria for determining and judging claims of residency or domicile;  
1313 (d) establishing appeals procedures; and  
1314 (e) other matters related to this section.
- 1315 (20) A student shall be exempt from paying the nonresident portion of total tuition if the student:  
1317 (a) is a foreign national legally admitted to the United States;  
1318 (b) attended high school in this state for three or more years; and  
1319 (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.
- 1329 Section 17. Section **59-10-1005** is amended to read:  
1330 **59-10-1005. Tax credit for at-home parent.**
- 1323 (1) As used in this section:  
1324 (a) "At-home parent" means a parent:  
1325 (i) who provides full-time care at the parent's residence for one or more of the parent's own qualifying children;  
1327 (ii) who claims the qualifying child as a dependent on the parent's individual income tax return for the taxable year for which the parent claims the credit; and  
1329 (iii) if the sum of the following amounts are \$3,000 or less for the taxable year for which the parent claims the credit:  
1331 (A) the total wages, tips, and other compensation listed on all of the parent's federal Forms W-2; and  
1333 (B) the gross income listed on the parent's federal Form 1040 Schedule C, Profit or Loss From Business.
- 1335 (b) "Parent" means an individual who:  
1336 [~~(i) is the biological mother or father of a qualifying child;~~]  
1337 (i) has a parent-child relationship, as defined in Section 81-5-102, with a qualifying child;  
1339 (ii) is the stepfather or stepmother of a qualifying child;  
1340 (iii)  
1341 [~~(A) legally adopts a qualifying child; or~~]  
1342 [~~(B)~~] has a qualifying child placed in the individual's home:  
1343 [~~(H)~~] (A) by a child-placing agency, as defined in Section 26B-2-101; and  
1343 [~~(H)~~] (B) for the purpose of legally adopting the child;

## SB0257 compared with SB0257S02

- 1344 (iv) is a foster parent of a qualifying child; or  
1345 (v) is a legal guardian of a qualifying child.  
1346 (c) "Qualifying child" means a child who is no more than 12 months of age on the last day of the  
taxable year for which the tax credit is claimed.  
1348 (2) For a taxable year beginning on or after January 1, 2000, a claimant may claim on the claimant's  
individual income tax return a nonrefundable tax credit of \$100 for each qualifying child if:  
1351 (a) the claimant or another claimant filing a joint individual income tax return with the claimant is an at-  
home parent; and  
1353 (b) the adjusted gross income of all of the claimants filing the individual income tax return is less than  
or equal to \$50,000.  
1355 (3) A claimant may not carry forward or carry back a tax credit authorized by this section.  
1356 (4)  
(a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the Division  
of Finance shall transfer at least annually from the General Fund into the Income Tax Fund the  
aggregate amount of all tax credits claimed under this section.  
1360 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may make rules for making a transfer from the General Fund into the Income Tax Fund as required  
by Subsection (4)(a).  
1371 Section 18. Section **63A-17-806** is amended to read:  
1372 **63A-17-806. Definitions -- Infant at Work Pilot Program -- Administration.**  
1365 (1) As used in this section:  
1366 (a) "Eligible employee" means an employee who has been employed by the Department of Health and  
Human Services for a minimum of:  
1368 (i) 12 consecutive months; and  
1369 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately preceding the day on  
which the employee applies for participation in the program.  
1371 (b) "Infant" means a baby that is at least six weeks of age and no more than six months of age.  
1373 (c) "Parent" means:  
1374 [~~(i) a biological or adoptive parent of an infant; or~~]  
1375 (i) an individual who has a parent-child relationship, as defined in Section 81-5-102, with an infant; or  
1377

## SB0257 compared with SB0257S02

(ii) an individual who has an infant placed in the individual's foster care by the Division of Child and Family Services.

1379 (d) "Program" means the Infant at Work Pilot Program established in this section.

1380 (2) There is created the Infant at Work Pilot Program for eligible employees.

1381 (3) The program shall:

1382 (a) allow an eligible employee to bring the eligible employee's infant to work subject to the provisions of this section;

1384 (b) be administered by the division; and

1385 (c) be implemented for a minimum of one year.

1386 (4) The division shall establish an application process for eligible employees of the Department of Health and Human Services to apply to the program that includes:

1388 (a) a process for evaluating whether an eligible employee's work environment is appropriate for an infant;

1390 (b) guidelines for infant health and safety; and

1391 (c) guidelines regarding an eligible employee's initial and ongoing participation in the program.

1393 (5) If the division approves the eligible employee for participation in the program, the eligible employee shall have the sole responsibility for the care and safety of the infant at the workplace.

1396 (6) The division may not require the Department of Health and Human Services to designate or set aside space for an eligible employee's infant other than the eligible employee's existing work space.

1399 (7) The division, in consultation with the Department of Health and Human Services, shall make rules that the department determines necessary to establish the program in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1410 Section 19. Section **75-2-114** is amended to read:

1411 **75-2-114. Parent and child relationship.**

1404 (1) As used in this section, "pre-existing parent" means the same as that term is defined in Section 81-13-101.

1406 [(1)] (2)

(a) Except as provided in Subsections [(2) and (3)] (3) and (4), for purposes of intestate succession by, through, or from a person, an individual is the child of the individual's [natural]parents, regardless of [their] the individual's parent's marital status.

1410

## SB0257 compared with SB0257S02

(b) The parent and child relationship may be established as provided in Title 81, Chapter 5, Uniform Parentage Act.

1412 [(2)] (3) An adopted individual is the child of the adopting parent or parents and not of the [~~natural~~  
parents, but] adopted individual's pre-existing parent, except that the adoption of a child by the  
spouse of [~~either natural parent~~] a child's pre-existing parent has no effect on the relationship  
between the child and that [~~natural~~] pre-existing parent.

1416 [(3)] (4) Inheritance from or through a child by [~~either natural~~] the child's parent or the child's kindred is  
precluded unless that [~~natural~~]parent has openly treated the child as the [~~natural~~]parent's[;] and has  
not refused to support the child.

1427 Section 20. Section **75-2-705** is amended to read:

1428 **75-2-705. Class gifts construed to accord with intestate succession.**

1421 (1)

(a) Adopted individuals and individuals born out of wedlock, and their respective descendants if  
appropriate to the class, are included in class gifts and other terms of relationship in accordance with  
the rules for intestate succession.

1424 (b) Terms of relationship that do not differentiate relationships by blood from those by affinity, such as  
"uncles," "aunts," "nieces," or "nephews," are construed to exclude relatives by affinity.

1427 (c) Terms of relationship that do not differentiate relationships by the half blood from those by the  
whole blood, such as "brothers," "sisters," "nieces," or "nephews," are construed to include both  
types of relationships.

1430 (2) In addition to the requirements of Subsection (1), in construing a dispositive provision of a  
transferor who is not the [~~natural~~]parent, an individual born to the [~~natural~~]parent is not considered  
the child of that parent unless the individual lived while a minor as a regular member of the  
household of that [~~natural~~]parent or of that parent's parent, brother, sister, spouse, or surviving  
spouse.

1435 (3) In addition to the requirements of Subsection (1), in construing a dispositive provision of a  
transferor who is not the adopting parent, an adopted individual is not considered the child of  
the adopting parent unless the adopted individual lived while a minor, either before or after the  
adoption, as a regular member of the household of the adopting parent.

1447 Section 21. Section **76-2-409** is amended to read:

1448 **76-2-409. Battered person mitigation.**

## SB0257 compared with SB0257S02

- 1441 (1) As used in this section:
- 1442 (a) "Abuse" means the same as that term is defined in Section 78B-7-102.
- 1443 (b) "Cohabitant" means:
- 1444 (i) the same as that term is defined in Section 78B-7-102; or
- 1445 (ii) the relationship of a minor and a ~~[natural parent, an adoptive-]~~parent, a stepparent, or an individual  
living with the minor's ~~[natural-]~~parent as if a stepparent to the minor.
- 1448 (2)
- 1449 (a) An individual is entitled to battered person mitigation if:
- 1450 (i) the individual committed a criminal offense that was not legally justified;
- 1451 (ii) the individual committed the criminal offense against a cohabitant who demonstrated a pattern  
of abuse against the individual or another cohabitant of the individual; and
- 1453 (iii) the individual reasonably believed that the criminal offense was necessary to end the pattern of  
abuse.
- 1455 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a reasonable person  
in the individual's circumstances, as the individual's circumstances are perceived by the individual.
- 1458 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by clear and  
convincing evidence, each element that would entitle the individual to mitigation under Subsection  
(2)(a).
- 1461 (4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense of which  
the individual is convicted.
- 1463 (5)
- 1464 (a) If the trier of fact is a jury, an individual is not entitled to mitigation under Subsection (2)(a) unless  
the jury:
- 1465 (i) finds the individual proved, in accordance with Subsection (3), that the individual is entitled to  
mitigation by unanimous vote; and
- 1467 (ii) returns a special verdict for the reduced charge at the same time the jury returns the general  
verdict.
- 1469 (b) A nonunanimous vote by the jury on the question of mitigation under Subsection (2)(a) does not  
result in a hung jury.

1471

## SB0257 compared with SB0257S02

- (6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's trial shall give notice of the individual's intent to claim mitigation under Subsection (2)(a) to the prosecuting agency at least 30 days before the individual's trial.

1482 Section 22. Section **76-5-301.2** is amended to read:

1483 **76-5-301.2. Parental kidnapping.**

1476 (1)

(a) As used in this section:

1477 (i) "Child" means an individual under 18 years old.

1478 (ii) "Custody" means court-ordered physical custody of a child entered by a court.

1479 [~~(iii) "Parent" means an individual:~~]

1480 [~~(A) recognized as a biological parent or adoptive parent; or]~~

1481 [~~(B) that has established a parent-child relationship under Section 81-5-201.]~~

1482 (iii) "Parent" means an individual who has a parent-child relationship, as defined in Section  
81-5-102, with the child.

1484 (iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.

1485 (b) Terms defined in Section 76-1-101.5 apply to this section.

1486 (2) A parent commits parental kidnapping of the parent's child if the parent:

1487 (a) takes, entices, conceals, detains, or withholds the child from an individual entitled to custody of the child;

1489 (b) intends to interfere with the custody of the child; and

1490 (c)

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

1491 (ii) has never been granted parent-time with the child;

1492 (iii) has had all rights to physical custody of the child terminated by a court; or

1493 (iv) at the time of the parent's action under Subsection (2)(a), had parent-time with the child terminated or suspended by a court.

1495 (3)

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

1496 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if, during the course of parental kidnapping, the parent removes, causes the removal, or directs the removal of the child from the state.

## SB0257 compared with SB0257S02

- 1499 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative defense to  
the crime of parental kidnapping that:
- 1501 (a) the parent acted under a reasonable belief that the action described in Subsection (2)(a) was:
- 1503 (i) necessary to protect the child from imminent serious bodily injury, or death;
- 1504 (ii) authorized by law; or
- 1505 (iii) taken with the consent of:
- 1506 (A) the individual entitled to custody of the child; or
- 1507 (B) a custodian, guardian, caretaker, or other individual lawfully acting in place of the individual  
entitled to custody of the child; or
- 1509 (b)
- (i) the parent acted under a reasonable belief that the action described in Subsection (2)(a) was  
necessary to protect the child from abuse, including sexual abuse; and
- 1512 (ii) before taking the action described in Subsection (2)(a), the parent reports to law enforcement the  
parent's intention to engage in the action and the basis for the parent's belief described in Subsection  
(4)(b)(i).
- 1523 Section 23. Section **76-5-404.1** is amended to read:
- 1524 **76-5-404.1. Sexual abuse of a child -- Penalties -- Limitations.**
- 1517 (1)
- (a) As used in this section:
- 1518 (i) "Adult" means an individual 18 years old or older.
- 1519 (ii) "Child" means an individual younger than 14 years old.
- 1520 (iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.
- 1521 (iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
- 1522 (v) "Position of special trust" means:
- 1523 (A) an adoptive parent;
- 1524 (B) an athletic manager who is an adult;
- 1525 (C) an aunt;
- 1526 (D) a babysitter;
- 1527 (E) a coach;
- 1528 (F) a cohabitant of a parent if the cohabitant is an adult;
- 1529 (G) a counselor;

## SB0257 compared with SB0257S02

- 1530 (H) a doctor or physician;
- 1531 (I) an employer;
- 1532 (J) a foster parent;
- 1533 (K) a grandparent;
- 1534 (L) a legal guardian;
- 1535 (M) a [~~natural~~]parent;
- 1536 (N) a recreational leader who is an adult;
- 1537 (O) a religious leader;
- 1538 (P) a sibling or a stepsibling who is an adult;
- 1539 (Q) a scout leader who is an adult;
- 1540 (R) a stepparent;
- 1541 (S) a teacher or any other individual employed by or volunteering at a public or private elementary school or secondary school, and who is 18 years old or older;
- 1544 (T) an instructor, professor, or teaching assistant at a public or private institution of higher education;
- 1546 (U) an uncle;
- 1547 (V) a youth leader who is an adult; or
- 1548 (W) any individual in a position of authority, other than those individuals listed in Subsections (1)(a)(v) (A) through (V), which enables the individual to exercise undue influence over the child.
- 1551 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1552 (2)
- (a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a child if the actor:
- 1554 (i)
- (A) touches, whether over or under the clothing, the buttocks or pubic area of a child;
- 1556 (B) touches, whether over or under the clothing, the female breast of a child;
- 1557 (C) touches the anus or genitals of a child over the clothing; or
- 1558 (D) otherwise takes indecent liberties with a child whether over or under the clothing; and
- 1560 (ii) the actor's conduct is with intent to:
- 1561 (A) cause substantial emotional or bodily pain to any individual; or
- 1562 (B) arouse or gratify the sexual desire of any individual.
- 1563

## SB0257 compared with SB0257S02

(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

1565 (3) A violation of Subsection (2) is a second degree felony.

1566 (4) The offenses referred to in Subsection (2)(a) are:

1567 (a) rape of a child, in violation of Section 76-5-402.1;

1568 (b) object rape of a child, in violation of Section 76-5-402.3;

1569 (c) sodomy on a child, in violation of Section 76-5-403.1; or

1570 (d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

1579 Section 24. Section **78A-5-103** is amended to read:

1580 **78A-5-103. District court case management.**

1573 (1) The district court of each district shall develop systems of case management.

1574 (2) The case management systems developed by a district court shall:

1575 (a) ensure judicial accountability for the just and timely disposition of cases; and

1576 (b) provide for each judge a full judicial work load that accommodates differences in the subject matter or complexity of cases assigned to different judges.

1578 (3)

(a) A district court may establish divisions within the court for the efficient management of different types of cases.

1580 (b) The existence of divisions within the court may not:

1581 [~~a~~] (i) affect the jurisdiction of the court nor the validity of court orders; or

1582 [~~b~~] (ii) impede public access to the courts.

1583 (4) To the extent possible, the district court of each district shall assign any case or proceeding involving the same child or family to a single judge.

1593 Section 25. Section **78A-6-104** is amended to read:

1594 **78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a protective order.**

1588 (1)

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

1589 (i) to establish parentage, or to order testing for purposes of establishing parentage, for a child in accordance with Title 81, Chapter 5, Uniform Parentage Act, when a proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights, that involves the child;

## SB0257 compared with SB0257S02

- 1594 (ii) over a petition to modify a minor's birth certificate if the juvenile court has jurisdiction over the  
1596 minor's case under Section 78A-6-103; and
- 1598 (iii) over questions of custody, support, and parent-time of a minor if the juvenile court has  
jurisdiction over the minor's case under Section 78A-6-103.
- 1598 (b) If the juvenile court obtains jurisdiction over a parentage action under Subsection (1)(a)(i), the  
juvenile court may:
- 1600 (i) retain jurisdiction over the parentage action until parentage of the child is adjudicated; or
- 1602 (ii) transfer jurisdiction over the parentage action to the district court.
- 1603 (2)
- (a) The juvenile court has jurisdiction, concurrent with the district court or the justice court otherwise  
having jurisdiction, over a criminal information filed under Part 4a, Adult Criminal Proceedings, for  
an adult alleged to have committed:
- 1606 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to a minor;
- 1608 (ii) an offense under Section 53G-6-202, failure to comply with compulsory education  
requirements;
- 1610 (iii) an offense under Section 80-2-609, failure to report;
- 1611 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
- 1612 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or
- 1613 (vi) an offense under Section 80-5-601, harboring a runaway.
- 1614 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section  
80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a).
- 1617 (3)
- (a) When a support, custody, or parent-time award has been made by a district court in a divorce action  
or other proceeding, and the jurisdiction of the district court in the case is continuing, the juvenile  
court may acquire jurisdiction in a case involving the same child if the child comes within the  
jurisdiction of the juvenile court under Section 78A-6-103.
- 1622 (b)
- (i) The juvenile court may, by order, change the custody subject to Subsection 81-9-204(4), support,  
parent-time, and visitation rights previously ordered in the district court as necessary to implement  
the order of the juvenile court for the safety and welfare of the child.

1626

## SB0257 compared with SB0257S02

- (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long as the juvenile court continues to exercise jurisdiction.
- 1628 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are filed with the district court, the findings and order of the juvenile court are binding on the parties to the divorce action as though entered in the district court.
- 1631 (4) This section does not deprive the district court of jurisdiction to:
- 1632 (a) appoint a guardian for a child;
- 1633 (b) determine the support, custody, and parent-time of a child upon writ of habeas corpus; or
- 1635 (c) determine a question of support, custody, and parent-time that is incidental to the determination of an action in the district court.
- 1637 (5) A juvenile court may transfer a petition for a protective order for a child to the district court if the juvenile court has entered an ex parte protective order and finds that:
- 1639 (a) the petitioner and the respondent are the [~~natural parent, adoptive parent,~~] parent or step parent of the child who is the object of the petition;
- 1641 (b) the district court has a petition pending or an order related to custody or parent-time entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, Title 81, Chapter 4, Part 4, Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in which the petitioner and the respondent are parties; and
- 1645 (c) the best interests of the child will be better served in the district court.
- 1654 Section 26. Section **78B-7-102** is amended to read:
- 1655 **78B-7-102. Definitions.**
- As used in this chapter:
- 1649 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly causing or attempting to cause another individual physical harm or intentionally or knowingly placing another individual in reasonable fear of imminent physical harm.
- 1652 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 1653 (3) "Canadian domestic violence protection order" means the same as that term is defined in Section 78B-7-1201.
- 1655 (4) "Child" means an individual who is younger than 18 years old.
- 1656 (5) "Civil protective order" means an order issued, [~~subsequent to~~] after a hearing on the petition, of which the petitioner and respondent have been given notice, under:

## SB0257 compared with SB0257S02

- 1658 (a) Part 2, Child Protective Orders;
- 1659 (b) Part 4, Dating Violence Protective Orders;
- 1660 (c) Part 5, Sexual Violence Protective Orders;
- 1661 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1662 (e) Part 11, Workplace Violence Protective Orders.
- 1663 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil Stalking Injunctions.
- 1665 (7)
- (a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old or older who:
- 1667 (i) is or was a spouse of the other party;
- 1668 (ii) is or was living as if a spouse of the other party;
- 1669 (iii) is related by blood or marriage to the other party as the individual's parent, grandparent, sibling, or any other individual related to the individual by consanguinity or affinity to the second degree;
- 1672 (iv) has or had one or more children in common with the other party;
- 1673 (v) is the biological parent of the other party's unborn minor child;
- 1674 (vi) resides or has resided in the same residence as the other party; or
- 1675 (vii) is or was in a consensual sexual relationship with the other party.
- 1676 (b) "Cohabitant" does not include:
- 1677 (i) the relationship of [~~natural parent, adoptive parent, or~~] parent or step-parent to a minor child; or
- 1679 (ii) the relationship between [~~natural, adoptive, step, or foster siblings~~] siblings, stepsiblings, or foster siblings who are under 18 years old.
- 1681 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 1682 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.
- 1684 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking Injunctions.
- 1686 (11) "Court clerk" means a district court clerk.
- 1687 (12)
- (a) "Dating partner" means an individual who:
- 1688 (i)

## SB0257 compared with SB0257S02

- 1690 (A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7, Emancipation; or  
1691 (B) is 18 years old or older; and  
1692 (ii) is, or has been, in a dating relationship with the other party.  
1693 (b) "Dating partner" does not include an intimate partner.  
(13)  
1696 (a) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship  
which has romance or intimacy as a goal by one or both parties, regardless of whether the  
relationship involves sexual intimacy.  
1698 (b) "Dating relationship" does not include casual fraternization in a business, educational, or social  
context.  
1700 (c) In determining, based on a totality of the circumstances, whether a dating relationship exists:  
1701 (i) all relevant factors shall be considered, including:  
1702 (A) whether the parties developed interpersonal bonding above a mere casual fraternization;  
1703 (B) the length of the parties' relationship;  
1704 (C) the nature and the frequency of the parties' interactions, including communications indicating that  
the parties intended to begin a dating relationship;  
1707 (D) the ongoing expectations of the parties, individual or jointly, with respect to the relationship;  
1709 (E) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to  
others; and  
1711 (F) whether other reasons exist that support or detract from a finding that a dating relationship exists;  
and  
1713 (ii) it is not necessary that all, or a particular number, of the factors described in Subsection (13)(c)(i)  
are found to support the existence of a dating relationship.  
1715 (14) "Dating violence" means:  
1716 (a) a criminal offense involving violence or physical harm, or threat of violence or physical harm, when  
committed by an individual against a dating partner; or  
1718 (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal offense involving  
violence or physical harm against a dating partner of the individual.  
1720 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.  
1721 (16) "Ex parte civil protective order" means an order issued without notice to the respondent under:  
1723 (a) Part 2, Child Protective Orders;

## SB0257 compared with SB0257S02

- 1724 (b) Part 4, Dating Violence Protective Orders;
- 1725 (c) Part 5, Sexual Violence Protective Orders;
- 1726 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1727 (e) Part 11, Workplace Violence Protective Orders.
- 1728 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to the  
respondent under Part 7, Civil Stalking Injunctions.
- 1730 (18) "Foreign protection order" means:
- 1731 (a) the same as that term is defined in Section 78B-7-302; or
- 1732 (b) a Canadian domestic violence protection order.
- 1733 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 1734 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 1735 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having general  
police power and charged with making arrests in connection with enforcement of the criminal  
statutes and ordinances of this state or any political subdivision.
- 1738 (22) "Minor child" means the same as that term is defined in Section 81-1-101.
- 1739 (23) "Peace officer" means those individuals specified in Title 53, Chapter 13, Peace Officer  
Classifications.
- 1741 (24) "Qualifying domestic violence offense" means the same as that term is defined in Section  
77-36-1.1.
- 1743 (25) "Respondent" means the individual against whom enforcement of a protective order is sought.
- 1745 (26) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 1754 Section 27. Section **80-1-102** is amended to read:
- 1755 **80-1-102. Juvenile Code definitions.**  
Except as provided in Section 80-6-1103, as used in this title:
- 1749 (1)
- (a) "Abuse" means:
- 1750 (i)
- (A) nonaccidental harm of a child;
- 1751 (B) threatened harm of a child;
- 1752 (C) sexual exploitation;
- 1753 (D) sexual abuse; or

