

Domestic Relations Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE**General Description:**

This bill amends provisions related to domestic relations.

Highlighted Provisions:

This bill:

- 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;

- creates definitions related to the definition of "parent";

- 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;

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

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

- requires at least one party to a marriage to be physically present in the state at the time of the marriage;

- provides that a marriage solemnized on or after May 6, 2026, is prohibited and void if:

- the marriage is solemnized remotely through electronic means;
 - both individuals marrying are not residents of the state; and
 - the individuals marrying are not located in the same location in the state when the marriage is solemnized;

- provides that a man is not presumed to be the father of a child in certain circumstances;

- addresses the authority of a court to deny a motion for genetic testing, or disregard genetic test results, in a parentage proceeding;

- defines terms related to child support;

- modifies the requirements for child care expenses in a child support order, including the

requirements for a minimal child care award;

- 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;

- 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;

- 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;

- 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;

- addresses the establishment and modification of a parent-time schedule;

- clarifies the list of offenses related to when a court may order supervised parent-time;

- 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;

- addresses a change of custody or parent-time for a minor child who turns five years old;

- 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;

- modifies the parent-time requirements upon the relocation of a parent;

- addresses telephone contact and virtual parent-time for a noncustodial parent when a parent relocates;

- requires the time periods for extended parent-time by a parent for summer break or off-track time to be consecutive;

- modifies the parent-time schedules to address consistency issues;

- modifies the parent-time schedules for Mother's Day and Father's Day;

- removes Columbus Day and Veterans Day as holidays in the parent-time schedules;

- 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

- makes technical and conforming corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

13-76-101, as enacted by Laws of Utah 2025, Chapter 446
26B-3-222, as last amended by Laws of Utah 2024, Chapter 247
26B-8-301, as renumbered and amended by Laws of Utah 2023, Chapter 306
26B-9-104, as last amended by Laws of Utah 2025, Chapter 426
53-29-101, as enacted by Laws of Utah 2025, Chapter 291
53-29-201, as enacted by Laws of Utah 2025, Chapter 291
53-29-202, as enacted by Laws of Utah 2025, Chapter 291
53-29-203, as enacted by Laws of Utah 2025, Chapter 291
53-29-205, as enacted by Laws of Utah 2025, Chapter 291
53-29-307, as renumbered and amended by Laws of Utah 2025, Chapter 291
53-29-405, as enacted by Laws of Utah 2025, Chapter 291
53-30-101, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
53E-1-102, as last amended by Laws of Utah 2025, Chapter 343
53E-3-907, as renumbered and amended by Laws of Utah 2018, Chapter 1
53E-3-1204, as enacted by Laws of Utah 2025, Chapter 438
53H-11-202, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8
59-10-1005, as last amended by Laws of Utah 2022, Chapter 456
63A-17-806, as last amended by Laws of Utah 2025, Chapter 494
75-2-114, as last amended by Laws of Utah 2025, Chapter 426
75-2-705, as enacted by Laws of Utah 1998, Chapter 39
76-2-409, as enacted by Laws of Utah 2020, Chapter 411
76-5-301.2, as last amended by Laws of Utah 2025, Chapter 426
76-5-404.1, as last amended by Laws of Utah 2025, Chapters 223, 320
78A-5-103, as renumbered and amended by Laws of Utah 2008, Chapter 3
78A-6-104, as last amended by Laws of Utah 2025, Chapter 426
78B-7-102, as last amended by Laws of Utah 2025, Chapters 212, 332
80-1-102, as last amended by Laws of Utah 2025, Chapter 426
81-1-101, as last amended by Laws of Utah 2025, Chapter 426
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
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

125 ENACTS:

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

127 REPEALS AND REENACTS:

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

129 REPEALS:

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

131

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

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

13-76-101 . Definitions.

