

1 **Child Welfare Changes**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Wayne A. Harper

2 **LONG TITLE**3 **General Description:**

4 This bill addresses consideration of a minor's best interest.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ directs a court to consider the best interest of a minor within the context of the principles
8 and provisions in Section 80-4-104.9 **Money Appropriated in this Bill:**

10 None

11 **Other Special Clauses:**

12 None

13 **Utah Code Sections Affected:**14 **AMENDS:**15 **78A-2-702**, as last amended by Laws of Utah 2021, Chapter 26216 **78A-2-801**, as last amended by Laws of Utah 2022, Chapter 33417 **80-2-102**, as last amended by Laws of Utah 2025, Chapter 4818 **80-2a-101**, as last amended by Laws of Utah 2025, Chapter 42619 **80-3-102**, as last amended by Laws of Utah 2025, Chapter 42620 **80-4-102**, as last amended by Laws of Utah 2022, Chapter 335

21 *Be it enacted by the Legislature of the state of Utah:*22 Section 1. Section **78A-2-702** is amended to read:23 **78A-2-702 . Definitions.**

24 (1) As used in this part:

25 [①] (a) "Attorney guardian ad litem" means an attorney employed by the office.

26 [②] (b) "Director" means the director of the office.

27 [③] (c) "Guardian ad litem" means an attorney guardian ad litem or a private attorney
28 guardian ad litem.

31 [4] (d) "Office" means the Office of Guardian ad Litem, created in Section 78A-2-802.

32 [5] (e) "Private attorney guardian ad litem" means an attorney designated by the office
33 in accordance with Section 78A-2-705 who is not an employee of the office.

34 (2) Under this part the best interest of a minor shall be considered within the full context
35 and proper application of Section 80-4-104 and other sections consistent Section
36 80-4-104.

37 Section 2. Section **78A-2-801** is amended to read:

38 **78A-2-801 . Definitions.**

39 (1) As used in this part:

40 [1] (a) "Abuse, neglect, or dependency petition" means the same as that term is defined
41 in Section 80-3-102.

42 [2] (b) "Attorney guardian ad litem" means an attorney employed by the office.

43 [3] (c) "Director" means the director of the office.

44 [4] (d) "Division" means the Division of Child and Family Services created in Section
45 80-2-201.

46 [5] (e) "Guardian ad litem" means an attorney guardian ad litem or a private attorney
47 guardian ad litem.

48 [6] (f) "Indigent individual" means the same as that term is defined in Section
49 78B-22-102.

50 [7] (g) "Minor" means the same as that term is defined in Section 80-1-102.

51 [8] (h) "Office" means the Office of Guardian Ad Litem created in Section 78A-2-802.

52 [9] (i) "Private attorney guardian ad litem" means an attorney designated by the office
53 in accordance with Section 78A-2-705 who is not an employee of the office.

54 (2) Under this part the best interest of a minor shall be considered within the full context
55 and proper application of Section 80-4-104 and other sections consistent Section
56 80-4-104.

57 Section 3. Section **80-2-102** is amended to read:

58 **80-2-102 . Definitions.**

59 (1) As used in this chapter:

60 [1] (a) "Consult" means an interaction between two persons in which the initiating
61 person:

62 [a] (i) provides information to another person;

63 [b] (ii) provides the other person an opportunity to respond; and

64 [c] (iii) takes the other person's response, if any, into consideration.

65 [②] (b) "Consumer" means a person who receives services offered by the division in
66 accordance with this chapter.

67 [③] (c) "Council" means the Child Welfare Improvement Council created in Section
68 80-2-1101.

69 [④] (d) "Custody," with regard to the division, means the custody of a minor in the
70 division as of the date of disposition.

71 [⑤] (e) "Day-care services" means care of a child for a portion of the day which is less
72 than 24 hours:

73 [⑥] (i) in the child's own home by a responsible individual; or

74 [⑦] (ii) outside of the child's home in a:

75 [⑧] (A) day-care center;

76 [⑨] (B) family group home; or

77 [⑩] (C) family child care home.

78 [⑪] (f) "Director" means the director of the division appointed under Section 80-2-202.

79 [⑫] (g) "Division" means the Division of Child and Family Services created in Section
80 80-2-201.

81 [⑬] (h) "Domestic violence" means the same as that term is defined in Section 77-36-1.

82 [⑭] (i) "Domestic violence services" means:

83 [⑮] (i) temporary shelter, treatment, and related services provided to:

84 [⑯] (A) an individual who is a victim of abuse, as defined in Section 78B-7-102;
85 and

86 [⑰] (B) the dependent children of an individual who is a victim of abuse, as
87 defined in Section 78B-7-102; and

88 [⑱] (ii) treatment services for an individual who is alleged to have committed, has
89 been convicted of, or has pled guilty to domestic violence.

90 [⑲] (j) "Homemaking services" means the care of an individual in the individual's
91 domicile, and help given to an individual caretaker relative to achieve improved
92 household and family management through the services of a trained homemaker.

93 [⑳] (k) "Hormonal transgender treatment" means the same as that term is defined in
94 Section 58-1-603.

95 [㉑] (l) "Mutual case" means a case that is:

96 [㉒] (i) opened by the division under the division's discretion and procedures;

97 [㉓] (ii) opened by the law enforcement agency with jurisdiction over the case; and

98 [㉔] (iii) accepted for investigation by a child protection team, as applicable.

99 [§13] (m)[(a)] (i) "Person responsible for the child's care" means the child's parent,
100 guardian, or other person responsible for the child's care.