## SB0257 compared with SB0257S02

- 1754 (E) human trafficking of a child in violation of Section 76-5-308.5; or  
1755 (ii) that a child's parent:
- 1756 (A) intentionally, knowingly, or recklessly causes the death of another parent of the child;  
1758 (B) is identified by a law enforcement agency as the primary suspect in an investigation for  
intentionally, knowingly, or recklessly causing the death of another parent of the child; or  
1761 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or recklessly causing the  
death of another parent of the child.
- 1763 (b) "Abuse" does not include:
- 1764 (i) reasonable discipline or management of a child, including withholding privileges;  
1765 (ii) conduct described in Section 76-2-401; or  
1766 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 1767 (A) in self-defense;  
1768 (B) in defense of others;  
1769 (C) to protect the child; or  
1770 (D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (1)  
(b)(iii)(A) through (C).
- 1772 (2) "Abused child" means a child who has been subjected to abuse.  
1773 (3)
- (a) "Adjudication" means, except as provided in Subsection (3)(b):
- 1774 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile Justice:  
1776 (A) a finding by the juvenile court that the facts alleged in a delinquency petition or criminal  
information alleging that a minor committed an offense have been proved;  
1779 (B) an admission by a minor in the juvenile court as described in Section 80-6-306; or  
1781 (C) a plea of no contest by minor in the juvenile court; or  
1782 (ii) for all other proceedings under this title, a finding by the juvenile court that the facts alleged in  
the petition have been proved.
- 1784 (b) "Adjudication" does not include:
- 1785 (i) an admission by a minor described in Section 80-6-306 until the juvenile court enters the minor's  
admission; or  
1787 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.  
1788 (4)

## SB0257 compared with SB0257S02

- 1789 (a) "Adult" means an individual who is 18 years old or older.
- 1790 (b) "Adult" does not include an individual:
- 1791 (i) who is 18 years old or older; and
- 1792 (ii) who is a minor.
- 1794 (5) "Attorney guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 1795 (6) "Board" means the Board of Juvenile Court Judges.
- 1797 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18 years old.
- 1799 (8) "Child and family plan" means a written agreement between a child's parents or guardian and the  
Division of Child and Family Services as described in Section 80-3-307.
- 1800 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 1801 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 1802 (11) "Child protection team" means a team consisting of:
- 1803 (a) the child welfare caseworker assigned to the case;
- 1805 (b) if applicable, the child welfare caseworker who made the decision to remove the child;
- 1806 (c) a representative of the school or school district where the child attends school;
- 1807 (d) if applicable, the law enforcement officer who removed the child from the home;
- 1809 (e) a representative of the appropriate Children's Justice Center, if one is established within the county  
where the child resides;
- 1811 (f) if appropriate, and known to the division, a therapist or counselor who is familiar with the child's  
circumstances;
- 1813 (g) if appropriate, a representative of law enforcement selected by the chief of police or sheriff in the  
city or county where the child resides; and
- 1815 (h) any other individuals determined appropriate and necessary by the team coordinator and chair.
- 1816 (12)
- 1817 (a) "Chronic abuse" means repeated or patterned abuse.
- 1818 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 1819 (13)
- 1821 (a) "Chronic neglect" means repeated or patterned neglect.
- 1821 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 1821 (14) "Clandestine laboratory operation" means the same as that term is defined in Section 58-37d-3.
- 1821 (15) "Commit" or "committed" means, unless specified otherwise:

## SB0257 compared with SB0257S02

- 1822 (a) with respect to a child, to transfer legal custody; and
- 1823 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 1824 (16) "Community-based program" means a nonsecure residential or nonresidential program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least restrictive setting, consistent with public safety, and operated by or under contract with the Division of Juvenile Justice and Youth Services.
- 1828 (17) "Community placement" means placement of a minor in a community-based program described in Section 80-5-402.
- 1830 (18) "Correctional facility" means:
- 1831 (a) a county jail; or
- 1832 (b) a secure correctional facility as defined in Section 64-13-1.
- 1833 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a minor's likelihood of reoffending.
- 1835 (20) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- 1837 (21) "Dependent child" or "dependency" means a child who is without proper care through no fault of the child's parent, guardian, or custodian.
- 1839 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a parent or a previous custodian to another person, agency, or institution.
- 1841 (23) "Detention" means home detention or secure detention.
- 1842 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 1844 (25) "Detention risk assessment tool" means an evidence-based tool established under Section 80-5-203 that:
- 1846 (a) assesses a minor's risk of failing to appear in court or reoffending before adjudication; and
- 1848 (b) is designed to assist in making a determination of whether a minor shall be held in detention.
- 1850 (26) "Developmental immaturity" means incomplete development in one or more domains that manifests as a functional limitation in the minor's present ability to:
- 1852 (a) consult with counsel with a reasonable degree of rational understanding; and
- 1853 (b) have a rational as well as factual understanding of the proceedings.
- 1854 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor, under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.

## SB0257 compared with SB0257S02

- 1856 (28) "Educational neglect" means that, after receiving a notice of compulsory education violation under  
Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child  
receives an appropriate education.
- 1859 (29) "Educational series" means an evidence-based instructional series:
- 1860 (a) obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in  
accordance with Section 26B-5-104; and
- 1862 (b) designed to prevent substance use or the onset of a mental health disorder.
- 1863 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 1864 (31) "Evidence-based" means a program or practice that has had multiple randomized control studies or  
a meta-analysis demonstrating that the program or practice is effective for a specific population or  
has been rated as effective by a standardized program evaluation tool.
- 1868 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 1869 (33) "Formal probation" means a minor is:
- 1870 (a) supervised in the community by, and reports to, a juvenile probation officer or an agency designated  
by the juvenile court; and
- 1872 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1873 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 1874 (35) "Group rehabilitation therapy" means psychological and social counseling of one or more  
individuals in the group, depending upon the recommendation of the therapist.
- 1876 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor, including  
the authority to consent to:
- 1878 (a) marriage;
- 1879 (b) enlistment in the armed forces;
- 1880 (c) major medical, surgical, or psychiatric treatment; or
- 1881 (d) legal custody, if legal custody is not vested in another individual, agency, or institution.
- 1883 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 1884 (38) "Harm" means:
- 1885 (a) physical or developmental injury or damage;
- 1886 (b) emotional damage that results in a serious impairment in the child's growth, development, behavior,  
or psychological functioning;
- 1888 (c) sexual abuse; or

## SB0257 compared with SB0257S02

- 1889 (d) sexual exploitation.
- 1890 (39) "Home detention" means placement of a minor:
- 1891 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or custodian, under terms and conditions established by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 1894 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or custodian, under terms and conditions established by the Division of Juvenile Justice and Youth Services or the juvenile court.
- 1898 (40)
- (a) "Incest" means engaging in sexual intercourse with an individual whom the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.
- 1901 (b) "Incest" includes:
- 1902 (i) blood relationships of the whole or half blood, regardless of whether the relationship is legally recognized;
- 1904 (ii) relationships of parent and child by adoption; and
- 1905 (iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.
- 1907 (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1908 (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1909 (43) "Indigent defense service provider" means the same as that term is defined in Section 78B-22-102.
- 1911 (44) "Indigent defense services" means the same as that term is defined in Section 78B-22-102.
- 1913 (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 1914 (46)
- (a) "Intake probation" means a minor is:
- 1915 (i) monitored by a juvenile probation officer; and
- 1916 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1917 (b) "Intake probation" does not include formal probation.
- 1918 (47) "Intellectual disability" means a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior that constitutes a substantial limitation to the individual's ability to function in society.

## SB0257 compared with SB0257S02

- 1921 (48) "Juvenile offender" means:
- 1922 (a) a serious youth offender; or
- 1923 (b) a youth offender.
- 1924 (49) "Juvenile probation officer" means a probation officer appointed under Section 78A-6-205.
- 1926 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by the Division of Juvenile Justice and Youth Services, or under contract with the Division of Juvenile Justice and Youth Services, that is responsible for minors taken into temporary custody under Section 80-6-201.
- 1930 (51) "Legal custody" means a relationship embodying:
- 1931 (a) the right to physical custody of the minor;
- 1932 (b) the right and duty to protect, train, and discipline the minor;
- 1933 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;
- 1935 (d) the right to determine where and with whom the minor shall live; and
- 1936 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 1937 (52) "Licensing Information System" means the Licensing Information System maintained by the Division of Child and Family Services under Section 80-2-1002.
- 1939 (53) "Management Information System" means the Management Information System developed by the Division of Child and Family Services under Section 80-2-1001.
- 1941 (54) "Mental illness" means:
- 1942 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional, behavioral, or related functioning; or
- 1944 (b) the same as that term is defined in:
- 1945 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or
- 1947 (ii) the current edition of the International Statistical Classification of Diseases and Related Health Problems.
- 1949 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 1950 (a) a child; or
- 1951 (b) an individual:
- 1952 (i)
- (A) who is at least 18 years old and younger than 21 years old; and
- 1953

## SB0257 compared with SB0257S02

- (B) for whom the Division of Child and Family Services has been specifically ordered by the juvenile court to provide services because the individual was an abused, neglected, or dependent child or because the individual was adjudicated for an offense;
- 1957 (ii)
- (A) who is at least 18 years old and younger than 25 years old; and
- 1958 (B) whose case is under the jurisdiction of the juvenile court in accordance with Subsection 78A-6-103(1)(b); or
- 1960 (iii)
- (A) who is at least 18 years old and younger than 21 years old; and
- 1961 (B) whose case is under the jurisdiction of the juvenile court in accordance with Subsection 78A-6-103(1)(c).
- 1963 (56) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.
- 1965 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child, or the breast of a female child, or takes indecent liberties with a child as defined in Section 76-5-401.1.
- 1969 (58)
- (a) "Neglect" means action or inaction causing:
- 1970 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe Relinquishment of a Newborn Child;
- 1972 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent, guardian, or custodian;
- 1974 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence or medical care, or any other care necessary for the child's health, safety, morals, or well-being;
- 1977 (iv) a child to be at risk of being neglected or abused because another child in the same home is neglected or abused;
- 1979 (v) abandonment of a child through an unregulated child custody transfer under Section 81-14-203;  
or
- 1981 (vi) educational neglect.
- 1982 (b) "Neglect" does not include:
- 1983 (i) a parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child;

## SB0257 compared with SB0257S02

- 1985 (ii) a health care decision made for a child by the child's parent or guardian, unless the state or other party to a proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed;
- 1988 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 1989 (iv) permitting a child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities, including:
- 1992 (A) traveling to and from school, including by walking, running, or bicycling;
- 1993 (B) traveling to and from nearby commercial or recreational facilities;
- 1994 (C) engaging in outdoor play;
- 1995 (D) remaining in a vehicle unattended, except under the conditions described in Subsection 76-5-115(2);
- 1997 (E) remaining at home unattended; or
- 1998 (F) engaging in a similar independent activity.
- 1999 (59) "Neglected child" means a child who has been subjected to neglect.
- 2000 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the consent in writing of:
- 2003 (a) the assigned juvenile probation officer; and
- 2004 (b)
- (i) the minor; or
- 2005 (ii) the minor and the minor's parent, guardian, or custodian.
- 2006 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual disability or related condition, or developmental immaturity, lacks the ability to:
- 2008 (a) understand the nature of the proceedings against the minor or of the potential disposition for the offense charged; or
- 2010 (b) consult with counsel and participate in the proceedings against the minor with a reasonable degree of rational understanding.
- 2012 (62)
- (a) "Parent" means, except as provided in Section 80-3-302, an individual with a parent-child relationship, as defined in Section 81-5-102, to a minor[~~under Section 81-5-201~~].
- 2015 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 2016

## SB0257 compared with SB0257S02

- (63) "Parole" means a conditional release of a juvenile offender from residency in secure care to live outside of secure care under the supervision of the Division of Juvenile Justice and Youth Services, or another person designated by the Division of Juvenile Justice and Youth Services.
- 2020 (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 2021 (65)
- (a) "Probation" means a legal status created by court order, following an adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's home under prescribed conditions.
- 2024 (b) "Probation" includes intake probation or formal probation.
- 2025 (66) "Prosecuting attorney" means:
- 2026 (a) the attorney general and any assistant attorney general;
- 2027 (b) any district attorney or deputy district attorney;
- 2028 (c) any county attorney or assistant county attorney; and
- 2029 (d) any other attorney authorized to commence an action on behalf of the state.
- 2030 (67) "Protective custody" means the shelter of a child by the Division of Child and Family Services from the time the child is removed from the home until the earlier of:
- 2032 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 2033 (b) the day on which the child is returned home.
- 2034 (68) "Protective services" means expedited services that are provided:
- 2035 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 2036 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 2037 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the causes of neglect or abuse; and
- 2039 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 2040 (c) in cases where the child's welfare is endangered:
- 2041 (i) to bring the situation to the attention of the appropriate juvenile court and law enforcement agency;
- 2043 (ii) to cause a protective order to be issued for the protection of the child, when appropriate; and
- 2045 (iii) to protect the child from the circumstances that endanger the child's welfare including, when appropriate:
- 2047 (A) removal from the child's home;
- 2048 (B) placement in substitute care; and

## SB0257 compared with SB0257S02

- 2049 (C) petitioning the court for termination of parental rights.
- 2050 (69) "Protective supervision" means a legal status created by court order, following an adjudication on  
the ground of abuse, neglect, or dependency, whereby:
- 2052 (a) the minor is permitted to remain in the minor's home; and
- 2053 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided by an agency  
designated by the juvenile court.
- 2055 (70)
- (a) "Related condition" means a condition that:
- 2056 (i) is found to be closely related to intellectual disability;
- 2057 (ii) results in impairment of general intellectual functioning or adaptive behavior similar to that of  
an intellectually disabled individual;
- 2059 (iii) is likely to continue indefinitely; and
- 2060 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 2061 (b) "Related condition" does not include mental illness, psychiatric impairment, or serious emotional or  
behavioral disturbance.
- 2063 (71)
- (a) "Residual parental rights and duties" means the rights and duties remaining with a parent after legal  
custody or guardianship, or both, have been vested in another person or agency, including:
- 2066 (i) the responsibility for support;
- 2067 (ii) the right to consent to adoption;
- 2068 (iii) the right to determine the child's religious affiliation; and
- 2069 (iv) the right to reasonable parent-time unless restricted by the court.
- 2070 (b) If no guardian has been appointed, "residual parental rights and duties" includes the right to consent  
to:
- 2072 (i) marriage;
- 2073 (ii) enlistment; and
- 2074 (iii) major medical, surgical, or psychiatric treatment.
- 2075 (72) "Runaway" means a child, other than an emancipated child, who willfully leaves the home of the  
child's parent or guardian, or the lawfully prescribed residence of the child, without permission.
- 2078 (73) "Secure care" means placement of a minor, who is committed to the Division of Juvenile Justice  
and Youth Services for rehabilitation, in a facility operated by, or under contract with, the Division

## SB0257 compared with SB0257S02

of Juvenile Justice and Youth Services, that provides 24-hour supervision and confinement of the minor.

- 2082 (74) "Secure care facility" means a facility, established in accordance with Section 80-5-503, for  
juvenile offenders in secure care.
- 2084 (75) "Secure detention" means temporary care of a minor who requires secure custody in a physically  
restricting facility operated by, or under contract with, the Division of Juvenile Justice and Youth  
Services:
- 2087 (a) before disposition of an offense that is alleged to have been committed by the minor; or  
2089 (b) under Section 80-6-704.
- 2090 (76) "Serious youth offender" means an individual who:  
2091 (a) is at least 14 years old, but under 25 years old;  
2092 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction of the juvenile  
court was extended over the individual's case until the individual was 25 years old in accordance  
with Section 80-6-605; and  
2095 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth Services for secure  
care under Sections 80-6-703 and 80-6-705.
- 2097 (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 2098 (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.
- 2100 (79)
- (a) "Severe type of child abuse or neglect" means, except as provided in Subsection (79)(b):
- 2102 (i) if committed by an individual who is 18 years old or older:
- 2103 (A) chronic abuse;  
2104 (B) severe abuse;  
2105 (C) sexual abuse;  
2106 (D) sexual exploitation;  
2107 (E) abandonment;  
2108 (F) chronic neglect; or  
2109 (G) severe neglect; or
- 2110 (ii) if committed by an individual who is under 18 years old:  
2111 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child that indicates a  
significant risk to other children; or

## SB0257 compared with SB0257S02

- 2113 (B) sexual behavior with or upon another child that indicates a significant risk to other children.
- 2115 (b) "Severe type of child abuse or neglect" does not include:
- 2116 (i) the use of reasonable and necessary physical restraint by an educator in accordance with Section 53G-8-301 or Section 76-2-401;
- 2118 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the possession or under the control of a child or to protect the child or another individual from physical injury; or
- 2123 (iii) a health care decision made for a child by a child's parent or guardian, unless, subject to Subsection (79)(c), the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.
- 2127 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the right to obtain a second health care opinion.
- 2129 (80)
- (a) "Sexual abuse" means:
- 2130 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an adult directed towards a child;
- 2132 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation committed by a child towards another child if:
- 2134 (A) there is an indication of force or coercion;
- 2135 (B) the children are related, as described in Subsection (40), including siblings by marriage while the marriage exists or by adoption; or
- 2137 (C) the act or attempted act constitutes unlawful sexual activity as described in Section 76-5-401.3.
- 2139 (iii) engaging in any conduct with a child that would constitute an offense under any of the following, regardless of whether the individual who engages in the conduct is actually charged with, or convicted of, the offense:
- 2142 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 2143 (B) child bigamy, Section 76-7-101.5;
- 2144 (C) incest, Section 76-7-102;
- 2145 (D) voyeurism, Section 76-12-306;
- 2146 (E) recorded or photographed voyeurism, Section 76-12-307; or

## SB0257 compared with SB0257S02

- 2147 (F) distribution of images obtained through voyeurism, Section 76-12-308; or  
2148 (iv) subjecting a child to participate in or threatening to subject a child to participate in a sexual  
relationship, regardless of whether that sexual relationship is part of a legal or cultural marriage.
- 2151 (b) "Sexual abuse" does not include engaging in any conduct with a child that would constitute an  
offense described in:
- 2153 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator of the offense is a  
minor; or
- 2155 (ii) Section 76-5-417, enticing a minor.
- 2156 (81) "Sexual exploitation" means knowingly:
- 2157 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 2158 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 2159 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing, filming,  
recording, or displaying in any way the sexual or simulated sexual conduct;
- 2162 (b) displaying, distributing, possessing for the purpose of distribution, or selling material depicting a  
child:
- 2164 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 2165 (ii) engaging in sexual or simulated sexual conduct; or
- 2166 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201, sexual  
exploitation of a minor, or Section 76-5b-201.1, aggravated sexual exploitation of a minor,  
regardless of whether the individual who engages in the conduct is actually charged with, or  
convicted of, the offense.
- 2170 (82) "Shelter" means the temporary care of a child in a physically unrestricted facility pending a  
disposition or transfer to another jurisdiction.
- 2172 (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 2173 (84) "Significant risk" means a risk of harm that is determined to be significant in accordance with risk  
assessment tools and rules established by the Division of Child and Family Services in accordance  
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that focus on:
- 2177 (a) age;
- 2178 (b) social factors;
- 2179 (c) emotional factors;
- 2180 (d) sexual factors;

## SB0257 compared with SB0257S02

- 2181 (e) intellectual factors;
- 2182 (f) family risk factors; and
- 2183 (g) other related considerations.
- 2184 (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 2185 (86) "Status offense" means an offense that would not be an offense but for the age of the offender.
- 2187 (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or excessive use of alcohol or other drugs or substances.
- 2189 (88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance of the evidence, and separate consideration of each allegation made or identified in the case, that abuse, neglect, or dependency occurred.
- 2192 (89) "Substitute care" means:
- 2193 (a) the placement of a minor in a family home, group care facility, or other placement outside the minor's own home, either at the request of a parent or other responsible relative, or upon court order, when it is determined that continuation of care in the minor's own home would be contrary to the minor's welfare;
- 2197 (b) services provided for a minor in the protective custody of the Division of Child and Family Services, or a minor in the temporary custody or custody of the Division of Child and Family Services, as those terms are defined in Section 80-2-102; or
- 2200 (c) the licensing and supervision of a substitute care facility.
- 2201 (90) "Supported" means a finding by the Division of Child and Family Services based on the evidence available at the completion of an investigation, and separate consideration of each allegation made or identified during the investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred.
- 2205 (91) "Termination of parental rights" means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.
- 2207 (92) "Therapist" means:
- 2208 (a) an individual employed by a state division or agency for the purpose of conducting psychological treatment and counseling of a minor in the division's or agency's custody; or
- 2211 (b) any other individual licensed or approved by the state for the purpose of conducting psychological treatment and counseling.
- 2213

## SB0257 compared with SB0257S02

(93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect.

2215 (94) "Torture" means:

2216 (a) the infliction of a serious injury upon a child in an exceptionally cruel or exceptionally depraved manner that causes the child to experience extreme physical or psychological pain or anguish; or

2219 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part of a course of conduct or over a prolonged period of time.

2221 (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:

2222 (a) results in behavior that is beyond the control or ability of the child, or the parent or guardian, to manage effectively;

2224 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or

2225 (c) results in the situations described in Subsections (95)(a) and (b).

2226 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

2228 (97) "Unsupported" means a finding by the Division of Child and Family Services at the completion of an investigation, after the day on which the Division of Child and Family Services concludes the alleged abuse, neglect, or dependency is not without merit, that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

2232 (98) "Validated risk and needs assessment" means an evidence-based tool that assesses a minor's risk of reoffending and a minor's criminogenic needs.

2234 (99) "Without merit" means a finding at the completion of an investigation by the Division of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.

2238 (100) "Youth offender" means an individual who is:

2239 (a) at least 12 years old, but under 21 years old; and

2240 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth Services for secure care under Sections 80-6-703 and 80-6-705.

