

Christine F. Watkins proposes the following substitute bill:

Child Welfare Revisions

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses orders of permanent custody and guardianship of a minor.

Highlighted Provisions:

This bill:

- addresses when a parent may file a petition to modify an order of permanent custody and guardianship.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-6-357, as last amended by Laws of Utah 2025, Chapter 365

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

Section 1. Section **78A-6-357** is amended to read:

78A-6-357 . New hearings -- Modification of order or decree -- Requirements for changing or terminating custody, probation, or protective supervision.

(1) If a party seeks a new hearing after an adjudication under Title 80, Utah Juvenile Code, Rule 48 of the Utah Rules of Juvenile Procedure shall govern the matter of granting a new hearing.

(2)(a) Except as provided in Subsection (3), a juvenile court may modify or set aside any order or decree made by the juvenile court.

(b) A modification of an order placing a minor on probation may not:

(i) include an order under Section 80-3-405, 80-6-703, 80-6-704, or 80-6-705; or

(ii) extend supervision over a minor, except in accordance with Section 80-6-712.

- (3)(a) A parent or guardian of a child whose legal custody has been transferred by the juvenile court to an individual, agency, or institution may petition the juvenile court for restoration of custody or other modification or revocation of the juvenile court's order or decree, except as provided in Subsections (3)(b), (c), and (d) and for a transfer of legal custody for secure care.
- (b) A parent or guardian may only petition the juvenile court under Subsection (3)(a) on the ground that a change of circumstances has occurred that requires modification or revocation in the best interest of the child or the public.
- (c) A parent may not file a petition after the parent's parental rights have been terminated in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights.
- (d) Except as provided in Subsection (3)(e), a parent may not file a petition for restoration of custody under this section during the existence of a permanent guardianship established for the child under Subsection 80-3-405(2)(d).
- (e)(i) A parent may file a petition to modify an order of permanent custody and guardianship only if:
- (A) the order granted permanent custody and guardianship to the child's other parent; and
 - (B) the petitioning parent can demonstrate that a substantial and material change of circumstance has occurred.
- (ii) A parent shall file a petition to modify an order of permanent custody and guardianship in the district court, if:
- (A) the juvenile court ordered a parent to file the order in a pending district court case under Subsection 80-3-405(2)(d)(iv); or
 - (B) a case involving custody, support, or parent-time relating to the child who is the subject of the juvenile court's order is filed in district court subsequent to the juvenile court issuing the permanent custody and guardianship order.
- (iii) A parent may file a petition in accordance with Subsection (3)(e)(i) regardless of when the order granting permanent custody and guardianship to the child's other parent was entered, if the substantial and material change of circumstance described in Subsection (3)(e)(i) has occurred since the permanent custody and guardianship order was entered.
- (4)(a) An individual, agency, or institution vested with legal custody of a child may petition the juvenile court for a modification of the custody order on the ground that

the change is necessary for the welfare of the child or in the public interest.

(b) The juvenile court shall proceed upon the petition in accordance with this section.

(5) Notice of hearing is required in any case in which the effect of modifying or setting aside an order or decree may be to make any change in the minor's legal custody under Section 80-3-405 or 80-6-703.

(6)(a) Upon the filing of a petition under Subsection (3)(a), the juvenile court shall make a preliminary investigation.

(b) After the preliminary investigation described in Subsection (6)(a), the juvenile court:

(i) may dismiss the petition if the juvenile court finds the alleged change of circumstances, if proved, would not affect the decree; or

(ii) shall conduct a hearing, if the juvenile court finds that further examination of the facts is needed, or if the juvenile court on the juvenile court's own motion determines that the juvenile court's order or decree should be reviewed.

(c) Notice of the hearing described in Subsection (6)(b)(ii) shall be given to all interested persons.

(d) At a hearing under Subsection (6)(b)(ii), the juvenile court may enter an order continuing, modifying, or terminating the juvenile court's order or decree.

(7) Notice of an order terminating probation or protective supervision of a child shall be given to:

(a) the child's parent;

(b) the child's guardian;

(c) the child's custodian; and

(d) if appropriate, to the child.

(8) Notice of an order terminating probation or protective supervision of a minor who is at least 18 years old shall be given to the minor.

Section 2. **Effective Date.**

This bill takes effect on May 6, 2026.