

**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.

30       (3)(a) A parent or guardian of a child whose legal custody has been transferred by the  
31       juvenile court to an individual, agency, or institution may petition the juvenile court  
32       for restoration of custody or other modification or revocation of the juvenile court's  
33       order or decree, except as provided in Subsections (3)(b), (c), and (d) and for a  
34       transfer of legal custody for secure care.

35       (b) A parent or guardian may only petition the juvenile court under Subsection (3)(a) on  
36       the ground that a change of circumstances has occurred that requires modification or  
37       revocation in the best interest of the child or the public.

38       (c) A parent may not file a petition after the parent's parental rights have been terminated  
39       in accordance with Title 80, Chapter 4, Termination and Restoration of Parental  
40       Rights.

41       (d) Except as provided in Subsection (3)(e), a parent may not file a petition for  
42       restoration of custody under this section during the existence of a permanent  
43       guardianship established for the child under Subsection 80-3-405(2)(d).

44       (e)(i) A parent may file a petition to modify an order of permanent custody and  
45       guardianship only if:  
46               (A) the order granted permanent custody and guardianship to the child's other  
47               parent; and  
48               (B) the petitioning parent can demonstrate that a substantial and material change  
49               of circumstance has occurred.

50       (ii) A parent shall file a petition to modify an order of permanent custody and  
51       guardianship in the district court, if:  
52               (A) the juvenile court ordered a parent to file the order in a pending district court  
53               case under Subsection 80-3-405(2)(d)(iv); or  
54               (B) a case involving custody, support, or parent-time relating to the child who is  
55               the subject of the juvenile court's order is filed in district court subsequent to  
56               the juvenile court issuing the permanent custody and guardianship order.

57       (iii) A parent may file a petition in accordance with Subsection (3)(e)(i) regardless of  
58       when the order granting permanent custody and guardianship to the child's other  
59       parent was entered, if the substantial and material change of circumstance  
60       described in Subsection (3)(e)(i) has occurred since the permanent custody and  
61       guardianship order was entered.

62       (4)(a) An individual, agency, or institution vested with legal custody of a child may  
63       petition the juvenile court for a modification of the custody order on the ground that

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

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

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

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

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

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

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

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

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

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

- 83 (a) the child's parent;
- 84 (b) the child's guardian;
- 85 (c) the child's custodian; and
- 86 (d) if appropriate, to the child.

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

89 **Section 2. Effective Date.**

90 This bill takes effect on May 6, 2026.