2250 Section 28. Section **81-1-101** is amended to read:

2251 **81-1-101. Definitions for title.**

As used in this title:

2245

## SB0257 compared with SB0257S02

- 2247 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and 81-10-101, a son  
or daughter of any age.
- 2248 (2) "Court" means:
- 2249 (a) a judge; or
- 2251 (b) a court commissioner if the court commissioner has authority to hear the matter under Section  
78A-5-107 or the Utah Rules of Judicial Administration.
- 2252 (3) "Custodial parent" means:
- 2253 (a) a parent awarded primary physical custody of a minor child by a court order;
- 2254 (b) if both parents have joint physical custody:
- 2255 (i) the parent awarded more overnights each year by a court order; or
- 2256 (ii) the parent designated as the custodial parent by a court order; or
- 2258 (c) if there is no court order, the parent with whom the minor child resides more than one-half of the  
calendar year without regard to any temporary parent-time.
- 2260 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger than 18 years  
old and is not emancipated.
- 2262 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of any  
designation of joint legal custody.
- 2273 (6) "Parent" means, except as provided in Section 81-13-211, an individual with an established parent-  
child relationship as [~~described in Section 81-5-201~~] defined in Section 81-5-102.
- 2274 Section 29. Section **81-2-302** is amended to read:
- 2274 **81-2-302. Marriage licenses -- Use within state -- Expiration.**
- 2267 (1) A marriage may not be solemnized in this state without a license issued by the county clerk of any  
county of this state.
- 2269 (2)
- 2271 (a) A license issued within this state by a county clerk may only be used within this state.
- 2281 (b) A license is considered used within this state if the officiant { ~~and at least one of the parties to the  
marriage~~ } is physically present in the state at the time of solemnization of the marriage.
- 2283 (c) A license is not considered used within this state when the parties to the marriage are not physically  
present in the state in the same location as the officiant, unless:

## SB0257 compared with SB0257S02

- 2286 (i) the county issuing the marriage license posts on the county's website, in writing, a sufficient warning that an online marriage solemnized in this state may be invalid in the country where the parties to the marriage reside; and
- 2288 (ii) the officiant reiterates the warning described in Subsection (2)(c)(i) verbatim immediately before solemnizing the marriage.
- 2289 (3) A warning described in Subsection (2)(c)(i) is considered sufficient if the warning:
- 2291 (a) appears prominently on the county's website and in the same location on the website as an application for a marriage license;
- 2293 (b) is in bold type of the same or larger font size as the text of the instructions for applying for a marriage license; and
- 2274 (c) is stated in full in at least English, Spanish, Portuguese, Tagalog, French, and Mandarin Chinese on the website.
- 2275 ~~(3)~~ (4) A marriage is considered solemnized if:
- 2276 (a) the parties to the marriage have a valid marriage license;
- 2278 (b) each party to the marriage willingly, and without duress, declares their intent to enter into the marriage;
- 2281 (c) each party to the marriage has filed all required affidavits with the county clerk that issued the marriage license as required under Subsection ~~[81-2-303(4)(a)]~~ 81-2-303(5)(a);
- 2282 (d) an officiant pronounces the parties as married; and
- 2284 (e) at least two individuals 18 years old or older witness the declarations of intent and the pronouncement.
- 2307 ~~(4)~~ (5) A license that is not used within 32 days after the day on which the license is issued is invalid.
- 2308 Section 30. Section **81-2-303** is amended to read:
- 2288 **81-2-303. Application for marriage license -- Contents.**
- 2310 (1) A county clerk may issue a marriage license only after[:]
- 2289 ~~(a)~~ {
- 2291 ~~{(a)}~~ an application is filed with the county clerk's office, requiring the following information:
- 2293 ~~(i)~~ (a) the full names of the applicants, including the maiden or bachelor name of each applicant;
- 2295 ~~(ii)~~ (b) the social security numbers of the applicants, unless an applicant has not been assigned a number;
- 2295 ~~(iii)~~ (c) the current address of each applicant;

## SB0257 compared with SB0257S02

- 2296 [(iv)] (d) the date and place of birth, including the town or city, county, state or country, if possible;
- 2298 [(v)] (e) the names of the applicants' respective parents, including the maiden name of a mother;
- 2300 [(vi)] (f) the birthplaces of the applicants' respective parents, including the town or city, county, state or  
country, if possible; and
- 2302 [(vii)] (g) the age, legal name, and identity of each applicant is verified.
- 2303 (2) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.
- 2305 (3)
- (a) If one or both of the applicants is a minor, the county clerk shall provide each minor with a standard  
petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the  
authorization required by Section 81-2-304.
- 2309 (b) The form described in Subsection (3)(a) shall include:
- 2310 (i) all information described in Subsection (1);
- 2311 (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the  
minor in accordance with Subsection 81-2-304(1)(a);
- 2313 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section  
81-2-304 signed under penalty of perjury;
- 2315 (iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage  
application signed under penalty of perjury; and
- 2317 (v) a place for the clerk to sign that indicates that the following have provided documentation to support  
the information contained in the form:
- 2319 (A) each applicant; and
- 2320 (B) the minor's parent or legal guardian.
- 2321 (4)
- (a) The social security numbers obtained under the authority of this section may not be recorded on the  
marriage license and are not open to inspection as a part of the vital statistics files.
- 2324 (b) The [~~Department of Health and Human Services,~~]Office of Vital [~~Record~~] Records and Statistics  
shall, upon request, supply the social security numbers to the [~~Department of Health and Human  
Services,~~]Office of Recovery Services.
- 2327 (c) The Office of Recovery Services may not use a social security number obtained under the authority  
of this section for any reason other than the administration of child support services.
- 2330 (5)

## SB0257 compared with SB0257S02

(a) A county clerk may not issue a marriage license until the county clerk receives:

- 2331 (i) an affidavit from each party applying for the marriage license, stating that there is no lawful  
reason preventing the marriage; and
- 2333 (ii) if one of the parties will not be physically present in the state at the time of solemnization of the  
marriage, an affidavit from each party applying for the marriage license, stating that the party  
consents to personal jurisdiction of the state, and of the county issuing the marriage license, for  
the purposes of filing a divorce or annulment of the marriage.

2338 (b) A county clerk shall file and preserve each affidavit provided under this section.

2339 (c) A party who makes an affidavit described in Subsection [(4)(a)] (5)(a), or a subscribing witness  
to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be prosecuted and  
punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

2343 (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is guilty of a  
class A misdemeanor.

2366 Section 31. Section **81-2-403** is amended to read:

2367 **81-2-403. Marriages prohibited and void.**

2347 (1) [~~The following marriages are prohibited and declared void:~~] A marriage is prohibited and void if:

2349 (a) [~~when~~]there is a spouse living from whom the individual marrying has not been divorced;

2351 (b) except as provided in Subsection (2), the individual marrying is under 18 years old;{ ~~or~~}

2353 {~~(c) between a divorced individual and any individual other than the one from whom the divorce was  
secured until;~~}

2355 {~~(i) the divorce decree becomes absolute; and~~}

2356 {~~(ii) if an appeal is taken, until after the affirmance of the divorce decree.~~}

2357 {~~(e)~~}

{~~(i) the marriage is between a divorced individual and an individual other than the divorced individual's  
spouse in the divorce action; and~~}

2359 {~~(ii)~~}

{~~(A) the divorce decree is not final; or~~}

2360 {~~(B) if an appeal is taken, the divorce decree has not been affirmed; or~~}

2361 {~~(d) except as provided in Subsection (3);~~}

2362 {~~(i) the marriage is solemnized remotely through electronic means;~~}

2363 {~~(ii) both of the individuals marrying are not residents of the state; and~~}

## SB0257 compared with SB0257S02

- 2364 {~~(iii) the two individuals marrying are not in the same physical location within the state when the~~  
2365 ~~marriage is solemnized.~~}
- 2366 (2) A marriage of an individual under 18 years old is not void if the individual:
- 2367 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization  
2368 in accordance with Section 81-2-304; or
- 2369 (b) lawfully marries before May 14, 2019.
- 2370 {~~(3) A marriage described in Subsection (1)(d) is not void if the marriage:~~  
2371 ~~{(a) was solemnized before May 6, 2026; and}~~  
2372 ~~{(b) is otherwise lawful.}~~}
- 2382 Section 32. Section **81-4-104** is amended to read:
- 2383 **81-4-104. Temporary separation order.**
- 2375 (1) An individual may file an action for a temporary separation order, without filing a petition for  
2376 divorce, by filing a petition for temporary separation and motion for temporary orders if:
- 2377 (a) the individual is lawfully married to the individual from whom the separation is sought; and
- 2378 (b)
- 2380 (i) both parties are residents of the state for at least 90 days before the day on which the action is filed;  
2381 or
- 2382 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under  
2383 Subsection ~~[81-2-303(4)(a)(ii)]~~ 81-2-303(5)(a)(ii).
- 2384 (2) The temporary orders are valid for one year after the day on which the hearing for the order is held  
2385 or until one of the following occurs:
- 2386 (a) a petition for divorce is filed and consolidated with the petition for temporary separation; or
- 2387 (b) the case is dismissed.
- 2388 (3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders  
2389 entered in the temporary separation shall continue in the consolidated case.
- 2390 (4)
- 2391 (a) If the parties to the temporary separation action have a minor child, the parties shall attend the  
2392 divorce orientation course described in Section 81-4-105:
- 2393 (i) for the petitioner, within 60 days after the day on which the petition is filed; and
- 2394 (ii) for the respondent, within 30 days after the day on which the respondent is served.
- 2395
- 2396

## SB0257 compared with SB0257S02

- (b) If the parties to the temporary separation action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.
- 2398 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.
- 2400 (d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.
- 2402 (5) For a party that is unable to pay the costs of the divorce orientation course, and before the court enters a decree of divorce in the action, the court shall:
- 2404 (a) make a final determination of indigency; and
- 2405 (b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.
- 2407 (6)
- (a) Except for a temporary restraining order under [~~Rule 65A of the~~]Utah Rules of Civil Procedure, Rule 65A, a party may file, but the court may not hear, a motion for an order related to the temporary separation petition until the moving party completes the divorce orientation course.
- 2411 (b) It is an affirmative defense in a temporary separation action that a party has not completed the divorce orientation course and the action may not continue until a party has complied with the divorce orientation course.
- 2414 (7)
- (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the divorce orientation course, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.
- 2419 (b) If the requirement is waived, the court may permit the temporary separation action to proceed.
- 2421 (8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.
- 2423 (9) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce.
- 2435 Section 33. Section **81-5-102** is amended to read:
- 2436 **81-5-102. Definitions for chapter.**

## SB0257 compared with SB0257S02

As used in this chapter:

- 2429 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the father of a child.
- 2431 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.
- 2434 (3)
- (a) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse.
- 2436 (b) "Assisted reproduction" includes:
- 2437 (i) intrauterine insemination;
- 2438 (ii) donation of eggs;
- 2439 (iii) donation of embryos;
- 2440 (iv) in vitro fertilization and transfer of embryos; or
- 2441 (v) intracytoplasmic sperm injection.
- 2442 (4)
- (a) "Birth mother" means the woman ~~[that]~~ who gives birth to the child.
- 2443 (b) "Birth mother" does not include a gestational mother.
- 2444 (5) "Child" means an individual of any age whose parentage may be determined under this chapter.
- 2446 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 2447 (7) "Child support services agency" means a public official or agency authorized under Title IV-D of the Social Security Act that has the authority to seek:
- 2449 (a) enforcement of support orders or laws relating to the duty of support;
- 2450 (b) establishment or modification of child support;
- 2451 (c) determination of parentage; or
- 2452 (d) location of child-support obligors and their income and assets.
- 2453 (8) "Commence" means to file the initial pleading seeking an adjudication of parentage in the appropriate tribunal of this state.
- 2455 (9) "Declarant father" means a male who:
- 2456 (a) along with the birth mother, claims to be the genetic father of a child; and
- 2457 (b) signs a voluntary declaration of paternity to establish the man's parentage.
- 2458 (10) "Determination of parentage" means the establishment of the parent-child relationship by:
- 2460 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of Paternity; or
- 2462 (b) adjudication by a tribunal.

## SB0257 compared with SB0257S02

- 2463 (11)
- (a) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration.
- 2465 (b) "Donor" does not include:
- 2466 (i) a husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife;
- 2468 (ii) a woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in Part 8, Gestational Agreement;
- 2470 (iii) a parent under Part 7, Assisted Reproduction; or
- 2471 (iv) an intended parent under Part 8, Gestational Agreement.
- 2472 (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.
- 2475 (13) "Financial support" means:
- 2476 (a) a base child support award as defined in Section 81-6-101;
- 2477 (b) all past-due support that accrues under an order for current periodic payments; and
- 2478 (c) sum certain judgments for past-due support.
- 2479 (14)
- (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child.
- 2481 (b) "Genetic testing" includes an analysis of one or a combination of the following:
- 2482 (i) deoxyribonucleic acid; or
- 2483 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.
- 2485 (15) "Gestational mother" means a woman who:
- 2486 (a) is 18 years old or older; and
- 2487 (b) gives birth to a child under a gestational agreement.
- 2488 (16) "Man" means a male individual of any age.
- 2489 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 2490 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 2491 (19) "Parentage" means a parent-child relationship.

## SB0257 compared with SB0257S02

- 2492 (20)
- (a) "Parent-child relationship" means the legal relationship between a child and a parent of the child as described in Section 81-5-201.
- 2494 (b) "Parent-child relationship" includes:
- 2495 (i) the mother-child relationship; or
- 2496 (ii) the father-child relationship.
- 2497 (21) "Parentage index" means the likelihood of paternity calculated by computing the ratio between:
- 2499 (a) the likelihood that the tested man is the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is the father of the child; and
- 2502 (b) the likelihood that the tested man is not the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.
- 2506 (22) "Presumed father" means a man who, by operation of law under Section 81-5-204, is recognized as the father of a child until that status is rebutted or confirmed in accordance with this chapter.
- 2509 (23) "Probability of parentage" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the parentage index and a prior probability.
- 2513 (24) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- 2515 (25) "Signatory" means an individual who authenticates a record and is bound by the record's terms.
- 2517 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory, Native American Tribe, or insular possession subject to the jurisdiction of the United States.
- 2520 (27) "Support" means the same as that term is defined in Section 81-6-101.
- 2521 (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.
- 2523 (29) "Unmarried biological father" means the same as that term is defined in Section 81-13-101.
- 2534 Section 34. Section **81-5-204** is amended to read:
- 2535 **81-5-204. Presumption of parentage.**
- 2527 (1) A man is presumed to be the father of a child if:

## SB0257 compared with SB0257S02

- 2528 (a) the man and the birth mother of the child are married to each other and the child is born during the marriage;
- 2530 (b) the man and the birth mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation;
- 2533 (c) before the birth of the child, the man and the birth mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after the marriage's termination by death, annulment, declaration of invalidity, or divorce or after a decree of separation; or
- 2538 (d) after the birth of the child, the man and the birth mother of the child married each other in apparent compliance with law, whether ~~[or not]~~ the marriage is, or could be declared, invalid, the man voluntarily asserted the man's parentage of the child, and there is no other presumptive father of the child, and:
- 2542 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;
- 2543 (ii) the man agreed to be and is named as the child's father on the child's birth certificate; or
- 2545 (iii) the man promised in a record to support the child as his own.
- 2546 (2) A man is not presumed to be the father of a child not named in a divorce decree if:
- 2547 (a) the child was born at the time of entry of the divorce decree; and
- 2548 (b) there are children named in the divorce decree and the children have a mother-child relationship described in Section 81-5-201 with the same mother as the child.
- 2550 ~~[(2)]~~ (3) A presumption of parentage established under this section may only be rebutted in accordance with Section 81-5-607.
- 2552 ~~[(3)]~~ (4) If a child has an adjudicated father, the results of genetic testing are inadmissible to challenge parentage except as described in Section 81-5-607.
- 2563 Section 35. Section **81-5-608** is amended to read:
- 2564 **81-5-608. Authority to deny motion for genetic testing or disregard test results.**
- 2556 ~~[(1) In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the parentage of a child having a declarant father, the tribunal may deny a motion seeking an order for genetic testing of the birth mother, the child, and the presumed or declarant father, or if testing has been completed, the tribunal may disregard genetic test results that exclude the presumed or declarant father if the tribunal determines that:]~~

## SB0257 compared with SB0257S02

- 2562 (1) As used in this section, "possible father" means a man who had a sexual relationship with the birth  
mother of a child that gave rise to a reasonable belief that the man was the genetic father of the  
child.
- 2565 (2) In a proceeding to adjudicate the parentage of a child, the tribunal may:
- 2566 (a) deny a motion seeking an order for genetic testing; or
- 2567 (b) disregard the genetic test results that exclude the presumed father, declarant father, or possible father  
if testing has been completed and the tribunal determines that:
- 2569 [~~(a)~~] (i) the conduct of the birth mother or [~~the presumed or declarant father~~] the presumed father,  
declarant father, or possible father estops that party from denying parentage; and
- 2572 [~~(b)~~] (ii) it would be inequitable to disrupt the parent-child relationship between the child and [~~the~~  
presumed or declarant father] the presumed father, declarant father, or possible father.
- 2575 [~~(2)~~] (3) In determining whether to deny a motion seeking an order for genetic testing or to disregard  
genetic test results under this section, the tribunal shall consider the best interest of the child,  
including the following factors:
- 2578 (a) the length of time between the proceeding to adjudicate parentage and the time that [~~the presumed or~~  
declarant father] the presumed father, declarant father, or possible father was placed on notice that  
[~~the presumed or declarant father~~] the presumed father, declarant father, or possible father might not  
be the genetic father of the child;
- 2582 (b) the length of time during which [~~the presumed or declarant father~~] the presumed father, declarant  
father, or possible father has assumed the role of parent of the child;
- 2584 (c) the facts surrounding [~~the presumed or declarant father's~~] the presumed father's, declarant father's, or  
possible father's discovery of the [~~father's~~] their possible nonparentage;
- 2587 (d) the nature of the relationship between the child and [~~the presumed or declarant father~~] the presumed  
father, declarant father, or possible father;
- 2589 (e) the age of the child;
- 2590 (f) the harm that may result to the child if presumed or declared parentage is successfully  
disestablished;
- 2592 (g) the nature of the relationship between the child and any alleged father;
- 2593 (h) the extent to which the passage of time reduces the chances of establishing the parentage of another  
individual and a child-support obligation in favor of the child; and

2596

## SB0257 compared with SB0257S02

- (i) other factors that may affect the equities arising from the disruption of the parent-child relationship between the child and [~~the presumed or declarant father~~] the presumed father, declarant father, or possible father or the chance of other harm to the child.

2600 [(3)] (4) If the tribunal denies a motion seeking an order for genetic testing or disregards genetic test results that exclude [~~the presumed or declarant father~~] the presumed father, declarant father, or possible father, the tribunal shall issue an order adjudicating [~~the presumed or declarant father~~] the presumed father, declarant father, or possible father to be the father of the child.

2614 Section 36. Section **81-5-609** is amended to read:

2615 **81-5-609. Limitation -- Child having declarant father.**

2607 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [~~parentage~~] paternity or a child support services agency may commence a proceeding seeking to rescind the declaration or denial or challenge the parentage of the child only within the time allowed under Section 81-5-306 or 81-5-307.

2611 (2) A proceeding under this section is subject to the application of the principles of estoppel established in Section 81-5-608.

2622 Section 37. Section **81-5-705** is amended to read:

2623 **81-5-705. Limitation on husband's dispute of paternity.**

2615 (1) Except as otherwise provided in Subsection (2), the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge the husband's paternity of the child unless:

2618 (a) within two years after learning of the birth of the child the husband commences a proceeding to adjudicate the husband's paternity; and

2620 (b) the tribunal finds that the [~~spouse~~] husband did not consent to the assisted reproduction, before or after the birth of the child.

2622 (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal determines that:

2624 (a) the husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by the husband's wife;

2626 (b) the husband and the birth mother of the child have not cohabited since the probable time of assisted reproduction; and

2628 (c) the husband never openly treated the child as the husband's own.

2629 (3) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.

## SB0257 compared with SB0257S02

2640 Section 38. Section **81-6-101** is amended to read:

2641 **81-6-101. Definitions for chapter.**

As used in this chapter:

- 2634 (1) "Administrative agency" means the Office of Recovery Services or the Department of Health and Human Services.
- 2636 (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.
- 2637 (3) "Alimony" means the same as that term is defined in Section 81-4-101.
- 2638 (4) "Base child support award" means the award that may be ordered and is calculated using the child support guidelines before additions for medical expenses and work-related child care costs.
- 2641 (5) "Base combined child support obligation" means the presumed amount of child support that the parents should provide for their child as described in Subsection 81-6-204(1).
- 2643 (6) "Base combined child support obligation table" means the table described in Section 81-6-304.
- 2645 (7) "Child" means:
- 2646 (a) a son or daughter who is under 18 years old and who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States;
- 2648 (b) a son or daughter who is 18 years old or older while enrolled in high school during the normal and expected year of graduation and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States; or
- 2651 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means.
- 2654 (8)
- (a) "Child support" means a base child support award, or a monthly financial award for uninsured medical expenses, ordered by a tribunal for the support of a child.
- 2656 (b) "Child support" includes current periodic payments, arrearages that accrue under an order for current periodic payments, and sum certain judgments awarded for arrearages, medical expenses, and child care costs.
- 2659 (9) "Child support guidelines" means the calculation and application of child support as described in Part 2, Calculation and Adjustment of Child Support.
- 2661 (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether temporary, final, or subject to modification, that:
- 2663 (a) establishes or modifies child support;

## SB0257 compared with SB0257S02

- 2664 (b) reduces child support arrearages to judgment; or
- 2665 (c) establishes child support or registers a child support order under Chapter 8, Uniform Interstate Family Support Act.
- 2667 (11) "Child support tables" means the tables described in [~~Part 3, Child Support Tables~~] Sections 81-6-304 and 81-6-305.
- 2669 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 2670 (13) "Gross income" means the amount of income calculated for a parent as described in Section 81-6-203.
- 2672 (14) "Health care coverage" means coverage under which medical services are provided to a child through:
- 2674 (a) fee for service;
- 2675 (b) a health maintenance organization;
- 2676 (c) a preferred provider organization;
- 2677 (d) any other type of private health insurance; or
- 2678 (e) public health care coverage.
- 2679 (15)
- (a) "Incarceration" means the placement of an obligor who has been ordered to pay child support into a carceral setting in which the obligor is not permitted to earn wages from employment outside of the carceral setting.
- 2682 (b) "Incarceration" does not include being placed on probation, parole, or work release.
- 2683 (16)
- (a) "Income" means earnings, compensation, or other payment due to an individual, regardless of source, whether denominated as wages, salary, commission, bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive pay.
- 2687 (b) "Income" includes:
- 2688 (i) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion of capital assets;
- 2690 (ii) interest and dividends;
- 2691 (iii) periodic payments made under pension or retirement programs or insurance policies of any type;
- 2693 (iv) unemployment compensation benefits;
- 2694 (v) workers' compensation benefits; and

## SB0257 compared with SB0257S02

- 2695 (vi) disability benefits.
- 2696 (17) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 2697 (18) "Low income table" means the table described in Section 81-6-305.
- 2698 (19) "Medical expenses" means health and dental expenses and related insurance costs.
- 2699 (20) "Minimal child care award" means a minimum amount that an obligor has to pay each month for the monthly expense of child care.
- 2701 [~~(20)~~] (21) "Minor child" means a child who is younger than 18 years old.
- 2702 [~~(21)~~] (22) "Obligee" means an individual, this state, another state, or another comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of child support or public assistance.
- 2705 [~~(22)~~] (23) "Obligor" means a person owing a duty of support.
- 2706 [~~(23)~~] (24) "Office" means the Office of Recovery Services within the Department of Health and Human Services.
- 2708 [~~(24)~~] (25) "Ongoing expense for child care" means a periodic payment that an administrative agency or court orders an obligor parent to pay to assist with the child care expenses of the obligor parent's child.
- 2711 [~~(25)~~] (26) "Pregnancy expenses" means an amount equal to:
- 2712 (a) the sum of a pregnant mother's:
- 2713 (i) health insurance premiums while pregnant that are not paid by an employer or government program; and
- 2715 (ii) medical costs related to the pregnancy, incurred after the date of conception and before the pregnancy ends; and
- 2717 (b) minus any portion of the amount described in Subsection [~~(25)(a)~~] (26)(a) that a court determines is equitable based on the totality of the circumstances, not including any amount paid by the mother or father of the child.
- 2720 [~~(26)~~] (27) "Split custody" means that each parent has physical custody of at least one of the children.
- 2722 [~~(27)~~] (28) "State" means a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.
- 2725 [~~(28)~~] (29) "Support" means past-due, present, and future obligations to provide for the financial support, maintenance, or medical expenses of a child.