As used in this chapter:

- (1) "Age category" means one of the following categories of individuals based on age:
 - (a) "child" which means an individual who is under 13 years old;
 - (b) "younger teenager" which means an individual who is at least 13 years old and under 16 years old;
 - (c) "older teenager" which means an individual who is at least 16 years old and under 18 years old; or
 - (d) "adult" which means an individual who is at least 18 years old.
- (2) "Age category data" means information about a user's age category that is:
 - (a) collected by an app store provider; and
 - (b) shared with a developer.
- (3) "Age rating" means a classification that provides an assessment of the suitability of an app's content for different age groups.
- (4) "App" means a software application or electronic service that a user may run or direct on a mobile device.
- (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.
- (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.
- (7) "Content description" means a description of the specific content elements that informed an app's age rating.
- (8) "Developer" means a person that owns or controls an app made available through an app store in the state.
- (9) "Division" means the Division of Consumer Protection, established in Section 13-2-1.
- (10) "Knowingly" means to act with actual knowledge or to act with knowledge fairly inferred based on objective circumstances.
- (11) "Minor" means an individual under 18 years old.
- (12) "Minor account" means an account with an app store provider that:
 - (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
 - (b) requires affiliation with a parent account.

- (13) "Mobile device" means a phone or general purpose tablet that:
- (a) provides cellular or wireless connectivity;
 - (b) is capable of connecting to the ~~[Internet]~~ internet;
 - (c) runs a mobile operating system; and
 - (d) is capable of running apps through the mobile operating system.
- (14) "Mobile operating system" means software that:
- (a) manages mobile device hardware resources;
 - (b) provides common services for mobile device programs;
 - (c) controls memory allocation; and
 - (d) provides interfaces for applications to access device functionality.
- (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:
- ~~[(a) an individual with a parent-child relationship under Section 78B-15-201;]~~
- (a) an individual who has a parent-child relationship, as defined in Section 81-5-102, with the minor;
- (b) a legal guardian; or
 - (c) an individual with legal custody.
- (16) "Parent account" means an account with an app store provider that:
- (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
 - (b) may be affiliated with one or more minor accounts.
- (17) "Parental consent disclosure" means the following information that an app store provider is required to provide to a parent before obtaining parental consent:
- (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;
 - (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;
 - (c) a description of:
 - (i) the personal data collected by the app from a user; and
 - (ii) the personal data shared by the app with a third party; and
 - (d) if personal data is collected by the app, the methods implemented by the developer to protect the personal data.
- (18) "Significant change" means a material modification to an app's terms of service or

privacy policy that:

- (a) changes the categories of data collected, stored, or shared;
- (b) alters the app's age rating or content descriptions;
- (c) adds new monetization features, including:
 - (i) in-app purchases; or
 - (ii) advertisements; or
- (d) materially changes the app's:
 - (i) functionality; or
 - (ii) user experience.

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

- (a) is provided by an individual who the app store provider has verified is an adult;
- (b) is given after the app store provider has clearly and conspicuously provided the parental consent disclosure to the individual; and
- (c) requires the parent to make an affirmative choice to:
 - (i) grant consent; or
 - (ii) decline consent.

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

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

(1) As used in this section:

- (a) "Existing home and community-based services waiver" means an existing home and community-based services waiver in the state that serves an individual:
 - (i) with an acquired brain injury;
 - (ii) with an intellectual or physical disability; or
 - (iii) who is 65 years old or older.
- (b) "Guardian" means a person appointed by a court to manage the affairs of a living individual.
- (c) "Parent" means~~[a biological parent, adoptive parent, or step-parent of an individual]~~ :
 - (i) an individual who has a parent-child relationship, as defined in Section 81-5-102, with the other individual; or
 - (ii) a step-parent of the individual.
- (d) "Personal care services" means a service that:
 - (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;
 - (ii) is authorized for an individual described in Subsection (1)(d)(i) in accordance

- 235 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
- 239 community-based services waiver.
- 240 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an
- 241 existing home and community-based services waiver to implement a program to offer
- 242 reimbursement to an individual who provides personal care services that constitute
- 243 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
- 245 implement the program described in Subsection (2).
- 246 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
- 247 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection
- 248 (2).
- 249 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an
- 250 existing home and community-based services waiver to implement a program to offer
- 251 reimbursement to an individual who provides personal care services that constitute
- 252 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
- 254 implement the program described in Subsection (5).
- 255 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
- 256 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection
- 257 (5).

258 Section 3. Section **26B-8-301** is amended to read:

259 **26B-8-301 . Definitions.**

260 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
- 264 attorney for health care; or
- 265 (b) expressly authorized to make an anatomical gift on the principal's behalf by any
- 266 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
- 268 the donor's death for the purpose of transplantation, therapy, research, or education.