101 [§13] (ii) "Person responsible for the child's care" includes a person responsible for the
102 child's care in the same home as the child, a relative's home, a group, family, or
103 day care facility, a foster care home, or a residential institution.

104 [§14] (n) "Primary sex characteristic surgical procedure" means the same as that term is
105 defined in Section 58-67-102.

106 [§15] (o) "Secondary sex characteristic surgical procedure" means the same as that term
107 is defined in Section 58-67-102.

108 [§16] (p) "Shelter care" means the temporary care of a minor in a nonsecure facility.

109 [§17] (q) "Sibling" means a child who shares or has shared at least one parent in
110 common either by blood or adoption.

111 [§18] (r) "Sibling visitation" means services provided by the division to facilitate the
112 interaction between a child in division custody with the child's sibling.

113 [§19] (s)[(a)] (i) "Subject of the report" means a person reported under Part 6, Child
114 Abuse and Neglect Reports.

115 [§19] (ii) "Subject of the report" includes the child who is the alleged victim of the
116 report and the person responsible for the child's care.

117 [§20] (t) "Temporary custody" means, with regard to the division, the custody of a child
118 from the day on which the shelter hearing described in Section 80-3-301 is held until
119 the day on which the juvenile court enters a disposition under Section 80-3-405.

120 [§21] (u) "Transportation services" means travel assistance given to an individual with
121 escort service, if necessary, to and from community facilities and resources as part of
122 a service plan.

123 (2) Under this chapter the best interest of a minor shall be considered within the full context
124 and proper application of Section 80-4-104 and other sections consistent therewith.

125 Section 4. Section **80-2a-101** is amended to read:

126 **80-2a-101 . Definitions.**

127 (1) "Custody" means the same as that term is defined in Section 80-2-102.

128 (2) "Division" means the Division of Child and Family Services created in Section 80-2-201.

129 (3) "Friend" means an adult who:

130 (a) has an established relationship with the child or a family member of the child; and

131 (b) is not the parent of the child.

132 (4) "Nonrelative" means an individual who is not a noncustodial parent or relative.

133 (5) "Relative" means an adult who:

134 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
135 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;

136 (b) is the first cousin of the child's parent;

137 (c) is a permanent guardian or parent of the child's sibling; or

138 (d) in the case of a child who is an Indian child, is an extended family member as
139 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.

140 (6) "Sibling" means the same as that term is defined in Section 80-2-102.

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

142 (8) Under this chapter the best interest of a minor shall be considered within the full context
143 and proper application of Section 80-4-104 and other sections consistent therewith.

144 Section 5. Section **80-3-102** is amended to read:

145 **80-3-102 . Definitions.**

146 (1) As used in this chapter:

147 [(1)] (a) "Abuse, neglect, or dependency petition" means a petition filed in accordance
148 with this chapter to commence proceedings in a juvenile court alleging that a child is:

149 [(a)] (i) abused;

150 [(b)] (ii) neglected; or

151 [(c)] (iii) dependent.

152 [(2)] (b) "Custody" means the same as that term is defined in Section 80-2-102.

153 [(3)] (c) "Division" means the Division of Child and Family Services created in Section
154 80-2-201.

155 [(4)] (d) "Friend" means an adult who:

156 [(a)] (i) has an established relationship with the child or a family member of the child;
157 and

158 [(b)] (ii) is not the parent of the child.

159 [(5)] (e) "Immediate family member" means a spouse, child, parent, sibling, grandparent,
160 or grandchild.

161 [(6)] (f) "Relative" means an adult who:

162 [(a)] (i) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great
163 uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;

164 [(b)] (ii) is a first cousin of the child's parent;

165 [(c)] (iii) is a permanent guardian or parent of the child's sibling; or

166 [(d)] (iv) in the case of a child who is an Indian child, is an extended family member

167 as defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.

168 [7] (g) "Sibling" means the same as that term is defined in Section 80-2-102.

169 [8] (h) "Sibling visitation" means the same as that term is defined in Section 80-2-102.

170 [9] (i) "Temporary custody" means the same as that term is defined in Section 80-2-102.

171 (2) Under this chapter the best interest of a minor shall be considered within the full context
172 and proper application of Section 80-4-104 and other sections consistent therewith.

173 Section 6. Section **80-4-102** is amended to read:

174 **80-4-102 . Definitions.**

175 (1) As used in this chapter:

176 [1] (a) "Division" means the Division of Child and Family Services created in Section
177 80-2-201.

178 [2] (b) "Failure of parental adjustment" means that a parent or parents are unable or
179 unwilling within a reasonable time to substantially correct the circumstances,
180 conduct, or conditions that led to placement of their child outside of their home,
181 notwithstanding reasonable and appropriate efforts made by the division to return the
182 child to the home.

183 [3] (c) "Former parent" means an individual whose legal parental rights were
184 terminated under this chapter.

185 [4] (d) "Petition to restore parental rights" means a petition filed in accordance with this
186 chapter to restore the rights of a parent with regard to a child.

187 [5] (e) "Petition for termination of parental rights" means a petition filed in accordance
188 with this chapter to terminate the parental rights of a parent.

189 [6] (f) "Temporary custody" means the same as that term is defined in Section 80-2-102.

190 (2) Under this chapter the best interest of a minor shall be considered within the full context
191 and proper application of Section 80-4-104 and other sections consistent therewith.

192 Section 7. **Effective Date.**

193 This bill takes effect on May 6, 2026.