## SB0257 compared with SB0257S02

- 2727 [(29)] (30) "Support order" means:
- 2728 (a) a child support order; or
- 2729 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to modification, for alimony.
- 2731 [(30)] (31) "Suspension" means adjusting a child support order to zero dollars during the period of an obligor's incarceration.
- 2733 [(31)] (32) "Temporary" means a period of time that is projected to be less than 12 months in duration.
- 2735 [(32)] (33) "Third party" means an agency or a person other than a parent or a child who provides care, maintenance, and support to a child.
- 2737 [(33)] (34) "Tribunal" means the district court, the Department of Health and Human Services, Office of Recovery Services, or court or administrative agency of a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.
- 2742 [(34)] (35) "Work-related child care expenses" means reasonable child care costs for up to a full-time work week or training schedule as necessitated by the employment or training of a parent.
- 2745 [(35)] (36) "Worksheet" means a form used to aid in calculating the base child support award.
- 2756 Section 39. Section **81-6-202** is amended to read:
- 2757 **81-6-202. Determination of amount of child support -- Application of child support guidelines -- Requirements for child support order.**
- 2750 (1)
- (a) If a prior child support order does not exist, a substantial change in circumstances has occurred, or a petition to modify a child support order as described in Section 81-6-212 is filed, the court determining the amount of prospective child support shall require each party to file a proposed award of child support using the child support guidelines before the court enters or modifies a child support order.
- 2755 (b) When no prior child support order exists, the court or administrative agency shall determine and assess all arrearages based upon the child support guidelines.
- 2757 (2)
- (a) The court or administrative agency shall apply the child support guidelines as a rebuttable presumption in establishing or modifying the amount of temporary or permanent child support.
- 2760

## SB0257 compared with SB0257S02

(b) The rebuttable presumption means the provisions and considerations required by the child support guidelines, the award amounts resulting from the application of the child support guidelines, and the use of worksheets consistent with the child support guidelines are presumed to be correct, unless the child support guidelines are rebutted in accordance with this section.

2765

(3)

(a) A written finding or specific finding on the record supporting the conclusion that complying with a provision of the child support guidelines or ordering an award amount resulting from use of the child support guidelines would be unjust, inappropriate, or not in the best interest of a child in a particular case is sufficient to rebut the presumption in that case.

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(b) If an order rebuts the presumption through findings, the order is considered a deviated order.

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(4) The following are considered deviations from the child support guidelines, if:

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(a) the order includes a written finding that the order is a deviation from the child support guidelines;

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(b) the worksheet has:

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(i) the box checked for a deviation; and

2777

(ii) an explanation as to the reason; or

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(c) the deviation is made because there were more children than provided for in the child support tables.

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(5) If the amount in the order and the amount on the worksheet differ by \$10 or more:

2781

(a) the order is considered deviated; and

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(b) the incomes listed on the worksheet may not be used in adjusting support for emancipation as described in Section 81-6-213.

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(6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection (3), the court shall establish child support after considering all relevant factors, including:

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(a) the standard of living and situation of the parties;

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(b) the relative wealth and income of the parties;

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(c) the ability of the obligor to earn;

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(d) the ability of the obligee to earn;

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(e) the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income;

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(f) the needs of the obligee, the obligor, and the child;

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(g) the ages of the parties; and

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(h) the responsibilities of the obligor and the obligee for the support of others.

## SB0257 compared with SB0257S02

- 2795 (7)
- (a) If there are children of either parent who live in the home of that parent and are not children in common to both parties, the court or administrative agency, at the option of either party, may take into account the children under the child support guidelines in setting a base child support award as described in Subsection (8).
- 2799 (b) Additional worksheets shall be prepared that calculate the base child support award of the respective parents for the additional children.
- 2801 (c) The court or administrative agency shall subtract the base child support award calculated under Subsection (7)(b) from the appropriate parent's income before determining the award in the case described in Subsection (7)(a).
- 2804 (8) In a proceeding to adjust or modify a child support order, the court or administrative agency may consider children, who are born after the entry of the child support order and are not in common to both parties, to mitigate an increase in the award, but the court or administrative agency may not consider the children:
- 2808 (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent child support order; or
- 2810 (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent child support order.
- 2812 (9) A stipulated amount for child support or combined child support and alimony is adequate under the child support guidelines if the stipulated child support amount or combined amount equals or exceeds the base child support award required by the child support guidelines.
- 2816 (10) The court shall include the following provisions in a child support order:
- 2817 (a) a provision establishing the monthly amount of child support obligation for each parent in accordance with the child support guidelines;
- 2819 (b) a provision assigning responsibility for the payment of reasonable and necessary medical expenses for the child as described in Section 81-6-208;
- 2821 (c) a provision requiring the purchase and maintenance of appropriate health care insurance for the medical expenses of the child as described in Section 81-6-208 if health care insurance is or becomes available at a reasonable cost;
- 2824 (d) a provision regarding the child care expenses [~~and costs~~] as described in Section 81-6-209;
- 2826

## SB0257 compared with SB0257S02

- (e) a provision regarding each parent's right to claim a child as a tax exemption for federal and state income tax purposes in accordance with Section 81-6-210;
- 2828 (f) provisions for income withholding as a means of collecting child support, in accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
- 2831 (g) a provision regarding a parent's opportunity to adjust a child support order as described in Section 81-6-212.
- 2833 (11) The office shall include the provisions described in Section 26B-9-224 in a child support order.
- 2844 Section 40. Section **81-6-209** is repealed and reenacted to read:
- 2845 **81-6-209. Requirements for a child support order regarding child care expenses -- Actual expenses.**
- 2838 (1)
- (a) Except as otherwise provided in this section, the court or administrative agency shall require in a child support order that:
- 2840 (i) each parent share equally the reasonable work-related child care expenses of the parents; and
- 2842 (ii) the obligor pay a minimal child care award to the obligee if the court or administrative agency is entering or modifying the child support order on or after January 1, 2027.
- 2845 (b) The court or administrative agency may not order a minimal child care award under Subsection (1)(a)(ii) if the obligor's child support obligation is calculated using the low income table.
- 2848 (2)
- (a) The court or administrative agency shall presume under Subsection (1) that work-related child care expenses should be included in a child support order if a parent, during extended parent-time, is working and actually incurring expenses for child care.
- 2852 (b) The presumption under Subsection (2)(a) is rebutted if:
- 2853 (i) the obligor's base child support award, in combination with the award of medical expenses, exceeds 50% of the obligor's adjusted gross income; or
- 2855 (ii) by adding the child care expenses, the obligor's child support obligation would exceed 50% of the obligor's adjusted gross income.
- 2857 (3)

## SB0257 compared with SB0257S02

- 2861 (a) The court or administrative agency may award child care expenses on a case-by-case basis if the child care expenses are related to the employment and occupational training of the custodial parent or the child care expenses would be in the interest of justice.
- 2864 (b) The court or administrative agency may assign financial responsibility in a child support order for all or a portion of child care expenses incurred on behalf of a child due to the employment or occupational training of the custodial parent.
- 2867 (4)
- 2869 (a) The court or administrative agency may impute a monthly obligation for child care expenses when the court imputes income to a parent who is providing child care for the child so that the parties are not incurring child care expenses for the child.
- 2871 (b) The court shall apply any monthly obligation imputed under Subsection (4)(a) towards any actual child care expenses incurred within the same month for the child.
- 2873 (5)
- 2875 (a) The court shall require each party to file a proposed minimal child care award before the court makes a determination under Subsection (1)(a)(ii).
- 2877 (b) To calculate a minimal child care award under Section (1)(a)(ii), the court or administrative agency shall:
- 2878 (i) use the combined adjusted average monthly gross income of the parents as calculated for the base child support award under Section 81-6-204; and
- 2879 (ii) locate the minimum child care award for each child in the minimum child care award table in Section 81-6-306 by finding:
- 2881 (A) the combined adjusted average monthly gross income in the table;
- 2882 (B) the age of the child in the table; and
- 2883 (C) combining the amounts in the table for each child to determine the minimal child care award.
- 2884 (c) The court or administrative agency shall presume that the amount calculated under Subsection (5)(b) for the minimal child care award is the amount that the obligor should pay under Subsection (1)(a)(ii).
- 2885 (d) The presumption described in Subsection (5)(c) is rebuttable upon:
- 2886 (i) an agreement of the parties that is acceptable to the court or administrative agency;
- 2887 (ii) the court or administrative agency determining that the evidence presented favors a different minimum child care award; or

## SB0257 compared with SB0257S02

- 2888 (iii) a showing, by a preponderance of the evidence, that a different minimum child care award is in the best interest of the child.
- 2890 (e) Notwithstanding Subsection (5)(b) or (c), the court or administrative agency may set the minimal child care award under Subsection (1)(a)(ii) at zero dollars upon a showing, by a preponderance of the evidence, that child care expenses will not be incurred.
- 2894 (f) If a child is in the custody of the state and placed in a facility that is managed by the state, the obligor does not owe the child's portion of the minimal child care award for any month that the child is in the facility.
- 2897 (g) If a minimal child care award is calculated using the minimal child care award table in Section 81-6-306, the minimal child care award in a child support order shall be automatically adjusted to the appropriate amount in the minimal child care award table as the child ages without the need of the court or administrative agency to modify the order.
- 2902 (h) The minimal child care award for a child shall terminate at the earlier of:
- 2903 (i) the child turning 13 years old; or
- 2904 (ii) the child becoming emancipated as that term is defined in Section 81-6-213.
- 2905 (6) In the absence of a court order to the contrary, a parent who incurs a child care expense shall provide written verification of the expense and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.
- 2909 (7) In the absence of a court order to the contrary, the parent shall notify the other parent of any change of a child care provider, any change in the monthly expense of child care, or the termination of child care within 30 calendar days after the day on which the change occurred.
- 2913 (8) The court may deny a parent incurring work-related child care expenses the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with this section.
- 2925 Section 41. Section **81-6-213** is amended to read:
- 2926 **81-6-213. Automatic adjustment of base child support award.**
- 2918 (1) As used in this section, "emancipated" means:
- 2919 (a) the child becomes 18 years old or graduates from high school during the child's normal and expected year of graduation, whichever occurs later;
- 2921 (b) the child dies, marries, or becomes a member of the armed forces of the United States;
- 2923 (c) the child is emancipated in accordance with Title 80, Chapter 7, Emancipation; or

## SB0257 compared with SB0257S02

- 2924 (d) the obligor's parental rights are terminated by a court in accordance with Title 80, Chapter 4,  
2926 Termination and Restoration of Parental Rights.
- 2926 [(1)] (2) Except as otherwise provided in the child support order, the base child support award is  
automatically adjusted to the base child support award for the remaining number of children due  
child support, without the need to modify the most recent child support order by a court, when a  
child[:] is emancipated.
- 2930 [(a) becomes 18 years old or graduates from high school during the child's normal and expected year of  
graduation, whichever occurs later;]
- 2932 [(b) dies, marries, becomes a member of the armed forces of the United States; or]
- 2933 [(e) is emancipated in accordance with Title 80, Chapter 7, Emancipation.]
- 2934 [(2)] (3) The base child support award is adjusted as described in Subsection [(1)] (2) by using:
- 2936 (a) the child support table that was used to establish the most recent child support order[- and by using] ;  
and
- 2938 (b) [-]the income of the parties as specified in the most recent child support order or the worksheets.
- 2940 [(3)] (4) The base child support award may not be reduced by a per child amount derived from the base  
child support award originally ordered.
- 2942 [(4)] (5) If the incomes of the parties are not specified in the most recent child support order or the  
worksheets, the information regarding the incomes is not consistent, or the order deviates from  
the child support guidelines, the base child support award is not automatically adjusted under  
Subsection [(1)] (2) and the child support order will continue until modified by the issuing tribunal.
- 2947 [(5)] (6) If the child support order is deviated and the parties subsequently obtain a court order that  
adjusts the amount of child support back to the date of the emancipation of the child, the office may  
not be required to repay any difference in the child support collected during the interim.
- 2960 Section 42. Section **42** is enacted to read:
- 2961 **81-6-306. Minimal child care award table -- Child support orders on or after January 1,**  
**2027.**
- The following table is used to:
- 2955 (1) establish a minimal child care award for a child support order established on or after January 1,  
2027, if the low income table was not used in the calculation of child support; and
- 2958 (2) modify a minimal child care award for a child support order modified on or after January 1, 2027.
- 2977 Section 43. Section **81-9-202** is amended to read:

## SB0257 compared with SB0257S02

- 2978           **81-9-202. Advisory guidelines for a custody and parent-time arrangement.**
- 2970           (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern a custody and parent-time arrangement between parents.
- 2973           (2) A parent-time schedule mutually agreed upon by both parents is preferable to a court-imposed solution.
- 2975           (3) A parent-time schedule shall be used to maximize the continuity and stability of the minor child's life.
- 2977           (4) Each parent shall give special consideration to make the minor child available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the minor child or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- 2981           (5)
- (a) The court shall determine the responsibility for the pick up, delivery, and return of the minor child when the parent-time order is entered.
- 2983           (b) The court may change the responsibility described in Subsection (5)(a) at any time a subsequent modification is made to the parent-time order.
- 2985           (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
- 2986           (i) have the minor child ready for parent-time at the time the minor child is to be picked up; and
- 2988           (ii) be present at the custodial home or make reasonable alternate arrangements to receive the minor child at the time the minor child is returned.
- 2990           (d) If the custodial parent will be transporting the minor child, the noncustodial parent shall:
- 2992           (i) be at the appointed place at the time the noncustodial parent is to receive the minor child; and
- 2994           (ii) have the minor child ready to be picked up at the appointed time and place or have made reasonable alternate arrangements for the custodial parent to pick up the minor child.
- 2997           (6) A parent may not interrupt regular school hours for a school-age minor child for the exercise of parent-time.
- 2999           (7) The court may:
- 3000           (a) make alterations in the parent-time schedule to reasonably accommodate the work schedule of both parents; and
- 3002

## SB0257 compared with SB0257S02

- (b) increase the parent-time allowed to the noncustodial parent but may not diminish the standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 3004 (8) The court may make alterations in the parent-time schedule to reasonably accommodate the distance between the parties and the expense of exercising parent-time.
- 3006 (9) A parent may not withhold parent-time or child support due to the other parent's failure to comply with a court-ordered parent-time schedule.
- 3008 (10)
- (a) The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the minor child is participating or being honored.
- 3011 (b) The noncustodial parent is entitled to attend and participate fully in the functions described in Subsection (10)(a).
- 3013 (c) The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records.
- 3015 (d) A parent shall immediately notify the other parent in the event of a medical emergency.
- 3017 (11) Each parent shall provide the other with the parent's current address and telephone number, email address, and other virtual parent-time access information within 24 hours of any change.
- 3020 (12)
- (a) Each parent shall permit and encourage, during reasonable hours, reasonable and uncensored communications with the minor child, in the form of mail privileges and virtual parent-time if the equipment is reasonably available.
- 3023 (b) If the parents cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available by taking into consideration:
- 3026 (i) the best interests of the minor child;
- 3027 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 3028 (iii) any other factors the court considers material.
- 3029 (13)
- (a) Parental care is presumed to be better care for the minor child than surrogate care.
- 3030 (b) The court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the minor child, to provide the child care.
- 3032

## SB0257 compared with SB0257S02

(c) Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.

3034 (14) Each parent shall:

3035 (a) provide all surrogate care providers with the name, current address, and telephone number of the other parent; and

3037 (b) provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers unless the court for good cause orders otherwise.

3040 (15)

(a) Each parent is entitled to an equal division of major religious holidays celebrated by the parents.

3042 (b) The parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the minor child on the religious holiday.

3044 (16) If the minor child is on a different parent-time schedule than a sibling, based on Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for parent-time with all the minor children so that parent-time is uniform between school aged and nonschool aged children, is appropriate.

3048 (17)

(a) When one or both parents are servicemembers or contemplating joining a uniformed service, the parents should resolve issues of custodial responsibility in the event of deployment as soon as practicable through reaching a voluntary agreement pursuant to Section 81-10-201 or through court order obtained pursuant to this part.

3052 (b) Service members shall ensure their family care plan reflects orders and agreements entered and filed pursuant to Chapter 10, Uniform Deployed Parents Custody, [~~Parent-time~~] Parent-Time, and Visitation Act.

3055 (18) A parent shall immediately notify the other parent if:

3056 (a) the parent resides with an individual or provides an individual with access to the minor child; and

3058 (b) the parent knows that the individual:

3059 (i) is required to register as a sex offender, a kidnap offender, or a child abuse offender for an offense committed against a minor child under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry; or

3062 (ii) has been convicted of an offense described in:

3063

## SB0257 compared with SB0257S02

- [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, or 76-5-208;~~]
- 3065 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or 76-5-419;~~]
- 3068 [~~(C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;~~]
- 3070 [~~(D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation Act; or]~~
- 3072 (A) Section 76-5-109, child abuse;
- 3073 (B) Section 76-6-109.2, aggravated child abuse;
- 3074 (C) Section 76-5-109.3, child abandonment;
- 3075 (D) Section 76-5-109.4, child torture;
- 3076 (E) Section 76-5-114, commission of domestic violence in the presence of a child;
- 3077 (F) Section 76-5-208, child abuse homicide;
- 3078 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for which the victim was younger than 18 years old;
- 3080 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger than 18 years old; or
- 3082 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was younger than 18 years old;  
or
- 3084 [~~(E)] (iii) has been convicted of an offense that is substantially similar to an offense under [Subsections (18)(b)(ii)(A) through (D)]. Subsection (18)(b)(ii).~~
- 3086 (19)
- (a) For emergency purposes, whenever the minor child travels with a parent, the parent shall provide the following information to the other parent:
- 3088 (i) an itinerary of travel dates;
- 3089 (ii) destinations;
- 3090 (iii) places where the minor child or traveling parent can be reached; and
- 3091 (iv) the name and telephone number of an available third person who would be knowledgeable of the minor child's location.
- 3093 (b) Unchaperoned travel of a minor child under [~~the age of five years~~] five years old is not recommended.

## SB0257 compared with SB0257S02

3104 Section 44. Section **81-9-204** is amended to read:

3105 **81-9-204. Custody and parent-time of a minor child -- Custody factors -- Preferences.**

- 3098 (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.
- 3101 (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.
- 3103 (3) In determining any form of custody and parent-time under Subsection (1), the court shall consider:
- 3105 (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;
- 3108 (b) whether the parent has intentionally exposed the minor child to:
- 3109 (i) pornography; or
- 3110 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in Section 76-5c-101;  
and
- 3112 (c) whether custody and parent-time would endanger the minor child's health or physical or  
psychological safety.
- 3114 (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:
- 3117 (a) evidence of psychological maltreatment;
- 3118 (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:
- 3120 (i) physical needs;
- 3121 (ii) emotional needs;
- 3122 (iii) educational needs;
- 3123 (iv) medical needs; and
- 3124 (v) any special needs;
- 3125 (c) the parent's capacity and willingness to function as a parent, including:
- 3126 (i) parenting skills;
- 3127 (ii) co-parenting skills, including:
- 3128 (A) ability to appropriately communicate with the other parent;
- 3129 (B) ability to encourage the sharing of love and affection; and

## SB0257 compared with SB0257S02

- 3130 (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
- 3134 (iii) ability to provide personal care rather than surrogate care;
- 3135 (d) the past conduct and demonstrated moral character of the parent as described in Subsection (9);
- 3137 (e) the emotional stability of the parent;
- 3138 (f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other  
causes;
- 3140 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 3141 (h) duration and depth of desire for custody or parent-time;
- 3142 (i) the parent's religious compatibility with the minor child;
- 3143 (j) the parent's financial responsibility;
- 3144 (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;
- 3146 (l) who has been the primary caretaker of the minor child;
- 3147 (m) previous parenting arrangements in which the minor child has been happy and well-adjusted in the  
home, school, and community;
- 3149 (n) the relative benefit of keeping siblings together;
- 3150 (o) the stated wishes and concerns of the minor child, taking into consideration the minor child's  
cognitive ability and emotional maturity;
- 3152 (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
- 3154 (q) any other factor the court finds relevant.
- 3155 (5)
- (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.
- 3159 (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.