- (4) "Decedent" means:
- (a) a deceased individual whose body or part is or may be the source of an anatomical gift; and
 - (b) includes:
 - (i) a stillborn infant; and
 - (ii) subject to restrictions imposed by law other than this part, a fetus.
- (5)(a) "Disinterested witness" means:
- (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
 - (ii) another adult who exhibited special care and concern for the individual.
- (b) "Disinterested witness" does not include a person to which an anatomical gift could pass under Section 26B-8-310.
- (6)(a) "Document of gift" means a donor card or other record used to make an anatomical gift. ~~[The term]~~
- (b) "Document of gift" includes a statement or symbol on a driver license, identification card, or donor registry.
- (7) "Donor" means an individual whose body or part is the subject of an anatomical gift.
- (8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.
- (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.
- (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.
- (11) "Guardian":
- (a) means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual; and
 - (b) does not include a guardian ad litem.
- (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.
- (13) "Identification card" means an identification card issued by the Driver License Division of the Department of Public Safety.

- (14) "Know" means to have actual knowledge.
- (15) "Minor" means an individual who is under 18 years~~[-of age]~~ old.
- (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.
- (17) "Parent" means~~[-a parent whose parental rights have not been terminated.]~~ , with respect to a minor, an individual:
- (a) who has a parent-child relationship, as defined in Section 81-5-102, with the minor;
- and
- (b) whose parental rights have not been terminated.
- (18)(a) "Part" means an organ, an eye, or tissue of a human being. ~~[The term]~~
- (b) "Part" does not include the whole body.
- (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.
- (20) "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.
- (21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.
- (22) "Prospective donor":
- (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
- (b) does not include an individual who has made a refusal.
- (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.
- (24) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.
- (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.
- (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.

(27) "Sign" means, with the present intent to authenticate or adopt a record:

(a) to execute or adopt a tangible symbol; or

(b) to attach to or logically associate with the record an electronic symbol, sound, or process.

(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.

(29) "Technician":

(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

(b) includes an enucleator.

(30)(a) "Tissue" means a portion of the human body other than an organ or an eye.

(b) ~~[The term]~~ "Tissue" does not include blood unless the blood is donated for the purpose of research or education.

(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.

(32) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

Section 4. Section **26B-9-104** is amended to read:

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

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

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

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

(ii) the state has provided public assistance; or

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

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

(i) this chapter;

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

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

- (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and
- (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;
- (c) ~~to~~ collect money due the department which could act to offset expenditures by the state;
- (d) ~~to~~ cooperate with the federal government in programs designed to recover health and social service funds;
- (e) ~~to~~ collect civil or criminal assessments, fines, fees, amounts awarded as restitution, and reimbursable expenses owed to the state or any of ~~its~~ the state's political subdivisions, if the office has contracted to provide collection services;
- (f) ~~to~~ implement income withholding for collection of child support in accordance with Part 3, Income Withholding in IV-D Cases;
- (g) ~~to~~ enter into agreements with financial institutions doing business in the state to develop and operate, in coordination with such financial institutions, a data match system in the manner provided for in Section 26B-9-208;
- (h) ~~to~~ establish and maintain the state case registry in the manner required by the Social Security Act, 42 U.S.C. Sec. 654a, ~~[which shall include]~~ that includes a record in each case of:
- (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;
- (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- (iii) the distribution of collected amounts;
- (iv) the birth date of any child for whom the order requires the provision of support; and
- (v) the amount of any lien imposed with respect to the order pursuant to this part;
- (i) ~~to~~ contract with the Department of Workforce Services to establish and maintain the new hire registry created under Section 35A-7-103;
- (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;
- (k) ~~to~~ finance any costs incurred from collections, fees, General Fund appropriation, contracts, and federal financial participation;
- (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

- 405 nonpayment of past-due child support, ~~[prior to]~~ before taking action against a
406 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,
408 to ensure the application of the guidelines results in the determination of appropriate
409 child support award amounts; ~~[and]~~
- 410 (n) review the requirements for calculating a minimal child care award under Title 81,
411 Chapter 6, Child Support, to ensure the application of the requirements results in the
412 determination of appropriate minimal child care awards; and
- 413 ~~[(n)]~~ (o) ~~[to]~~ submit to the Judiciary Interim Committee, in accordance with Section
414 68-3-14, a summary of the ~~[review described in Subsection (1)(m) on or before~~
415 ~~October 1, 2025]~~ reviews described in Subsections (1)(m) and (n) on or before
416 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
418 Services for a calendar month when the child to whom the child support services relate
419 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
422 days, regardless of whether:
- 423 (i) the greater than seven consecutive day period starts during one month and ends in
424 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
427 whom the child support relates, for a calendar month when child support services may
428 not be provided under Subsection (2).
- 429 (4) To conduct the review described in Subsection (1)(m) or (1)(n), the office may consider
430 input from the Judicial Council, members of the Utah State Bar ~~[Association]~~
431 representing attorneys who practice family law, individuals with economic expertise,
432 and other interested parties.