## SB0257 compared with SB0257S02

- 3163 (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.
- 3165 (c)
- (i) If an interview with a minor child is conducted by the court in accordance with Subsection (5)(b), the  
interview shall be conducted by the court in camera.
- 3167 (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.
- 3170 (6)
- (a) Except as provided in Subsection (6)(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.
- 3174 (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:
- 3177 (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
- 3179 (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.
- 3182 (c) Nothing in this section may be construed to apply to adoption proceedings under Chapter 13,  
Adoption.
- 3184 (7) This section does not establish:
- 3185 (a) a preference for either parent solely because of the gender of the parent; or
- 3186 (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.
- 3189 (8) 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.
- 3193

## SB0257 compared with SB0257S02

(9) 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:

3195

(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

3202

(ii) discriminate against a parent because of the parent's status as a:

3203

(A) cannabis production establishment agent, as that term is defined in Section 4-41a-102;

3205

(B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;

3206

(C) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or

3208

(D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or

3210

(b) discriminate against a parent based upon the parent's agreement or disagreement with a minor child of the couple's:

3212

(i) assertion that the minor child's gender identity is different from the minor child's biological sex;

3214

(ii) practice of having or expressing a different gender identity than the minor child's biological sex; or

3216

(iii) sexual orientation.

3217

(10)

(a) The court shall consider evidence of domestic violence if evidence of domestic violence is presented.

3219

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

3221

(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.

3224

(d) If a parent relocates because of an act of domestic violence or family violence by the other parent[<sup>5</sup>] :

3226

## SB0257 compared with SB0257S02

(i) the court shall make specific findings and orders with regards to the application of Section 81-9-209[-] ; and

3228 (ii) the court may not require the parent to disclose the parent's address to the other parent.

3230 (11) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the minor child:

3232 (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;

3234 (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

3237 (c) it is in the best interest of the minor child to have both parents actively involved in parenting the minor child.

3239 (12) 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:

3242 (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

3245 (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.

3247 (13) A denial of custody or parent-time under Subsection (12) does not:

3248 (a) terminate the parental rights of the parent denied parent-time or custody; or

3249 (b) affect the obligation of the convicted parent to financially support the minor child.

3259 Section 45. Section **81-9-206** is amended to read:

3260 **81-9-206. Determination of parent-time schedule -- Parent-time factors.**

3252 (1) If the parties are unable to agree on a parent-time schedule, the court may:

3253 (a) establish a parent-time schedule; or

3254 (b) order a parent-time schedule described in Part 3, Parent-time Schedules.

3255 (2) There is a presumption that the advisory guidelines described in Section 81-9-202 and the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which the noncustodial parent and the minor child are entitled.

3258 (3) In accordance with Section 81-9-104, when ordering a parent-time schedule a court shall consider:

## SB0257 compared with SB0257S02

- 3260 (a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, a parent,  
or a household member of the parent; and
- 3262 (b) whether parent-time would endanger the minor child's health or physical or psychological safety.
- 3264 (4) A court may consider the following when ordering a parent-time schedule:
- 3265 (a) evidence of psychological maltreatment;
- 3266 (b) the distance between the residency of the minor child and the noncustodial parent;
- 3267 (c) the lack of demonstrated parenting skills without safeguards to ensure the minor child's well-being  
during parent-time;
- 3269 (d) the financial inability of the noncustodial parent to provide adequate food and shelter for the minor  
child during periods of parent-time;
- 3271 (e) the preference of the minor child if the court determines the minor child is of sufficient maturity;
- 3273 (f) the incarceration of the noncustodial parent in a county jail, secure youth corrections facility, or an  
adult corrections facility;
- 3275 (g) shared interests between the minor child and the noncustodial parent;
- 3276 (h) the involvement or lack of involvement of the noncustodial parent in the school, community,  
religious, or other related activities of the minor child;
- 3278 (i) the availability of the noncustodial parent to care for the minor child when the custodial parent is  
unavailable to do so because of work or other circumstances;
- 3280 (j) a substantial and chronic pattern of missing, canceling, or denying regularly scheduled parent-time;
- 3282 (k) the minimal duration of and lack of significant bonding in the parents' relationship before the  
conception of the minor child;
- 3284 (l) the parent-time schedule of siblings;
- 3285 (m) the lack of reasonable alternatives to the needs of a nursing minor child; and
- 3286 [~~(n)~~] (n) any other criteria the court determines relevant to the best interests of the minor child.
- 3288 (5) The court shall enter the reasons underlying the court's order for parent-time that:
- 3289 (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or
- 3290 (b) provides more or less parent-time than a parent-time schedule described in Section 81-9-302 or  
81-9-304.
- 3292 (6) A court may not order a parent-time schedule unless the court determines by a preponderance of the  
evidence that the parent-time schedule is in the best interest of the minor child.
- 3295

## SB0257 compared with SB0257S02

[~~(7) Once the parent-time schedule has been established, the parties may not alter the parent-time schedule except by mutual consent of the parties or a court order.~~]

3297

[~~(8)~~ (7)]

(a) If the court orders parent-time and a protective order or stalking injunction is still in place, the court shall consider whether to order the parents to conduct parent-time pick-up and transfer through a third party.

3300

(b) The parent who is the stated victim in the protective order or stalking injunction may submit to the court, and the court shall consider, the name of a person considered suitable to act as the third party.

3303

(c) If the court orders the parents to conduct parent-time through a third party, the parenting plan shall specify the time, day, place, manner, and the third party to be used to implement the exchange.

3306

[~~(9)~~ (8)] If there is a protective order, stalking injunction, or the court finds that a parent has committed domestic violence, the court shall:

3308

(a) consider the impact of domestic violence in awarding parent-time; and

3309

(b) make specific findings regarding the award of parent-time.

3310

[~~(10)~~ (9)] Upon a specific finding by the court of the need for peace officer enforcement, the court may include a provision in an order for parent-time that authorizes a peace officer to enforce the order for parent-time.

3313

[~~(11)~~ (10)] When parent-time has not taken place for an extended period of time and the minor child lacks an appropriate bond with the noncustodial parent, both parents shall:

3315

(a) consider the possible adverse effects upon the minor child; and

3316

(b) gradually reintroduce an appropriate parent-time plan for the noncustodial parent.

3317

(11) If a court enters an order establishing a parent-time schedule for a minor child:

3318

(a) the court order governs the parent-time schedule for the minor child; and

3319

(b) an amendment to this chapter does not modify the parent-time schedule unless the court orders otherwise.

3321

(12) Once a parent-time schedule has been established for a minor child, the parties may only modify the parent-time schedule if:

3323

(a) there is mutual consent of the parties to the modification that is in writing and signed by both parties; or

3325

(b) the court modifies the parent-time schedule in a new order.

3335

Section 46. Section **81-9-207** is amended to read:

## SB0257 compared with SB0257S02

- 3336 **81-9-207. Supervised parent-time.**
- 3328 [~~(1) If it is necessary to protect a minor child and there is no less restrictive means reasonably available, and in accordance with Section 81-9-104, a court may order supervised parent-time if the court finds evidence that the minor child would be subject to physical or emotional harm or child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, and 80-1-102, from the noncustodial parent if left unsupervised with the noncustodial parent.]~~
- 3334 (1) As used in this section:
- 3335 (a) "Abuse" means the same as that term is defined in Section 81-1-102.
- 3336 (b) "Abuse" includes an offense described in:
- 3337 (i) Section 76-5-109, child abuse;
- 3338 (ii) Section 76-6-109.2, aggravated child abuse;
- 3339 (iii) Section 76-5-109.3, child abandonment;
- 3340 (iv) Section 76-5-109.4, child torture;
- 3341 (v) Section 76-5-114, commission of domestic violence in the presence of a child; or
- 3342 (vi) Section 76-5-208, child abuse homicide.
- 3343 (2) A court may order supervised parent-time of a minor child in accordance with Section 81-9-104 if the court finds:
- 3345 (a) evidence that the minor child would be subject to physical harm, emotional harm, or abuse from the noncustodial parent if left unsupervised with the noncustodial parent;
- 3347 (b) it is necessary to protect the minor child; and
- 3348 (c) there are no less restrictive means reasonably available.
- 3349 [~~(2)~~] (3) If the court finds evidence of domestic violence, child abuse, or an ongoing risk to a child, and orders supervised parent-time, the court shall give preference to supervision by a professional individual or private agency trained in child abuse reporting laws, the developmental needs of a child, and the dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.
- 3354 [~~(3)~~] (4) If a professional individual or private agency described in Subsection [~~(2)~~] (3) is not available, affordable, or practicable under the circumstances, a court shall give preference to supervision by an individual who is:
- 3357 (a) capable and willing to provide physical and psychological safety and security to the minor child, and to assist in the avoidance and prevention of domestic and family violence; and
- 3360

## SB0257 compared with SB0257S02

(b) is trained in child abuse reporting laws, the developmental needs of a child, and the dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.

3362 [(4)] (5) If an individual described in Subsection [~~(2) or (3)~~] (3) or (4) is not available, affordable, or practicable under the circumstances, or if the court does not find evidence of domestic violence, child abuse, or an ongoing risk to a minor child, a court may order supervised parent-time that is supervised by an individual who is willing to supervise, and is capable of protecting the minor child from physical or emotional harm, or child abuse, and the court shall give preference to individuals suggested by the parties, including relatives.

3369 [(5)] (6) At the time supervised parent-time is imposed, the court shall consider:

3370 (a) whether the cost of professional or agency services is likely to prevent the noncustodial parent from exercising parent-time; and

3372 (b) whether the requirement for supervised parent-time should expire after a set period of time.

3374 [~~(6)~~] (7)

(a) Except when the court makes a finding that, due to abuse by or the incapacity of the noncustodial parent, supervised parent-time will be necessary indefinitely to ensure the physical or psychological safety and protection of the minor child, the court shall, in [its] the court's order for supervised parent-time, provide specific goals and expectations for the noncustodial parent to accomplish before unsupervised parent-time may be granted.

3380 (b) The court shall schedule one or more follow-up hearings to revisit the issue of supervised parent-time.

3382 [(7)] (8) A noncustodial parent may, at any time, petition the court to modify the order for supervised parent-time if the noncustodial parent can demonstrate that the specific goals and expectations set by the court as described in Subsection [~~(6)~~] (7) have been accomplished.

3395 Section 47. Section **81-9-208** is amended to read:

3396 **81-9-208. Modification or termination of a custody or parent-time order -- Noncompliance with a parent-time order -- Denial of access due to investigation.**

3389 (1) The court has continuing jurisdiction to make subsequent changes to modify:

3390 (a) custody of a minor child if there is a showing of a substantial and material change in circumstances since the entry of the order; and

3392 (b) parent-time for a minor child if there is a showing that there is a change in circumstances since the entry of the order.

## SB0257 compared with SB0257S02

- 3394 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a showing by a  
parent that the other parent:
- 3396 (a) resides with an individual or provides an individual with access to the minor child; and
- 3398 (b) knows that the individual:
- 3399 (i) is required to register as a sex offender, a kidnap offender, or a child abuse offender for an offense  
committed against a minor child under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender  
Registry; or
- 3402 (ii) has been convicted of an offense described in:
- 3403 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, or  
76-5-208;~~]
- 3405 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses, other  
than an offense under Section 76-5-417, 76-5-418, or 76-5-419;~~]
- 3408 [~~(C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3,  
Kidnapping, Trafficking, and Smuggling;~~]
- 3410 [~~(D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation  
Act; or]~~
- 3412 (A) Section 76-5-109, child abuse;
- 3413 (B) Section 76-6-109.2, aggravated child abuse;
- 3414 (C) Section 76-5-109.3, child abandonment;
- 3415 (D) Section 76-5-109.4, child torture;
- 3416 (E) Section 76-5-114, commission of domestic violence in the presence of a child;
- 3417 (F) Section 76-5-208, child abuse homicide;
- 3418 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for which the victim was  
younger than 18 years old; or
- 3420 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger than 18 years old;
- 3422 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was younger than 18 years old;  
or
- 3424 [~~(E)~~] (iii) has been convicted of an offense that is substantially similar to an offense under [Subsections  
(2)(b)(ii)(A) through (D)] Subsection (2)(b)(ii).
- 3426 (3)

## SB0257 compared with SB0257S02

- (a) For a custody order that is entered on or after May 6, 2026, a minor child turning five years old constitutes a substantial and material change in circumstances under Subsection (1)(a), unless the order addresses custody of the minor child upon the minor child turning five years old.
- 3430 (b) For a parent-time order that is entered on or after May 6, 2026, a minor child turning five years old constitutes a change in circumstances under Subsection (1)(b), unless the order addresses parent-time for the minor child upon the minor child turning five years old.
- 3434 [~~3~~] (4) On the petition of one or both of the parents, or the joint legal or physical custodians if they are not the parents, the court may, after a hearing, modify or terminate an order that established joint legal custody or joint physical custody if:
- 3437 (a) the verified petition or accompanying affidavit initially alleges that admissible evidence will show that there has been a substantial and material change in the circumstances of the minor child or one or both parents or joint legal or physical custodians since the entry of the order to be modified;
- 3441 (b) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child; and
- 3443 (c)
- (i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 81-9-205(8); or
- 3445 (ii) if no dispute resolution procedure is contained in the order that established joint legal custody or joint physical custody, the court orders the parents to participate in a dispute resolution procedure in accordance with Subsection 81-9-205(13) unless the parents certify that, in good faith, they have used a dispute resolution procedure to resolve their dispute.
- 3450 [~~4~~] (5)
- (a) In determining whether the best interest of a minor child will be served by either modifying or terminating the joint legal custody or joint physical custody order, the court shall, in addition to other factors the court considers relevant, consider the factors described in Sections 81-9-204 and 81-9-205.
- 3454 (b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:
- 3456 (i) a substantial and material change of circumstance has occurred; and
- 3457 (ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child.

## SB0257 compared with SB0257S02

- 3459 (c) The court shall give substantial weight to the existing joint legal custody or joint physical custody order when the minor child is thriving, happy, and well-adjusted.
- 3461 [~~(5)~~] (6) The court shall, in every case regarding a petition for termination of a joint legal custody or joint physical custody order, consider reasonable alternatives to preserve the existing order in accordance with Section 81-9-204.
- 3464 [~~(6)~~] (7) The court may modify the terms and conditions of the existing order in accordance with this chapter and may order the parents to file a parenting plan in accordance with Section 81-9-203.
- 3467 [~~(7)~~] (8) A parent requesting a modification from sole custody to joint legal custody or joint physical custody or both, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan with the petition to modify in accordance with Section 81-9-203.
- 3471 [~~(8)~~] (9) If an issue before the court involves custodial responsibility in the event of deployment of one or both parents who are service members, 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.
- 3475 [~~(9)~~] (10) If the court finds that an action to modify custody or parent-time is filed or answered frivolously and, in a manner, designed to harass the other party, the court shall assess attorney fees as costs against the offending party.
- 3478 [~~(10)~~] (11) If a petition to modify custody or parent-time provisions of a court order is made and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by the prevailing party in that action if the court determines that the petition was without merit and not asserted or defended against in good faith.
- 3482 [~~(11)~~] (12) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a visitation order by a grandparent or other member of the immediate family where a visitation or parent-time right has been previously granted by the court, the court:
- 3486 (a) may award to the prevailing party:
- 3487 (i) actual attorney fees incurred;
- 3488 (ii) the costs incurred by the prevailing party because of the other party's failure to provide or exercise court-ordered visitation or parent-time, including:
- 3490 (A) court costs;
- 3491 (B) child care expenses;
- 3492 (C) transportation expenses actually incurred;

## SB0257 compared with SB0257S02

- 3493 (D) lost wages, if ascertainable; or  
3494 (E) counseling for a parent or a minor child if ordered or approved by the court; or  
3495 (iii) any other appropriate equitable remedy; and  
3496 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up parent-time is  
not in the best interest of the minor child.
- 3498 (13)  
(a) Except as provided in Subsection (13)(b), the court shall award make-up parent-time to a parent,  
upon a motion or petition from the parent, if:
- 3500 (i) the parent was denied parent-time with a minor child due to an investigation by the Division of  
Child and Family Services; and  
3502 (ii) the investigation did not result in a finding of abuse, neglect, or dependency.
- 3503 (b) A court may deny a motion or petition for make-up parent-time if a party shows good cause for  
denying the motion or petition.
- 3505 (c) When a court orders make-up parent-time under Subsection (13)(a):
- 3506 (i) the court shall order:  
3507 (A) parent-time that is the same type and duration of the parent-time that was denied; and  
3509 (B) that the make-up parent-time occur within two years from the day on which the court enters the  
order for make-up parent-time; and
- 3511 (ii) the court may include weekend or holiday parent-time or extended parent-time that was denied to  
the parent.
- 3513 (d) Subject to Subsection (13)(c)(i), the parent denied parent-time is entitled to decide the time of the  
make-up parent-time.
- 3515 (e) This Subsection (13) does not create a right of action against the Division of Child and Family  
Services.
- 3526 Section 48. Section **81-9-209** is amended to read:  
3527 **81-9-209. Notice of relocation -- Effect of relocation on parent-time schedule.**
- 3519 (1) As used in this section, "relocation" means moving 150 miles or more from the residence of the  
other parent.  
3521 (2) The relocating parent shall provide written notice to the other parent at least 60 days before the day  
on which the relocating parent intends to relocate.

3523

## SB0257 compared with SB0257S02

- (3) The written notice of relocation [~~under~~] described in Subsection (2) shall contain statements affirming[-]:
- 3525 (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by both parties will  
be followed; and
- 3527 (b) that a parent will not interfere with the other's parental rights pursuant to court ordered parent-time  
arrangements or the parent-time schedule approved by both parties.
- 3530 (4) [~~The court shall, upon motion of any party or upon the court's own motion,;~~] Upon a motion of any  
party or upon the court's own motion, the court shall schedule a hearing with notice to:
- 3533 (a) review the notice of relocation and the relevant parent-time schedule under Section 81-9-302 or  
81-9-304; and
- 3535 (b) make appropriate orders regarding the parent-time schedule and costs for parent-time  
transportation.
- 3537 (5) In a hearing to review the notice of relocation, the court shall, in determining if the relocation of a  
custodial parent is in the best interest of the minor child, consider any other factors that the court  
considers relevant to the determination.
- 3540 (6) If the court determines that relocation is not in the best interest of the minor child, and the custodial  
parent relocates, the court may order a change of custody.
- 3542 (7)
- (a) If the court finds that the relocation is in the best interest of the minor child, the court shall  
determine the parent-time schedule and allocate the transportation costs that will be incurred for the  
minor child to visit the noncustodial parent.
- 3545 (b) In making a determination under Subsection (7)(a), the court shall consider:
- 3546 (i) the reason for the parent's relocation;
- 3547 (ii) the additional costs or difficulty to both parents in exercising parent-time;
- 3548 (iii) the economic resources of both parents; and
- 3549 (iv) other factors the court considers necessary and relevant.
- 3550 (8) 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 regard to the application of this section.
- 3553 (9) Unless otherwise ordered by the court, and upon the relocation of one of the parties, the following  
schedule is the minimum parent-time that the noncustodial parent is entitled to a minor child who is  
five to 18 years old:

## SB0257 compared with SB0257S02

- 3556 (a) in years ending in an odd number, the minor child shall spend the following holidays with the noncustodial parent:
- 3558 [~~(i) Thanksgiving holiday beginning Wednesday until Sunday; and]~~
- 3559 [~~(ii) Spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;]~~
- 3561 (i)
- (A) fall break if the minor child's school dismisses for a fall break, beginning on the day that school dismisses for fall break and ending on the day before school resumes; or
- 3564 (B) Labor Day if the minor child's school does not dismiss for a fall break, beginning on the day that school dismisses for Labor Day and ending on the day before school resumes; and
- 3567 (ii) the entire winter break period, beginning on the day that school dismisses for the winter break and ending on the day before school resumes;
- 3569 (b) in years ending in an even number, the minor child shall spend the following holidays with the noncustodial parent:
- 3571 [~~(i) the entire winter school break period; and]~~
- 3572 [~~(ii) the Fall school break beginning the last day of school before the holiday until the day before school resumes;]~~
- 3574 (i)
- (A) spring break, beginning on the day that school dismisses for the spring break and ending on the day before school resumes; or
- 3576 (B) Presidents' Day if the minor child's school does not dismiss for a spring break, beginning on the day that school dismisses for Presidents' Day and ending on the day before school resumes; and
- 3579 (ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and ending on the day before school resumes;
- 3581 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks~~[-and]~~ with:
- 3583 (i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in years ending in an odd number; and
- 3585 (ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time in years ending in an even number; and
- 3587 (d) one weekend per month, at the option and expense of the noncustodial parent.

## SB0257 compared with SB0257S02

- 3588 (10) For extended parent-time ~~[under]~~ described in Subsection (9)(c), the ~~[minor child should be returned]~~ noncustodial parent shall return the minor child to the custodial home no later than seven days before school begins, except that this week is counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period.
- 3593 (11)
- (a) ~~[The]~~ Upon relocation of one of the parties, the court may also set a parent-time schedule for a minor child who is younger than five years old.
- 3595 (b) The schedule described in Subsection (11)(a) shall take into consideration the following:
- 3597 (i) the age of the minor child;
- 3598 (ii) the developmental needs of the minor child;
- 3599 (iii) the distance between the parents' homes;
- 3600 (iv) the travel arrangements and cost;
- 3601 (v) the level of attachment between the minor child and the noncustodial parent; and
- 3602 (vi) any other factors relevant to the best interest of the minor child.
- 3603 ~~[(12) The noncustodial parent's monthly weekend entitlement is subject to the following restrictions:]~~
- 3605 ~~[(a)]~~
- 3606 ~~[(i)]~~ (12)
- (a)
- (i) If the noncustodial parent has not designated a specific weekend ~~[for parent-time]~~ on which the noncustodial parent will exercise parent-time under Subsection (9)(d), the noncustodial parent shall receive the last weekend of each month ~~[unless a holiday assigned to the custodial parent falls on that particular weekend]~~.
- 3611 (ii) If a holiday assigned to the custodial parent falls on ~~[the last weekend of the month]~~ a weekend on which the noncustodial parent normally exercises parent-time under Subsection (9)(d), the noncustodial parent is entitled to the ~~[next to the last weekend of the month]~~ weekend before the holiday.
- 3615 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends into or through the first weekend of the next month, that weekend ~~[shall be]~~ is considered the noncustodial parent's monthly weekend entitlement under Subsection (9)(d) for that month.
- 3619 (c) If a minor child is out of school for teacher development days or snow days after the minor child begins the school year, or other days not included in the list of holidays in Subsection (9), and those

## SB0257 compared with SB0257S02

days are contiguous with the noncustodial parent's monthly weekend or holiday parent-time, those days shall be included in the weekend or holiday parent-time.