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

434 **53-29-101 . Definitions.**

435 As used in this chapter:

- 436 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
437 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.

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

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

~~[(4)]~~ (5)(a) "Convicted" means a plea or conviction of:

(i) guilty;

(ii) guilty with a mental illness; or

(iii) no contest.

(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.

(c) "Convicted" does not include:

(i) a withdrawn or dismissed plea in abeyance;

(ii) a diversion agreement; or

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

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

~~[(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.

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

~~[(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.

~~[(9)]~~ (10)(a) "Online identifier" means any electronic mail, chat, instant messenger, social networking, or similar name used for ~~[Internet]~~ internet communication.

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

(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.

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

~~[(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.

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

~~[(12)]~~ (14) "Registration website" means the Sex, Kidnap, and Child Abuse Offender

Notification and Registration website described in Section 53-29-404.

~~[(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.

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

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

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

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

53-29-201 . Definitions.

As used in this part:

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

(2) "External jurisdiction" means:

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

(b) the United States federal government;

(c) Indian country;

(d) a United States territory;

(e) the United States military; or

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

(3) "Indian country" means:

(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;

(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

(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.

~~[(4) "Natural parent" means a minor's biological or adoptive parent, including the minor's noneustodial parent.]~~

~~[(5)]~~ (4) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

Section 7. Section **53-29-202** is amended to read:

53-29-202 . Registrable offenses -- Status as a sex offender, kidnap offender, and child abuse offender established.

(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:

(a) has been convicted in this state of:

(i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);

(ii) child torture under Section 76-5-109.4;

(iii) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417;

(iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;

(v) human trafficking for sexual exploitation under Section 76-5-308.1;

(vi) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);

(vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;

(viii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;

(ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided in Subsection 76-5-401(3)(b) or (c);

(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;

(xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;

(xii) rape under Section 76-5-402;

(xiii) rape of a child under Section 76-5-402.1;

(xiv) object rape under Section 76-5-402.2;

(xv) object rape of a child under Section 76-5-402.3;

(xvi) a felony violation of forcible sodomy under Section 76-5-403;

(xvii) sodomy on a child under Section 76-5-403.1;

(xviii) forcible sexual abuse under Section 76-5-404;

(xix) sexual abuse of a child under Section 76-5-404.1;

(xx) aggravated sexual abuse of a child under Section 76-5-404.3;

(xxi) aggravated sexual assault under Section 76-5-405;

(xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is

- 541 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
- 547 offense four or more times;
- 548 (xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of
- 549 the offense four or more times;
- 550 (xxix) any combination of convictions of lewdness under Section 76-5-419, and of
- 551 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
- 559 the [natural]parent of the child victim;
- 560 (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the [
- 561 natural]parent of the child victim;
- 562 (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the [
- 563 natural]parent of the child victim;
- 564 (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not
- 565 the [natural]parent of the child victim;
- 566 (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the [
- 567 natural]parent of the child victim;
- 568 (xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if
- 569 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
- 571 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
- 573 the [natural]parent of the child victim;
- 574 (xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the

- 575 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
- 577 listed in Subsections (1)(a)(i) through (xl);
- 578 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or
- 579 conspiracy to commit a criminal offense in an external jurisdiction that is
- 580 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
- 583 period, regardless of whether the individual intends to permanently reside in
- 584 this state;
- 585 (c)(i)(A) is required to register on a registry in an external jurisdiction for
- 586 individuals who have committed an offense listed in Subsection (1)(a) or a
- 587 substantially equivalent offense;
- 588 (B) is ordered by a court to register on a registry for individuals who have
- 589 committed an offense listed in Subsection (1)(a) or a substantially equivalent
- 590 offense; or
- 591 (C) would be required to register on a registry in an external jurisdiction for
- 592 individuals who have committed an offense listed in Subsection (1)(a), or a
- 593 substantially equivalent offense, if residing in the external jurisdiction of the
- 594 conviction regardless of the date of the conviction or a previous registration
- 595 requirement; and
- 596 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether
- 597 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
- 601 equivalent offense in an external jurisdiction; or
- 602 (B) is required to register on a sex, kidnap, and child abuse registry, or an
- 603 equivalent registry, in the individual's state of residence based on a conviction
- 604 for an offense that is not substantially equivalent to an offense listed in
- 605 Subsection (1)(a);
- 606 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of
- 607 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