3624 (13)

(a) In addition to the parent-time for which a noncustodial parent is entitled under Subsection (9), the noncustodial parent is entitled to, at least two times a week:

3626 (i) brief telephone contact with the minor child at reasonable hours and for a reasonable duration;  
and

3628 (ii) virtual parent-time if the equipment is reasonably available at reasonable hours and for reasonable duration.

3630 (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

3633 (i) the best interest of the minor child;

3634 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

3635 (iii) any other factors the court considers material.

3636 (c) Virtual parent-time supplements, but does not replace, the in-person parent-time described in Subsection (9).

3638 [~~(13)~~] (14) The custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent.

3640 [~~(14)~~] (15) In the event finances and distance preclude the exercise of minimum parent-time for the noncustodial parent during the school year, the court should consider awarding more time for the noncustodial parent during the summer time if it is in the best interests of the minor child.

3644 [~~(15)~~] (16)

(a) Upon the motion of any party, the court may order uninterrupted parent-time with the noncustodial parent for a minimum of 30 days during extended parent-time, unless the court finds it is not in the best interest of the minor child.

3647 (b) If the court orders uninterrupted parent-time during a period not covered by this section, the court shall specify in [~~its~~] the court's order which parent is responsible for the minor child's travel expenses.

3650 [~~(16)~~] (17)

(a) Unless otherwise ordered by the court the relocating party shall be responsible for all the minor child's travel expenses relating to Subsections (9)(a) and (b) and 1/2 of the minor child's travel

## SB0257 compared with SB0257S02

expenses relating to Subsection (9)(c), provided the noncustodial parent is current on all support obligations.

3654 (b) If the noncustodial parent has been found in contempt for not being current on all support obligations, the noncustodial parent is responsible for all of the minor child's travel expenses under Subsection (9), unless the court rules otherwise.

3657 (c) A responsible party shall make a reimbursement to the other for the minor child's travel expenses within 30 days of receipt of documents detailing those expenses.

3659 [(17)] (18) The court may apply this provision to any preexisting decree of divorce.

3660 [(18)] (19) Any action under this section may be set for an expedited hearing.

3661 [(19)] (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in contempt of the court's order.

3673 Section 49. Section **81-9-302** is amended to read:

3674 **81-9-302. Minimum schedule for parent-time for a minor child five to 18 years old.**

3666 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time schedule for a minor child who is five to 18 years old.

3668 (2) If the parties do not agree to a parent-time schedule for a minor child [~~described in Subsection (1)~~] who is five to 18 years old, the following schedule is considered the minimum parent-time to which the noncustodial parent is entitled to the minor child:

3671 (a)

(i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or

3674 (ii) at the election of the noncustodial parent, one weekday to be specified by the noncustodial parent or the court:

3676 (A) beginning at the time that the minor child's school is regularly dismissed and ending at 8:30 p.m.; or

3678 (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at [9] 8 a.m. and ending at 8:30 p.m.;

3681 (b)

(i) beginning on the first weekend after entry of the decree, alternating weekends beginning at [6] 5:30 p.m. on Friday and ending on Sunday at [7] 8:30 p.m.; or

3683

## SB0257 compared with SB0257S02

- (ii) at the election of the noncustodial parent and beginning on the first weekend after the entry of the decree, alternating weekends:
- 3685 (A) beginning at the time that the minor child's school is regularly dismissed on Friday and ending on Sunday at [7] 8:30 p.m.; or
- 3687 (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at [9] 8 a.m. and ending on Sunday at [7] 8:30 p.m.;
- 3690 (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (12); and
- 3692 (d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection (3).
- 3694 (3)
- (a) For extended parent-time with the minor child [~~under~~] described in Subsection (2)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with the minor child[~~, which may be consecutive,~~] when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3699 (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (3)(a):
- 3701 (i) two weeks[~~, which may be consecutive,~~] shall be uninterrupted parent-time for the noncustodial parent; and
- 3703 (ii) two weeks[~~, which may be consecutive,~~] may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.
- 3706 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks[~~, which may be consecutive,~~] when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3709 (d) Extended parent-time described in this Subsection (3) shall be consecutive, except that the four weeks of extended parent-time for the noncustodial parent may be divided into two separate 14-day periods that are not consecutive.
- 3712 (4)
- (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of extended parent-time for summer break under Subsection (3).
- 3714 (b) For the notification requirement [~~under~~] described in Subsection (4)(a):

## SB0257 compared with SB0257S02

- 3715 (i) in odd-numbered years:
- 3716 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
- 3718 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
- 3720 (ii) in even-numbered years:
- 3721 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and
- 3723 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 3724 (c)
- (i) If a parent fails to provide a notification within the time periods described in Subsection (4)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.
- 3727 (ii) If both parents fail to provide notice within the time periods described in Subsection (4)(b), the first parent to provide notice may determine the schedule for summer break for that parent and the other parent.
- 3730 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (3)(b) (ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.
- 3735 (5)
- (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.
- 3739 (b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.
- 3741 (6)
- (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
- 3744 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);
- 3745 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (3) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;

3748

## SB0257 compared with SB0257S02

- (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's Day, Mother's Day, or the minor child's birthday;
- 3750 (iv) extended parent-time under Subsection (3); and
- 3751 (v) the schedule for weekday or weekend parent-time.
- 3752 (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- 3754 (7) A stepparent, grandparent, or other responsible adult designated by [~~the nonecustodial~~] a parent, may pick up the minor child for parent-time if the [~~eustodial~~] other parent is aware of the identity of the individual and the [~~nonecustodial~~]parent will be with the minor child by 7 p.m.
- 3758 (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.
- 3760 (9) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.
- 3765 (10)
- (a) Telephone contact shall be at reasonable hours and for a reasonable duration.
- 3766 (b)
- (i) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.
- 3769 (ii) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
- 3772 (A) the best interests of the minor child;
- 3773 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 3775 (C) any other factors the court considers material.
- 3776 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 3777 (11) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

## SB0257 compared with SB0257S02

3781 (12) The following table is the holiday schedule for parent-time under this section.

3782	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
3783	Dr. Martin Luther King Jr. Day	<p>(1) Holiday begins<del>[-Friday at:(a) 9</del> a.m. if school is not in session and the parent can be with the minor child;</p> <p><del>(b) the time that school is regularly dismissed; or { } { : } { }</del> ] { <del>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</del> } : { (a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or }</p> <p><del>[(c) 6 p.m.]</del> (b) <u>Friday at 5:30 p.m.</u> at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] <u>8:30 p.m.</u> on Dr. Martin Luther King Jr. Day.</p>	Odd years	Even years
3784	<del>[President's]</del> <u>President's</u> Day	<p><del>[-Friday at:]</del> [(a) 9 a.m. if school is not in session and the parent can be with the minor child;</p>	Even years	Odd years

## SB0257 compared with SB0257S02

		<p><del>(b)</del>] (a) at the time that school is <u>regularly dismissed</u> <u>dismissed for Presidents' Day</u>; or</p> <p><del>[(e) 6 p.m.]</del> (b) <u>Friday at 5:30 p.m.</u> at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at <del>[7]</del> <u>8:30 p.m.</u> on the day before school resumes.</p>		
3785	Spring Break	<p>(1) Holiday begins at:</p> <p><del>[6]</del> (a) the time that school is <u>dismissed for spring break</u>; or</p> <p>(b) <u>5:30 p.m.</u> on the day that school dismisses for spring break <u>at the election of the parent granted the holiday</u>.</p> <p>(2) Holiday ends at <del>[7]</del> <u>8:30 p.m.</u> on the day before school resumes.</p>	Odd years	Even years
3786	Memorial Day	<p>(1) Holiday begins<del>[-Friday at]:</del></p> <p><del>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p><del>(b)</del>] (a) at the time that school is <u>regularly dismissed</u> <u>dismissed for Memorial Day</u>; or</p> <p><del>[(e) 6]</del> (b) <u>Friday at 5:30 p.m.</u> at the election of the parent granted the holiday.</p>	Even years	Odd years

## SB0257 compared with SB0257S02

		(2) Holiday ends at [7] <u>8:30</u> p.m. on Memorial Day.		
3787	Mother's Day	(1) Holiday begins [ <del>on Mother's Day at 9 a.m.] at 5:30 p.m. on the day before Mother's Day.</del> (2) Holiday ends on Mother's Day at [7] <u>8:30</u> p.m.	All years if noncustodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
3788	Father's Day	(1) Holiday begins [ <del>on Father's Day at 9 a.m.] at 5:30 p.m. on the day before Father's Day.</del> (2) Holiday ends on Father's Day at [7] <u>8:30</u> p.m.	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.
3789	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] <u>5:30</u> 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] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] <u>8:30</u> p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years

## SB0257 compared with SB0257S02

3790	Independence Day	(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 5th at [6] <u>8:30</u> p.m.	Odd years	Even years
3791	Pioneer Day	(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 25th at [6] <u>8:30</u> p.m.	Even years	Odd years
3792	Labor Day	(1) Holiday begins[ <del>on Friday at</del> ]: [(a) 9 a.m. if school is not in session and the parent can be with the minor child; (b)] (a) at the time that school is [regularly dismissed] <u>dismissed for Labor Day</u> ; or [(e)-6] (b) <u>Friday at 5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>8:30</u> p.m. on Labor Day.	Odd years	Even years
3793	[Columbus Day	(1) <del>Holiday begins at 6 p.m. on the day before Columbus Day.</del> (2) <del>Holiday ends at 7 p.m. on Columbus Day.</del>	Even years	Odd years]
3794	Fall Break	(1) Holiday begins at[ <del>6 p.m.</del> ] : (a) <u>the time that school is dismissed for fall break</u> ; or (b) <u>5:30</u> { <del>p.m.</del> } <u>p.m.</u> on the day school is dismissed for fall break at the election of the parent granted <u>the holiday</u> .	Odd years	Even years

## SB0257 compared with SB0257S02

		(2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.		
3795	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] 3 p.m. if there is no school. (2) Holiday ends at [9] 8:30 p.m. on the same day the holiday begins.	Even years	Odd years
3796	<del>Veterans Day</del>	(1) <del>Holiday begins at 6 p.m. on the day before Veterans Day.</del> (2) <del>Holiday ends at 7 p.m. on Veterans Day.</del>	Odd years	Even years]
3797	Thanksgiving	(1) Holiday begins <del>[-on Wednesday] at:</del> [(a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday:] (a) the time that school is dismissed for Thanksgiving; or (b) 5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.	Even years	Odd years
3798	Winter Break (First Half)	(1) Holiday begins at:	Odd years	Even years

## SB0257 compared with SB0257S02

		<p>(a) [<del>6 p.m. on the day on</del>] <u>the time</u> that school dismisses for winter break; or</p> <p>(b) [<del>the time school is regularly dismissed</del>] <u>5:30 p.m.</u> on the day that school dismisses for winter break at the election of the parent granted the holiday.</p> <p>(2) Holiday ends on December 27th at [<del>7</del>] <u>8:30</u> p.m.</p>		
3799	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at [<del>7</del>] <u>8:30</u> p.m.</p> <p>(2) Holiday ends at [<del>7</del>] <u>8:30</u> p.m. on the day before school resumes <u>after the winter break.</u></p>	Even years	Odd years
3800	Day of Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [<del>9</del>] <u>8:30</u> p.m.</p>	Even years	Odd years
3801	Day Before or After Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at [<del>9</del>] <u>8:30</u> p.m.</p>	Odd years	Even years

3813 Section 50. Section **81-9-303** is amended to read:

3814 **81-9-303. Optional schedule for parent-time for a minor child five to 18 years old.**

3805 (1)

(a) The optional parent-time schedule in this section applies [~~to~~] when establishing a parent-time schedule for a minor child who is five to 18 years old.

3807 (b) For purposes of calculating child support, the optional parent-time schedule in this section is 145 overnights.

3809 (c) Any impact on child support shall be consistent with joint physical custody.

3810

## SB0257 compared with SB0257S02

- (2) The parents and the court may consider the increased parent-time schedule in this section as a minimum parent-time schedule when the parties agree or the noncustodial parent can demonstrate:
- 3813 (a) the noncustodial parent has been actively involved in the minor child's life;
- 3814 (b) the parties can communicate effectively regarding the minor child or the noncustodial parent has a plan to accomplish effective communications regarding the minor child;
- 3817 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 3818 (d) the increased parent-time would be in the best interest of the minor child; and
- 3819 (e) any other factor the court considers relevant.
- 3820 (3) In determining whether a noncustodial parent has been actively involved in the minor child's life, the court shall consider:
- 3822 (a) demonstrated responsibility in caring for the minor child;
- 3823 (b) involvement in childcare;
- 3824 (c) presence or volunteer efforts in the minor child's school and at extracurricular activities;
- 3826 (d) assistance with the minor child's homework;
- 3827 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- 3828 (f) bonding with the minor child; and
- 3829 (g) any other factor the court considers relevant.
- 3830 (4) In determining whether a noncustodial parent has the ability to facilitate the increased parent-time, the court shall consider:
- 3832 (a) the geographic distance between the residences of the parents and the distance between the parents' residences and the minor child's school;
- 3834 (b) the noncustodial parent's ability to assist with after school care;
- 3835 (c) the health of the minor child and the noncustodial parent in accordance with Subsection 81-9-204(4);
- 3837 (d) flexibility of employment or another schedule of the noncustodial parent;
- 3838 (e) ability to provide appropriate playtime with the minor child;
- 3839 (f) history and ability of the noncustodial parent to implement a flexible schedule for the minor child;
- 3841 (g) physical facilities of the noncustodial parent's residence; and
- 3842 (h) any other factor the court considers relevant.
- 3843

## SB0257 compared with SB0257S02

- (5) If the parties agree or the court enters an order for the optional parent-time schedule under this section, a parenting plan in compliance with Section 81-9-203 shall be filed with any order incorporating the optional parent-time schedule described in Subsection (6).
- 3847 (6) The following schedule is considered the optional parent-time to which the noncustodial parent is entitled to the minor child:
- 3849 (a)
- (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon delivering the minor child to school or at 8 a.m. if there is no school; or
- 3853 (ii) at the election of the noncustodial parent, one weekday specified by the noncustodial parent or the court:
- 3855 (A) beginning at the time the minor child's school is regularly dismissed until the following day upon delivering the minor child to school or at 8 a.m. if there is no school; or
- 3858 (B) if there is no school, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on the following day upon delivering the minor child to school or at 8 a.m. if there is no school;
- 3862 (b)
- (i) beginning the first weekend after the entry of the decree, alternating weekends beginning at [~~6~~] 5:30 p.m. on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or
- 3865 (ii) at the election of the noncustodial parent, beginning the first weekend after the entry of the decree, alternating weekends:
- 3867 (A) beginning at the time the minor child's school is regularly dismissed on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or
- 3870 (B) if there is no school, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at [~~9~~] 8 a.m. and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;
- 3874 (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (15); and
- 3876 (d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection (7).

## SB0257 compared with SB0257S02

- 3878 (7)
- (a) For extended parent-time with the minor child under Subsection (6)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with the minor child~~[, which may be consecutive,]~~ when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3883 (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (7)(a):
- 3885 (i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the noncustodial parent; and
- 3887 (ii) two weeks~~[, which may be consecutive,]~~ may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.
- 3890 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks~~[, which may be consecutive,]~~ when school is not in session for summer break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3893 (d) Extended parent-time described in this Subsection (7) shall be consecutive, except that the four weeks of extended parent-time for the noncustodial parent may be divided into two 14-day separate periods that are not consecutive.
- 3896 (8)
- (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of parent-time for summer break under Subsection (7).
- 3898 (b) For the notification requirement [~~under~~] described in Subsection (8)(a):
- 3899 (i) in odd-numbered years:
- 3900 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
- 3902 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
- 3904 (ii) in even-numbered years:
- 3905 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and
- 3907 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 3908 (c)
- (i) If a parent fails to provide a notification within the time periods described in Subsection (8)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.
- 3911

## SB0257 compared with SB0257S02

- (ii) If both parents fail to provide notice within the time periods described in Subsection (8)(b), the first parent to provide notice may determine the schedule for summer break for that parent and the other parent.
- 3914 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (7)(b) (ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.
- 3919 (9)
- (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.
- 3923 (b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.
- 3925 (10)
- (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
- 3928 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 3929 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (7) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
- 3932 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day, Mother's Day, or the minor child's birthday;
- 3934 (iv) extended parent-time under Subsection (7); and
- 3935 (v) the schedule for weekday or weekend parent-time.
- 3936 (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- 3938 (11) A stepparent, grandparent, or other responsible adult designated by [~~the noncustodial~~] a parent, may pick up the minor child for parent-time if the [~~eustodial~~] other parent is aware of the identity of the individual and the [~~noncustodial~~] parent will be with the minor child by 7 p.m.
- 3942

## SB0257 compared with SB0257S02

(12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

3944 (13) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.

3949 (14) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

3953 (15) The following table is the holiday schedule for parent-time under this section.

3954	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
3955	Dr. Martin Luther King Jr. Day	<p>(1) Holiday begins <del>{:}</del> <del>[-{f}]</del> Friday at:</p> <p>(a) <del>9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p>(b) <del>the time that school is regularly dismissed; or</del></p> <p><u>]</u> <u>{(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or}</u> <u>:</u></p> <p><u>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</u>{</p>	Odd years	Even years

## SB0257 compared with SB0257S02

	<p style="text-align: center;">}</p> <p><del>[(c) 6 p.m. at the election of the parent granted the holiday.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del></p> <p>(2) Holiday ends[:</p> <p>(a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or</p> <p>(b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.] <u>upon delivering of the minor child to school on the day that school resumes.</u></p>		
<p>3956</p> <p>[<u>President's</u> ] <u>Presidents'</u> Day</p>	<p>(1) Holiday begins { : } <del>[ - { f } ]</del> Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the minor child;] { <u>(a) at the time that school is dismissed for Presidents' Day; or</u> } :</p> <p>{ <u>(a) at the time that school is dismissed for Presidents' Day; or</u> }</p> <p><del>[(b) the time that school is regularly dismissed; or</del></p> <p>(c) 6 p.m. at the election of the parent granted the holiday.] (b) <u>Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[:</p>	<p>Even years</p>	<p>Odd years</p>

## SB0257 compared with SB0257S02

		<p>(a) <del>upon delivering the minor child to school on the day following President's Day;</del> or</p> <p>(b) <del>at 8 a.m. on the day following President's Day if there is no school.]</del> <u>upon delivering the minor child to school on the day that school resumes.</u></p>		
3957	Spring Break	<p>(1) <del>Holiday begins at</del>[-6 p.m. on the day that school dismisses for spring break.] :</p> <p><del>{-}</del> (a) <u>the time school is dismissed for spring break;</u></p> <p>or</p> <p><del>{-}</del> (b) <u>5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</u></p> <p>(2) <del>Holiday ends</del>[:</p> <p>(a) <del>upon delivering the minor child to school on the day following the end of spring break;</del> or</p> <p>(b) <del>at 8 a.m. on the day following the end of spring break if there is no school.]</del> <u>upon delivering the minor child to school on the day that school resumes.</u></p>	Odd years	Even years
3958	Memorial Day	<p>(1) <del>Holiday begins</del>[- Friday at:</p> <p>(a) <del>9 a.m. if school is not in session and the parent can be with the minor child;</del></p>	Even years	Odd years

## SB0257 compared with SB0257S02

		<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><u>{-} (a) at the time that school is dismissed for Memorial Day;</u></p> <p><u>or</u></p> <p><u>{-} (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></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>		
3959	Mother's Day	<p>(1) Holiday begins [<del>on Mother's Day at 9 a.m.</del>] <u>at 5:30 p.m. on the day before Mother's Day.</u></p> <p>(2) Holiday ends on Mother's Day at [7] <u>8:30 p.m.</u></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.
3960	Father's Day	<p>(1) Holiday begins [<del>on Father's Day at 9 a.m.</del>] <u>at 5:30 p.m. on the day before Father's Day.</u></p> <p>(2) Holiday ends on Father's Day at [7] <u>8:30 p.m.</u></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.

## SB0257 compared with SB0257S02

3961	Juneteenth  National Freedom Day	(1) Holiday begins at:  (a) [6] <u>5:30</u> 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] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.  (2) Holiday ends at [6] <u>5:30</u> p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
3962	Independence Day	(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m.  (2) Holiday ends on July 5th at [6] <u>8:30</u> p.m.	Odd years	Even years
3963	Pioneer Day	(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m.  (2) Holiday ends on July 25th at [6] <u>8:30</u> p.m.	Even years	Odd years
3964	Labor Day	(1) Holiday begins [ <del>Friday at:</del>  (a) <del>9 a.m. if school is not in session and the parent can be with the minor child;</del>  (b) <del>the time that school is regularly dismissed; or</del>  (c) <del>6 p.m. at the election of the parent granted the holiday.</del> ] ;  {-} (a) <u>at the time that school is dismissed for Labor Day; or</u>	Odd years	Even years

## SB0257 compared with SB0257S02

		<p>(b) <u>Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[          (a) <del>upon delivering the minor child to school on the day following Labor Day;</del> or          (b) <del>at 8 a.m. on the day following Labor Day if there is no school.]</del>  <u>upon delivering the minor child to school on the day that school resumes.</u></p>		
3965	<del>[Columbus Day</del>	<p>(1) <del>Holiday begins at 6 p.m. on the day before Columbus Day.</del></p> <p>(2) <del>Holiday ends at 7 p.m. on Columbus Day.</del></p>	Even years	<del>Odd years]</del>
3966	Fall Break	<p>(1) <del>Holiday begins at</del> <u>6 p.m. on the day school is dismissed for fall break.] :</u>  <u>(a) the time that school is dismissed for fall break; or</u>  <u>(b) 5:30 p.m. on the day that school dismisses for fall break at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[          (a) <del>upon delivering the minor child to school on the day following the end of fall break;</del> or          (b) <del>at 8 a.m. on the day following the end of fall break if there is no school.]</del> <u>upon delivering the minor</u></p>	Odd years	Even years

## SB0257 compared with SB0257S02

		<u>child to school on the day that school resumes.</u>		
3967	Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at [4] <u>3</u> p.m. if there is no school.</p> <p>(2) Holiday ends at [9] <u>8:30</u> p.m. on the same day the holiday begins.</p>	Even years	Odd years
3968	[Veterans Day	<p><del>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</del></p> <p><del>(2) Holiday ends at 7 p.m. on Veterans Day.</del></p>	Odd years	Even years]
3969	Thanksgiving	<p>(1) Holiday begins [<del>on Wednesday at:</del></p> <p>(a) <del>6 p.m.; or</del></p> <p>(b) <del>the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.]</del> <u>at:</u></p> <p><u>(a) the time that school is dismissed for Thanksgiving; or</u></p> <p><u>(b) 5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted {that}</u> <u>the holiday.</u></p> <p>(2) Holiday ends[:</p>	Even years	Odd years

## SB0257 compared with SB0257S02

		<p>(a) <del>upon delivering the minor child to school on the Monday following Thanksgiving; or</del></p> <p>(b) <del>at 8 a.m. on the Monday following Thanksgiving if there is no school.]</del> <u>upon delivering the minor child to school on the day that school resumes.</u></p>		
3970	Winter Break (First Half)	<p>(1) Holiday begins at:</p> <p>(a) <del>[6 p.m. on the day]</del> <u>the time that school dismisses for winter break; or</u></p> <p>(b) <del>[the time school is regularly dismissed]</del> <u>5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends on December 27th at <del>[7]</del> <u>8:30 p.m.</u></p>	Odd years	Even years
3971	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at <del>[7]</del> <u>8:30 p.m.</u></p> <p>(2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.</p>	Even years	Odd years
3972	Day of Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at <del>[9]</del> <u>8:30 p.m.</u></p>	Even years	Odd years
3973	Day Before or After Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m.</p> <p>(2) Holiday ends at <del>[9]</del> <u>8:30 p.m.</u></p>	Odd years	Even years

## SB0257 compared with SB0257S02

3986 Section 51. Section **81-9-304** is amended to read:

3987 **81-9-304. Minimum schedule for parent-time for a minor child under five years old.**

- 3977 (1) The parent-time schedule in this section applies [~~to~~] when establishing a parent-time schedule for a  
minor child who is younger than five years old.
- 3979 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections (3) through (8) are  
considered the minimum parent-time to which the noncustodial parent is entitled to the minor child.
- 3982 (3) For a minor child who is younger than five months old, the noncustodial parent is entitled to:
- 3984 (a) three two-hour visits every week; and
- 3985 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under  
Subsection (15).
- 3987 (4) For a minor child who is at least five months old but younger than nine months old, the noncustodial  
parent is entitled to:
- 3989 (a) three three-hour visits every week; and
- 3990 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under  
Subsection (15).
- 3992 (5) For a minor child who is at least nine months old but younger than 12 months old, the noncustodial  
parent is entitled to:
- 3994 (a) one eight-hour visit every week;
- 3995 (b) one three-hour visit every week; and
- 3996 (c) eight hours for each holiday granted to the noncustodial parent in accordance with the holiday  
schedule under Subsection (15).
- 3998 (6) For a minor child who is at least 12 months old but younger than 18 months old, the noncustodial  
parent is entitled to:
- 4000 (a) one three-hour visit every week;
- 4001 [~~(b) one eight-hour visit on alternating weekends to be specified by the noncustodial parent or court;~~]
- 4003 [~~(c)~~] (b) [~~an overnight visit on opposite weekends from Subsection (6)(b)] beginning on the first  
weekend after the entry of the decree, alternating weekends beginning at [6] 5:30 p.m. on Friday and  
ending [at noon on Saturday] on Sunday at 7:30 p.m.; and~~
- 4006 [~~(d)~~] (c) eight hours for each holiday granted to the noncustodial parent in the holiday schedule under  
Subsection (15).

4008

## SB0257 compared with SB0257S02

- (7) For a minor child who is at least 18 months old but younger than three years old, the noncustodial parent is entitled to:
- 4010 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4011 (i) beginning at 5:30 p.m. and ending at [~~8:30~~] 7:30 p.m.; or
- 4012 (ii) if the minor child is being cared for during the day outside the minor child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the minor child is picked up from the caregiver and ending at [~~8:30~~] 7:30 p.m.;
- 4016 (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at [~~6~~] 5:30 p.m. on Friday and ending at [~~7~~] 7:30 p.m. on Sunday;
- 4018 (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (15); and
- 4020 (d) extended parent-time for two one-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:
- 4022 (i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8 a.m. on the first day and ending at 7:30 p.m. on the last day; and
- 4024 (ii) one week of interrupted parent-time, beginning at 8 a.m. on the first day and ending at 7:30 p.m. on the last day, where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection (7)(a).
- 4029 (8) For a minor child who is at least three years old but younger than five years old, the noncustodial parent is entitled to:
- 4031 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4032 (i) beginning at 5:30 p.m. and ending at [~~8:30~~] 7:30 p.m.; or
- 4033 (ii) if the minor child is being cared for during the day outside the minor child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the minor child is picked up from the caregiver and ending at [~~8:30~~] 7:30 p.m.;
- 4037 (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at [~~6~~] 5:30 p.m. on Friday and ending at [~~7~~] 7:30 p.m. on Sunday;
- 4039 (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (15); and
- 4041

## SB0257 compared with SB0257S02

(d) extended parent-time for two two-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:

- 4043 (i) two weeks of uninterrupted parent-time, [~~which may be consecutive,~~]for the noncustodial parent,  
beginning at 8 a.m. on the first day and ending at 7:30 p.m. on the last day; and
- 4046 (ii) two weeks of interrupted parent-time, [~~which may be consecutive,~~] beginning at 8 a.m. on the first  
day and ending at 7:30 p.m. on the last day, where the custodial parent may have an equal amount of  
weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is  
granted weekday parent-time under Subsection [~~(8)(a)~~] (8)(a)(i).
- 4051 (9) For a minor child who is at least 18 months old but younger than five years old, the custodial parent  
is entitled to one week of uninterrupted extended parent-time.
- 4053 (10)
- (a) For a minor child who is nine months old or older, the noncustodial parent shall have at least two  
times a week:
- 4055 (i) brief telephone contact at reasonable hours and for a reasonable duration; and
- 4056 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside at least 100  
miles apart, at reasonable hours and for reasonable duration.
- 4058 (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide  
whether the equipment for virtual parent-time is reasonably available, taking into consideration:
- 4061 (i) the best interests of the minor child;
- 4062 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 4063 (iii) any other factors the court considers material.
- 4064 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 4065 (11) For a minor child who is younger than nine months old, unless the parents agree otherwise, parent-  
time should take place in the home of the custodial parent, an established child-care setting, or other  
environment familiar to the minor child, at the option of the noncustodial parent.
- 4069 (12)
- (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict  
arises in the parent-time schedule, the following order of precedence shall be applied when  
determining which parent is entitled to parent-time:
- 4072 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 4073

## SB0257 compared with SB0257S02

(ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;

4077 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day, Mother's Day, or the minor child's birthday;

4079 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and

4080 (v) the schedule for weekday or weekend parent-time.

4081 (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.

4083 (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

4085 (14) A parent shall notify the other parent at least 30 days in advance of the parent's plans for the exercise of extended parent-time under Subsection (7)(d), (8)(d), or (9).

4087 (15) The following table is the holiday schedule for parent-time under this section.

4088 4089	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
4090	Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
4091	[President's] President's Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or	Even years	Odd years

## SB0257 compared with SB0257S02

		(b) [6] <u>5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>7:30</u> p.m. on [ <del>President's</del> ] <u>Presidents' Day</u> .		
4092	Spring Break	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day that school dismisses for spring break. (2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.	Odd years	Even years
4093	Memorial Day	(1) Holiday begins on Friday at: (a) [9] <u>8</u> a.m. if the parent is available to be with the minor child; or (b) [6] <u>5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>7:30</u> p.m. on Memorial Day.	Even years	Odd years
4094	Mother's Day	(1) Holiday begins [ <del>on Mother's Day at 9 a.m.</del> ] <u>at 5:30 p.m. on the day before Mother's Day</u> . (2) Holiday ends on Mother's Day at [7] <u>7:30</u> p.m.	All years if noncustodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
4095	Father's Day	(1) Holiday begins [ <del>on Father's Day at 9 a.m.</del> ] <u>at 5:30 p.m. on the day before Father's Day</u> . (2) Holiday ends on Father's Day at [7] <u>7:30</u> p.m.	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.

## SB0257 compared with SB0257S02

4096	Juneteenth  National Freedom Day	(1) Holiday begins at:  (a) [6] <u>5:30</u> 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] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.  (2) Holiday ends at [6] <u>7:30</u> p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
4097	Independence Day	(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m.  (2) Holiday ends on July 5th at [6] <u>7:30</u> p.m.	Odd years	Even years
4098	Pioneer Day	(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m.  (2) Holiday ends on July 25th at [6] <u>7:30</u> p.m.	Even years	Odd years
4099	Labor Day	(1) Holiday begins on Friday at:  (a) [9] <u>8</u> a.m. if the parent is available to be with the minor child; or  (b) [6] <u>5:30</u> p.m. at the election of the parent granted the holiday.  (2) Holiday ends at [7] <u>7:30</u> p.m. on Labor Day.	Odd years	Even years
4100	<del>[Columbus Day</del>	<del>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</del>	Even years	<del>Odd years]</del>

## SB0257 compared with SB0257S02

		(2) <del>Holiday ends at 7 p.m. on Columbus Day.</del>		
4101	Fall Break	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day school is dismissed for fall break.  (2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.	Odd years	Even years
4102	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] <u>3</u> p.m. if there is no school.  (2) Holiday ends at [9] <u>7:30</u> p.m. on the same day the holiday begins.	Even years	Odd years
4103	<del>[Veterans Day</del>	(1) <del>Holiday begins at 6 p.m. on the day before Veterans Day.</del>  (2) <del>Holiday ends at 7 p.m. on Veterans Day.</del>	<del>Odd years</del>	<del>Even years]</del>
4104	Thanksgiving	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day that school dismisses for Thanksgiving.  (2) Holiday ends at [7] <u>7:30</u> p.m. on day before school resumes.	Even years	Odd years
4105	Winter Break (First Half)	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day on that school dismisses for winter break.  (2) Holiday ends on December 27th at [7] <u>7:30</u> p.m.	Odd years	Even years

## SB0257 compared with SB0257S02

4106	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] 7:30 p.m. (2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.	Even years	Odd years
4107	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 7:30 p.m.	Even years	Odd years
4108	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 7:30 p.m.	Odd years	Even years

4121 Section 52. Section **81-9-402** is amended to read:

4122 **81-9-402. Custody and visitation for individuals other than a parent -- Venue.**

4111 (1)

(a) In accordance with Section 80-2a-201, it is the public policy of this state that a parent retain the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of a minor child of the parent.

4114 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's best interests.

4116 (2) The presumption in Subsection (1) is rebutted and a court may grant custodial or visitation rights to an individual other than a parent if the court finds, by clear and convincing evidence, that the individual seeking custodial or visitation rights has established that:

4120 (a) the individual has intentionally assumed the role and obligations of a parent;

4121 (b) the individual and the minor child have formed a substantial emotional bond and created a parent-child type relationship;

4123 (c) the individual substantially contributed emotionally or financially to the minor child's well being;

4125 (d) the assumption of the parental role is not the result of a financially compensated surrogate care arrangement;

4127 (e) the continuation of the relationship between the individual and the minor child is in the minor child's best interest;

4129 (f) the loss or cessation of the relationship between the individual and the minor child would substantially harm the minor child; and

## SB0257 compared with SB0257S02

- 4131 (g) the parent:
- 4132 (i) is absent as of the time of filing of the petition;
- 4133 (ii) does not have the ability to exercise primary physical custody of the minor child as of the time of  
filing of the petition; or
- 4135 (iii) has abused or neglected the minor child, or that another court has found that the parent has abused  
or neglected the minor child.
- 4137 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350, an  
individual shall file a verified petition, or a petition supported by an affidavit, for custodial or  
visitation rights to the minor child in the juvenile court if a matter is pending in the juvenile court, or  
in the district court in the county where the minor child:
- 4141 (a) currently resides; or
- 4142 (b) lived with a parent or an individual other than a parent who acted as a parent within six months  
before the commencement of the action.
- 4144 (4) An individual may file a petition under this section in a pending divorce, parentage action, or other  
proceeding, including a proceeding in the juvenile court involving custody of or visitation with a  
minor child.
- 4147 (5) The petition shall include detailed facts supporting the petitioner's right to file the petition including  
the criteria set forth in Subsection (2) and residency information described in Section 81-11-209.
- 4150 (6) An individual may not file a petition under this section against a parent who is actively serving  
outside the state in any branch of the military.
- 4152 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the Utah Rules  
of Civil Procedure on all of the following:
- 4154 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- 4155 (b) any individual who has court-ordered custody or visitation rights;
- 4156 (c) the minor child's guardian;
- 4157 (d) the guardian ad litem, if one has been appointed;
- 4158 (e) an individual or agency that has physical custody of the minor child or that claims to have custody  
or visitation rights; and
- 4160 (f) any other individual or agency that has previously appeared in any action regarding custody of or  
visitation with the minor child.
- 4162

## SB0257 compared with SB0257S02

- (8) The court may order a custody evaluation to be conducted in any proceeding brought under this section.
- 4164 (9) The court may enter temporary orders in a proceeding brought under this section pending the entry of final orders.
- 4166 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child under this section to an individual:
- 4168 (a) who is not the parent of the minor child; and
- 4169 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no contest to a felony or attempted felony involving conduct that constitutes any of the following:
- 4172 (i) child abuse, as described in [~~Sections 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, and 76-5-114~~] Section 76-5-109;
- 4174 (ii) aggravated child abuse, as described in Section 76-5-109.2;
- 4175 (iii) child abandonment, as described in Section 76-5-109.3;
- 4176 (iv) child torture, as described in Section 76-5-109.4;
- 4177 (v) commission of domestic violence in the presence of a child, as described in Section 76-5-114;
- 4179 [(~~ii~~)] (vi) child abuse homicide, as described in Section 76-5-208;
- 4180 [(~~iii~~)] (vii) child kidnapping, as described in Section 76-5-301.1;
- 4181 [(~~iv~~)] (viii) human trafficking of a child, as described in Section 76-5-308.5;
- 4182 [(~~v~~)] (ix) sexual abuse of a minor, as described in Section 76-5-401.1;
- 4183 [(~~vi~~)] (x) rape of a child, as described in Section 76-5-402.1;
- 4184 [(~~vii~~)] (xi) object rape of a child, as described in Section 76-5-402.3;
- 4185 [(~~viii~~)] (xii) sodomy on a child, as described in Section 76-5-403.1;
- 4186 [(~~ix~~)] (xiii) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- 4188 [(~~x~~)] (xiv) sexual exploitation of a minor, as described in Section 76-5b-201;
- 4189 [(~~xi~~)] (xv) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- 4191 [(~~xii~~)] (xvi) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (10).
- 4193 (11)
- (a) As used in this Subsection (11), "disqualifying offense" means an offense listed in Subsection (10) that prevents a court from granting custody except as provided in this Subsection (11).

## SB0257 compared with SB0257S02

- 4196 (b) An individual described in Subsection (10) may only be considered for custody of a minor child if  
the following criteria are met by clear and convincing evidence:
- 4198 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 4199 (ii) at least 10 years have elapsed from the day on which the individual is successfully released from  
prison, jail, parole, or probation related to a disqualifying offense;
- 4202 (iii) during the 10 years before the day on which the individual files a petition with the court seeking  
custody the individual has not been convicted, plead guilty, or plead no contest to an offense greater  
than an infraction or traffic violation that would likely impact the health, safety, or well-being of the  
minor child;
- 4206 (iv) the individual can provide evidence of successful treatment or rehabilitation directly related to the  
disqualifying offense;
- 4208 (v) the court determines that the risk related to the disqualifying offense is unlikely to cause harm, as  
defined in Section 80-1-102, or potential harm to the minor child currently or at any time in the  
future when considering all of the following:
- 4211 (A) the minor child's age;
- 4212 (B) the minor child's gender;
- 4213 (C) the minor child's development;
- 4214 (D) the nature and seriousness of the disqualifying offense;
- 4215 (E) the preferences of a minor child who is 12 years old or older;
- 4216 (F) any available assessments, including custody evaluations, parenting assessments, psychological or  
mental health assessments, and bonding assessments; and
- 4219 (G) any other relevant information;
- 4220 (vi) the individual can provide evidence of the following:
- 4221 (A) the relationship with the minor child is of long duration;
- 4222 (B) that an emotional bond exists with the minor child; and
- 4223 (C) that custody by the individual who has committed the disqualifying offense ensures the best  
interests of the minor child are met;
- 4225 (vii)
- (A) there is no other responsible relative known to the court who has or likely could develop an  
emotional bond with the minor child and does not have a disqualifying offense; or
- 4228

## SB0257 compared with SB0257S02

- (B) if there is a responsible relative known to the court that does not have a disqualifying offense, Subsection (11)(d) applies; and
- 4230 (viii) that the continuation of the relationship between the individual with the disqualifying offense and  
the minor child could not be sufficiently maintained through any type of visitation if custody were  
given to the relative with no disqualifying offense described in Subsection (11)(d).
- 4234 (c) The individual with the disqualifying offense bears the burden of proof regarding why placement  
with that individual is in the best interest of the minor child over another responsible relative or  
equally situated individual who does not have a disqualifying offense.
- 4238 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to the court who  
does not have a disqualifying offense:
- 4240 (i) preference for custody is given to a relative who does not have a disqualifying offense; and
- 4242 (ii) before the court may place custody with the individual who has the disqualifying offense over  
another responsible, willing, and able relative:
- 4244 (A) an impartial custody evaluation shall be completed; and
- 4245 (B) a guardian ad litem shall be assigned.
- 4246 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final decision on  
custody has not been made and to a case filed on or after March 25, 2017.
- 4260 Section 53. Section **81-13-204** is amended to read:
- 4261 **81-13-204. Petition for adoption of a minor child.**
- 4250 (1) A person may bring a petition for adoption of a minor child:
- 4251 (a) before the birth of the minor child; or
- 4252 (b) before or after the minor child is placed in the home of the adoptive parent for the purpose of  
adoption.
- 4254 (2)
- (a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child shall state whether  
the minor child was born in another state.
- 4256 (b) If the minor child was born in another state, the petition and the court's final decree of adoption  
shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate Compact on Placement of  
Children, have been complied with.
- 4259 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required to complete a  
preplacement adoptive evaluation under Section [~~81-13-404~~] 81-13-403.

## SB0257 compared with SB0257S02

- 4261 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec. 1903, a child-  
placing agency and a petitioner shall comply with the Indian Child Welfare Act, 25 U.S.C. Sec.  
1901 et seq.
- 4276 Section 54. Section **81-13-205** is amended to read:
- 4277 **81-13-205. Petition to terminate parental rights of a minor child.**
- 4266 (1) A party may bring a petition seeking to terminate parental rights [øf] to a minor child for the  
purpose of facilitating the adoption of the minor child in a court with jurisdiction under Title 78A,  
Judiciary and Judicial Administration.
- 4269 (2) A petition to terminate parental rights under this section may be:
- 4270 (a) joined with a proceeding on an adoption petition; or
- 4271 (b) filed as a separate proceeding before or after a petition to adopt the minor child is filed.
- 4273 (3) A court may enter a final order terminating parental rights before a final decree of adoption is  
entered.
- 4275 (4)
- (a) Nothing in this section limits the jurisdiction of a juvenile court relating to proceedings to terminate  
parental rights as described in Section 78A-6-103.
- 4277 (b) A court may not terminate parental rights [øf] to a minor child if the minor child is under the  
jurisdiction of the juvenile court in a pending abuse, neglect, dependency, or termination of parental  
rights proceeding.
- 4280 (5) The court may terminate an individual's parental rights [øf] to a minor child if:
- 4281 (a) the individual executes a voluntary consent to adoption, or relinquishment for adoption, of the minor  
child, in accordance with:
- 4283 (i) the requirements of this chapter; or
- 4284 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 4285 (b) the individual is an unmarried biological father who is not entitled to consent to adoption, or  
relinquishment for adoption, under Section 81-13-212 or 81-13-213;
- 4287 (c) the individual:
- 4288 (i) received notice of the adoption proceeding relating to the minor child under Section 81-13-207; and
- 4290 (ii) failed to file a motion for relief, under Subsection 81-13-207(6), within 30 days after the day on  
which the individual was served with notice of the adoption proceeding;
- 4293 (d) the court finds, under Section 81-5-607, that the individual is not a parent of the minor child; or

## SB0257 compared with SB0257S02

- 4295 (e) the individual's parental rights are terminated on grounds described in Title 80, Chapter 4,  
Termination and Restoration of Parental Rights, and termination is in the best interests of the minor  
child.
- 4298 (6) The court shall appoint an indigent defense service provider in accordance with Title 78B, Chapter  
22, Indigent Defense Act, to represent a parent, as defined in Section 81-13-211, who faces any  
action initiated by a private party under Title 80, Chapter 4, Termination and Restoration of Parental  
Rights, or whose parental rights are subject to termination under this section.
- 4303 (7) If a county incurs expenses in providing indigent defense services to an indigent individual facing  
any action initiated by a private party under Title 80, Chapter 4, Termination and Restoration  
of Parental Rights, or termination of parental rights under this section, the county may apply  
for reimbursement from the Utah Indigent Defense Commission in accordance with Section  
78B-22-406.
- 4308 (8) A petition filed under this section is subject to the procedural requirements of this chapter.  
4322 Section 55. Section **81-13-207** is amended to read:  
4323 **81-13-207. Notice of an adoption proceeding for a minor child.**
- 4312 (1) A petitioner in an adoption proceeding described in Section 81-13-204, 81-13-205, or 81-13-206  
shall serve a notice of the adoption proceeding on each of the following persons:
- 4315 (a) any person or agency whose consent or relinquishment is required under Section 81-13-212 or  
81-13-213, unless that right has been terminated by:
- 4317 (i) waiver;
- 4318 (ii) relinquishment;
- 4319 (iii) actual or implied consent; or
- 4320 (iv) judicial action;
- 4321 (b) any person who has initiated a parentage proceeding and filed notice of that action with the the  
office in accordance with Subsection (3);
- 4323 (c) any legally appointed custodian or guardian of the child adoptee;
- 4324 (d) the petitioner's spouse if the petitioner is married and the petitioner's spouse has not joined in the  
petition;
- 4326 (e) the child adoptee's spouse if the child adoptee is married;
- 4327

## SB0257 compared with SB0257S02

- (f) any individual who, before the time the birth mother executes the birth mother's consent for adoption or relinquishes the child adoptee for adoption, is recorded on the birth certificate as the child adoptee's parent, with the knowledge and consent of the birth mother;
- 4331 (g) any individual who is:
- 4332 (i) openly living in the same household with the child adoptee at the time the consent is executed or relinquishment made; and
- 4334 (ii) holding the individual out to be the child adoptee's parent; and
- 4335 (h) an individual who is married to the child adoptee's birth mother at the time the birth mother executes the birth mother's consent to the adoption or relinquishes the child adoptee for adoption, unless the court finds that the mother's spouse is not the child adoptee's parent under Section 81-5-607.
- 4339 (2)
- (a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the notice described in Subsection (1) at any time after the petition for the adoption proceeding is filed.
- 4342 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth mother before the birth mother has given birth to the minor child who is the subject of the petition.
- 4345 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior to the final dispositional hearing.
- 4347 (3)
- (a) An unmarried biological father, by virtue of the fact that the unmarried biological father has engaged in a sexual relationship with a woman:
- 4349 (i) is considered to be on notice that a pregnancy and an adoption proceeding regarding a minor child may occur; and
- 4351 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 4352 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption proceeding with regard to the unmarried biological father's minor child only as provided in this section or Section 81-13-209.
- 4355 (c) In order to preserve any right to notice, an unmarried biological father shall, consistent with Subsection (3)(f):
- 4357 (i) initiate proceedings in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to establish parentage under Chapter 5, Uniform Parentage Act; and
- 4360 (ii) file a notice of commencement of the proceedings described in Subsection (3)(c)(i) with the office.

## SB0257 compared with SB0257S02

- 4362 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil Actions, an unmarried biological father may initiate an action described in Subsection (3)(c) in any county if the unmarried biological father does not know the county in which the birth mother resides.
- 4366 (e) The Department of Health and Human Services shall provide forms for the purpose of filing the notice described in Subsection (3)(c)(ii), and make those forms available in the office of the county health department in each county.
- 4369 (f) When the office receives a completed form, the office shall:
- 4370 (i) record the date and time the form was received; and
- 4371 (ii) immediately enter the information provided by the unmarried biological father in the confidential registry described in Subsection 81-13-213(4)(c).
- 4373 (g)
- (i) An unmarried biological father may file the action and notice described in Subsection (3)(c) before or after the minor child's birth.
- 4375 (ii) An unmarried biological father shall file the action and notice described in Subsection (3)(c) before the birth mother's:
- 4377 (A) execution of consent to adoption of the minor child; or
- 4378 (B) relinquishment of the minor child for adoption.
- 4379 (h) Notwithstanding Subsection [~~(2)(b)~~] (3)(b), an unmarried biological father is not entitled to notice of an adoption proceeding in a case where it is shown that the minor child was conceived as a result of conduct that constitutes a sexual offense, regardless of whether the unmarried biological father is formally charged with or convicted of the sexual offense.
- 4384 (4) Notice provided in accordance with this section need not disclose the name of the birth mother of the minor child who is the subject of an adoption proceeding.
- 4386 (5) The notice required by this section:
- 4387 (a) shall specifically state that the person served shall fulfill the requirements of Subsection (6)(a) within 30 days after the day on which the person receives service if the person intends to intervene in or contest the adoption;
- 4390 (b) shall state the consequences, described in Subsection (6)(b), for failure of a person to file a motion for relief within 30 days after the day on which the person is served with notice of an adoption proceeding;
- 4393 (c) is not required to include, or be accompanied by, a summons or a copy of the petition for adoption;

## SB0257 compared with SB0257S02

- 4395 (d) shall state where the person may obtain a copy of the petition for adoption; and
- 4396 (e) shall indicate the right to the appointment of counsel for a party whom the court determines is  
indigent and at risk of losing the party's parental rights.
- 4398 (6)
- (a) A person who has been served with notice of an adoption proceeding and who wishes to contest the  
adoption shall file a motion to intervene in the adoption proceeding:
- 4401 (i) within 30 days after the day on which the person was served with notice of the adoption  
proceeding;
- 4403 (ii) setting forth specific relief sought; and
- 4404 (iii) accompanied by a memorandum specifying the factual and legal grounds upon which the  
motion is based.
- 4406 (b) A person who fails to fully and strictly comply with all of the requirements described in Subsection  
(6)(a) within 30 days after the day on which the person was served with notice of the adoption  
proceeding:
- 4409 (i) waives any right to further notice in connection with the adoption;
- 4410 (ii) forfeits all rights in relation to the adoptee; and
- 4411 (iii) is barred from thereafter bringing or maintaining any action to assert any interest in the adoptee.
- 4413 (7)
- (a)
- (i) Subject to Subsection (5)(c), the petitioner shall serve a person whose consent is necessary under  
Section 81-13-212 or 81-13-213 in accordance with the Utah Rules of Civil Procedure.
- 4416 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court shall  
designate the content of the notice regarding the identity of the parties.
- 4418 (iii) The notice described in this Subsection (7)(a) may not include the name of a person seeking to  
adopt the adoptee.
- 4420 (b)
- (i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice is required under  
this section, service by certified mail, return receipt requested, is sufficient.
- 4423 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two attempts, the court  
may issue an order providing for service by publication, posting, or by any other manner of service.
- 4426

## SB0257 compared with SB0257S02

(c) Notice to an individual, who has initiated a parentage proceeding and filed notice of that action with the office in accordance with the requirements of Subsection (3), shall be served by certified mail, return receipt requested, at the last address filed with the office.

4430 (8) The notice required by this section may be waived in writing by the person entitled to receive notice.

4432 (9) Proof of service of notice on all persons for whom notice is required by this section shall be filed with the court before the final dispositional hearing on the adoption.

4434 (10) Notwithstanding any other provision of law, neither the notice of an adoption proceeding nor any process in that proceeding is required to contain the name of the person or persons seeking to adopt the child adoptee.

4437 (11) Except as to those persons whose consent to an adoption is required under Section 81-13-212 or 81-13-213, the sole purpose of notice under this section is to enable the person served to:

4440 (a) intervene in the adoption; and

4441 (b) present evidence to the court relevant to the best interest of the child adoptee.

4454 Section 56. Section **81-13-212** is amended to read:

4455 **81-13-212. Necessary consent to adoption or relinquishment for adoption of a minor child -- Implied consent.**

4445 (1) Except as provided in Subsection (2), the following persons are required to consent to an adoption of a minor child, or to relinquishment of a minor child, before an adoption of the minor child is granted:

4448 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child adoptee does not have the mental capacity to consent;

4450 (b) a man or woman who:

4451 (i) by operation of law under Section [~~81-5-204~~] 81-5-201, is recognized as the father or mother of the proposed adoptee, unless:

4453 (A) the presumption is rebutted under Section 81-5-607;

4454 (B) at the time of the marriage, the man or woman knew or reasonably should have known that the marriage to the mother of the proposed child adoptee was or could be declared invalid; or

4457 (C) the man or woman was not married to the mother of the proposed child adoptee until after the mother consented to adoption, or relinquishment for adoption, of the proposed child adoptee; or

4460 (ii) is the parent of the child adoptee by a previous legal adoption;

4461 (c) the birth mother of the child adoptee;

## SB0257 compared with SB0257S02

- 4462 (d) an individual who has been adjudicated to be the child adoptee's parent by a court with jurisdiction  
before the birth mother's execution of consent to adoption or the birth mother's relinquishment of the  
child adoptee for adoption;
- 4465 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary declaration  
of paternity with the office in accordance with Chapter 5, Uniform Parentage Act, before the birth  
mother's execution of consent to adoption or the birth mother's relinquishment of the child adoptee  
for adoption;
- 4469 (f) an unmarried biological father of the child adoptee, whose consent is not required under Subsection  
(1)(d) or (1)(e), only if the unmarried biological father fully and strictly complies with the  
requirements of Section 81-13-213; and
- 4472 (g) the person or agency to whom an adoptee has been relinquished and that is placing the child adoptee  
for adoption.
- 4474 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through (f) is not  
required if the individual's parental rights relating to the child adoptee have been terminated by a  
court.
- 4477 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered filed when the  
voluntary declaration is entered into a database that:
- 4479 (a) can be accessed by the Department of Health and Human Services; and
- 4480 (b) is designated by the office as the official database for voluntary declarations of paternity.
- 4482 (4)
- (a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may execute a consent  
or relinquishment at any time, including before the birth of the child adoptee.
- 4485 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish control or custody  
of the child adoptee, until at least 24 hours after the birth of the child adoptee.
- 4488 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at least 12 years  
old.
- 4490 (5)
- (a) A birth parent who is younger than 18 years old has the power to:
- 4491 (i) consent to the adoption of the birth parent's minor child; and
- 4492 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 4493

## SB0257 compared with SB0257S02

- (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the same force and effect as a consent or relinquishment executed by a birth parent who is an adult.
- 4496 (c) A birth parent, who is younger than 18 years old and has executed a consent or relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years old or otherwise becoming emancipated.
- 4499 (6) A consent or relinquishment is effective when the consent or relinquishment is signed and may not be revoked.
- 4501 (7)
- (a) As used in this Subsection (7):
- 4502 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the pregnancy, to offer and provide financial and emotional support to the birth mother for a period of 180 days before the day on which the child adoptee is born.
- 4505 (ii) "Emotional support" means a pattern of statements or actions that indicate to a reasonable person that a birth parent intends to provide for the physical and emotional well-being of an unborn child adoptee.
- 4508 (b) A consent or relinquishment required by Subsection (1) may be implied by any of the following acts:
- 4510 (i) abandonment;
- 4511 (ii) leaving the child adoptee with a third party for 30 consecutive days without providing the third party with the birth parent's identification;
- 4513 (iii) knowingly leaving the child adoptee with another person for 180 consecutive days without providing for support, communicating, or otherwise maintaining a substantial relationship with the child adoptee; or
- 4516 (iv) receiving notification of a pending adoption proceeding as described in Section 81-13-207, or of a termination proceeding described in Section 81-13-205, and failing to respond as required.
- 4519 (c) For purposes of this Subsection (7), a court may not:
- 4520 (i) determine that a birth parent abandoned the birth mother if the birth parent failed to provide financial or emotional support because the birth mother refused to accept support; or
- 4523 (ii) find that the birth parent failed to provide emotional support if the individual's failure was due to impossibility of performance.
- 4525 (d) Implied consent under this Subsection (7) may not be withdrawn.

## SB0257 compared with SB0257S02

- 4526 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an unmarried  
biological father.
- 4540 Section 57. Section **81-13-213** is amended to read:
- 4541 **81-13-213. Consent of unmarried biological father.**
- 4530 (1) As used in this section, "qualifying circumstance" means that, at any point during the time period  
beginning at the conception of the child adoptee and ending at the time that the birth mother  
executes a consent to adoption or relinquishment of the child adoptee for adoption:
- 4534 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or a temporary  
basis of no less than 30 consecutive days, in the state;
- 4536 (b) the birth mother intended to give birth to the child adoptee in the state;
- 4537 (c) the child adoptee was born in the state; or
- 4538 (d) the birth mother intended to execute a consent to adoption or relinquishment of the child adoptee for  
adoption in the state or under the laws of the state.
- 4540 (2) Except as provided in Subsections (3)(a) and (8), and subject to Subsections (6) and (7), the consent  
of an unmarried biological father to the adoption of a child adoptee, who is placed with prospective  
adoptive parents more than 180 days after birth, is not required unless the unmarried biological  
father:
- 4544 (a)
- 4545 (i) developed a substantial relationship with the child adoptee by:
- 4547 (A) visiting the child adoptee monthly, unless the unmarried biological father was physically or  
financially unable to visit the child adoptee on a monthly basis; or
- 4549 (B) engaging in regular communication with the child adoptee or with the person or authorized  
agency that has lawful custody of the child adoptee;
- 4551 (ii) took some measure of responsibility for the child adoptee and the child adoptee's future; and
- 4554 (iii) demonstrated a full commitment to the responsibilities of parenthood by financial support of the  
child adoptee of a fair and reasonable sum in accordance with the unmarried biological father's  
ability; or
- 4554 (b)
- (i) if the child adoptee is younger than one year old, openly lived with the child adoptee immediately  
preceding placement of the child adoptee with the prospective adoptive parents for a period of at

## SB0257 compared with SB0257S02

- least 180 days during the period of time beginning on the day on which the child adoptee is born and ending on the day on which the child adoptee is placed with prospective adoptive parents;
- 4559 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee immediately preceding placement of the child adoptee with the prospective adoptive parents for a period of at least 180 days during the one-year period immediately preceding the day on which the child adoptee is placed with prospective adoptive parents; [~~or~~] and
- 4564 (iii) openly held himself out to be the father of the child adoptee during the 180-day period described in Subsection (2)(b)(i) or (ii).
- 4566 (3)
- (a) If an unmarried biological father was prevented from complying with a requirement described in Subsection (2) by the person or authorized agency having lawful custody of the child adoptee, the unmarried biological father is not required to comply with that requirement.
- 4570 (b) The subjective intent of an unmarried biological father, whether expressed or otherwise, that is unsupported by evidence that the requirements in Subsection (2) have been met, shall not preclude a determination that the unmarried biological father failed to meet the requirements of Subsection (2).
- 4574 (4) Except as provided in Subsections (7) and (8), and subject to Subsection (6), the consent of an unmarried biological father to the adoption of a child adoptee, who is 180 days old or younger at the time that the child adoptee is placed with the prospective adoptive parents, is not required unless, before the time that the birth mother executes the birth mother's consent for adoption or relinquishes the child adoptee for adoption, the unmarried biological father:
- 4580 (a) initiates proceedings in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to establish parentage under Chapter 5, Uniform Parentage Act;
- 4583 (b) files with the court that is presiding over the parentage proceeding a sworn affidavit:
- 4584 (i) stating that the unmarried biological father is fully able and willing to have full custody of the child adoptee;
- 4586 (ii) setting forth the unmarried biological father's plans for care of the child adoptee; and
- 4588 (iii) agreeing to a court order of child support and the payment of expenses incurred in connection with the birth mother's pregnancy and the child adoptee's birth;
- 4590 (c) consistent with Subsection (5), files notice of the commencement of parentage proceedings described in Subsection (4)(a), with the office in a confidential registry established by the office for that purpose; and

## SB0257 compared with SB0257S02

- 4593 (d) offered to pay and paid, during the pregnancy and after the child adoptee's birth, a fair and  
reasonable amount of the expenses incurred in connection with the birth mother's pregnancy and the  
child adoptee's birth, in accordance with the unmarried biological father's financial ability, unless:
- 4597 (i) the unmarried biological father did not have actual knowledge of the pregnancy;
- 4598 (ii) the unmarried biological father was prevented from paying the expenses by the person or authorized  
agency having lawful custody of the child adoptee; or
- 4600 (iii) the birth mother refused to accept the unmarried biological father's offer to pay the expenses  
described in this Subsection (4)(d).
- 4602 (5)
- (a) The notice described in Subsection (4)(c) is considered filed when received by the office.
- 4604 (b) If the unmarried biological father fully complies with the requirements of Subsection (4), and  
an adoption of the child adoptee is not completed, the unmarried biological father shall, without  
any order of the court, be legally obligated for a reasonable amount of child support, pregnancy  
expenses, and child birth expenses, in accordance with the unmarried biological father's financial  
ability.
- 4609 (6) Unless the unmarried biological father's ability to assert the right to consent has been lost for failure  
to comply with Section 81-13-208, or lost under another provision of Utah law, an unmarried  
biological father shall have at least one business day after the child adoptee's birth to fully and  
strictly comply with the requirements of Subsection (4).
- 4613 (7) The consent of an unmarried biological father to the adoption of a child adoptee is not required  
under this section if:
- 4615 (a) the court determines, in accordance with the requirements and procedures of Title 80, Chapter 4,  
Termination and Restoration of Parental Rights, that the unmarried biological father's rights should  
be terminated, based on the petition of any interested party;
- 4619 (b)
- (i) a voluntary declaration of paternity declaring the unmarried biological father to be the father of the  
child adoptee is rescinded under Section 81-5-306; and
- 4621 (ii) the unmarried biological father fails to comply with Subsection (4) within 10 business days after the  
day that notice of the rescission described in Subsection (7)(b)(i) is mailed by the office as provided  
in Section 81-5-306; or

4624

## SB0257 compared with SB0257S02

- (c) the unmarried biological father is notified under Section 81-13-208 and fails to preserve the unmarried biological father's rights in accordance with the requirements of Section 81-13-208.
- 4627 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father to the adoption of a child adoptee is required if:
- 4629 (a)
- (i) the unmarried biological father did not know, and through the exercise of reasonable diligence could not have known, before the time the birth mother executed a consent to adoption or relinquishment of the child adoptee for adoption that a qualifying circumstance existed;
- 4633 (ii) before the birth mother executed a consent to adoption or relinquishment of the child adoptee for adoption, the unmarried biological father fully complied with the requirements to establish parental rights and duties in the child adoptee, and to preserve the right to notice of a proceeding in connection with the adoption of the child adoptee, imposed by:
- 4638 (A) the last state where the unmarried biological father knew, or through the exercise of reasonable diligence should have known, that the birth mother resided in before the birth mother executed the consent to adoption or relinquishment of the child adoptee for adoption; or
- 4642 (B) the state where the child adoptee was conceived; and
- 4643 (iii) the unmarried biological father has demonstrated, based on the totality of the circumstances, a full commitment to the unmarried biological father's parental responsibilities as described in Subsection (9); or
- 4646 (b)
- (i) the unmarried biological father knew, or through the exercise of reasonable diligence should have known, before the time the birth mother executed a consent to adoption or relinquishment of the child adoptee for adoption that a qualifying circumstance existed; and
- 4650 (ii) the unmarried biological father complied with the requirements of Subsections (2) through (7) before the later of:
- 4652 (A) 20 days after the day that the unmarried biological father knew, or through the exercise of reasonable diligence should have known, that a qualifying circumstance existed; or
- 4655 (B) the time that the birth mother executed a consent to adoption or relinquishment of the child adoptee for adoption.
- 4657

## SB0257 compared with SB0257S02

- (9) When determining whether an unmarried biological father has demonstrated a full commitment to the unmarried biological father's parental responsibilities for purposes of Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including, if applicable:
- 4661 (a) the efforts the unmarried biological father has taken to discover the location of the child adoptee or  
the child adoptee's birth mother;
- 4663 (b) whether the unmarried biological father has expressed and demonstrated an interest in taking  
responsibility for the child adoptee;
- 4665 (c) whether, and to what extent, the unmarried biological father has developed, or attempted to develop,  
a relationship with the child adoptee;
- 4667 (d) whether the unmarried biological father offered to provide and, unless the offer was rejected, did  
provide, financial support for the child adoptee or the child adoptee's birth mother;
- 4670 (e) whether, and to what extent, the unmarried biological father has communicated, or attempted to  
communicate, with the child adoptee or the child adoptee's birth mother;
- 4672 (f) whether the unmarried biological father has timely filed legal proceedings to establish the unmarried  
biological father's parentage of, and take responsibility for, the child adoptee; and
- 4675 (g) whether the unmarried biological father has timely filed a notice with a public official or agency  
relating to:
- 4677 (i) the unmarried biological father's parentage of the child adoptee;
- 4678 (ii) legal proceedings to establish the unmarried biological father's parentage of the child adoptee; or
- 4680 (iii) other evidence that shows whether the unmarried biological father has demonstrated a full  
commitment to the unmarried biological father's parental responsibilities.
- 4683 (10) An unmarried biological father who does not fully and strictly comply with the requirements of  
this section is considered to have waived and surrendered any right in relation to the child adoptee,  
including the right to:
- 4686 (a) notice of any judicial proceeding in connection with the adoption of the child adoptee; and
- 4688 (b) consent, or refuse to consent, to the adoption of the child adoptee.
- 4689 (11) Notwithstanding any other provision of this section, the consent of an unmarried biological father  
is not required in a case where it is shown that the child adoptee was conceived as a result of  
conduct that constitutes a sexual offense, regardless of whether the unmarried biological father is  
formally charged with or convicted of the sexual offense.
- 4694

## SB0257 compared with SB0257S02

(12) Unless the child adoptee is conceived or born within a marriage, the petitioner in an adoption proceeding shall, before entrance of a final decree of adoption, file with the court a certificate from the office, stating:

4697 (a) that a diligent search has been made of the registry of notices from unmarried biological fathers described in Subsection (4)(c); and

4699 (b)

(i) that no filing has been found pertaining to the unmarried biological father of the child adoptee in question; or

4701 (ii) if a filing is found, the name of the unmarried biological father and the time and date of filing.

4703 (13) Unless an individual who is an unmarried biological father has fully and strictly complied with the requirements of this section and Section 81-13-212, an out-of-state order that adjudicates parentage, or an out-of-state declaration or acknowledgment of paternity:

4707 (a) only has the effect of establishing that the individual is an unmarried biological father of the child adoptee to whom the order, declaration, or acknowledgment relates; and

4710 (b) does not entitle the individual to:

4711 (i) notice of any judicial proceeding related to the adoption of the child adoptee;

4712 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or

4713 (iii) the right to custody of, control over, or visitation with the child adoptee.

4726 Section 58. **Repealer.**

This Bill Repeals:

4727 This bill repeals:

4728 Section **81-6-209.5, Costs of child care -- Ongoing expense for child care -- Office of**  
4729 **Recovery Services study item and report.**

4730 Section 59. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

4732 Section 60. **Coordinating S.B. 257 with S.B. 30.**

If S.B. 257, Domestic Relations Amendments, and S.B. 30, Human Trafficking, Exploitation, and Smuggling Amendments, both pass and become law, the Legislature intends that, on May 6, 2026, the term "natural parent" enacted in the following subsections in S.B. 30 be changed to "parent":

## SB0257 compared with SB0257S02

4737 (1) Subsections 53-29-202(1)(a)(xl) and (xli); and

4738 (2) Subsection 53-29-203(1)(a)(ix).

4739 Section 61. **Coordinating S.B. 257 with H.B. 309.**

If S.B. 257, Domestic Relations Amendments, and H.B. 309, Juneteenth Observance Amendments, both pass and become law, the Legislature intends that, on January 1, 2027:

(1) the holiday time period for Juneteenth National Freedom Day described in the tables in Subsections 81-9-302(12) and 81-9-303(15) in H.B. 309 be amended to read:

"[(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.]

(1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth National Freedom Day is on the day before Father's Day.

(2) Holiday begins on Sunday at 8:30 p.m. and ends on Tuesday at 8:30 p.m., if Juneteenth National Freedom Day is on Father's Day or on the day following Father's Day.

(3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and ends at 8:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth National Freedom Day is on Father's Day, the day before Father's Day, or the day following Father's Day."; and

(2) the holiday time period for Juneteenth National Freedom Day described in the table in Subsection 81-9-304(15) in H.B. 309 be amended to read:

"[(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.]

(1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth National Freedom Day is on the day before Father's Day.

## **SB0257 compared with SB0257S02**

(2) Holiday begins on Sunday at 7:30 p.m. and ends on Tuesday at 7:30 p.m., if Juneteenth National Freedom Day is on Father's Day or on the day following Father's Day.

(3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and ends at 7:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth National Freedom Day is on Father's Day, the day before Father's Day, or the day following Father's Day."

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