(ii) has been committed to the division for secure care, as defined in Section 80-1-102, for that offense if:

(A) the individual remains in the division's custody until 30 days before the individual's 21st birthday;

(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

(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.

(2) Subject to Subsection (3), an individual is:

(a) a child abuse offender if the individual:

(i) has committed, attempted, solicited, or conspired to commit an offense described in Subsection (1)(a)(i) through (ii); or

(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;

(b) a sex offender if the individual:

(i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)(a)(iii) through (xxxii); or

(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

(c) a kidnap offender if the individual:

(i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)(a)(xxxiii) through (xli); or

(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.

(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.

- (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.

Section 8. Section **53-29-203** is amended to read:

53-29-203 . Registration lengths -- 10 years -- Lifetime.

- (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:
- (a) 10 years after the day on which the offender's sentence for the offense has been terminated if the registrable offense is for:
 - (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);
 - (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (iii) child torture under Section 76-5-109.4;
 - (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the [natural]parent of the child victim;
 - (v) human trafficking for labor under Section 76-5-308, if the offender was not the [natural]parent of the child victim;
 - (vi) human smuggling under Section 76-5-308.3, if the offender was not the [natural]parent of the child victim;
 - (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;
 - (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the [natural]parent of the child victim;
 - (ix) aggravated human smuggling under Section 76-5-310.1;
 - (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
 - (xi) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
 - (xii) sexual abuse of a minor under Section 76-5-401.1;
 - (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
 - (xiv) forcible sexual abuse under Section 76-5-404;
 - (xv) custodial sexual relations under Section 76-5-412;
 - (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;

- (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- (xviii) incest under Section 76-7-102;
- (xix) four to seven convictions of lewdness under Section 76-5-419;
- (xx) four to seven convictions of sexual battery under Section 76-5-418;
- (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;
- (xxii) lewdness involving a child under Section 76-5-420;
- (xxiii) a felony or class A misdemeanor violation of:
 - (A) voyeurism under Section 76-12-306;
 - (B) recorded or photographed voyeurism under Section 76-12-307; or
 - (C) distribution of images obtained through voyeurism under Section 76-12-308;
- (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
- (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
- (xxvi) attempting, soliciting, or conspiring to commit:
 - (A) aggravated kidnapping under Section 76-5-302, if the offender was not the [natural]parent of the child victim;
 - (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the [natural]parent of the child victim;
 - (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;
 - (D) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the [natural]parent of the child victim;
 - (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;
 - (F) forcible sodomy under Section 76-5-403;
 - (G) sexual abuse of a child under Section 76-5-404.1;
 - (H) sexual exploitation of a minor under Section 76-5b-201;
 - (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 - (J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
 - (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or

- (b) the offender's lifetime if the registrable offense is:
- (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at the time of conviction for the offense:
 - (A) previously been convicted of an offense described in Subsection (1)(a), or a substantially equivalent offense in an external jurisdiction; or
 - (B) previously been required to register as an offender for an offense described in Subsection (1)(a) committed as a juvenile;
 - (ii) a following offense, including attempting, soliciting, or conspiring to commit a felony violation of:
 - (A) child kidnapping under Section 76-5-301.1, if the offender was not the [natural]parent of the child victim;
 - (B) rape under Section 76-5-402;
 - (C) rape of a child under Section 76-5-402.1;
 - (D) object rape under Section 76-5-402.2;
 - (E) object rape of a child under Section 76-5-402.3;
 - (F) sodomy on a child under Section 76-5-403.1;
 - (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
 - (H) aggravated sexual assault under Section 76-5-405;
 - (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the [natural]parent of the child victim;
 - (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the [natural]parent of the child victim;
 - (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;
 - (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the [natural]parent of the child victim;
 - (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;
 - (viii) forcible sodomy under Section 76-5-403;
 - (ix) sexual abuse of a child under Section 76-5-404.1;
 - (x) sexual exploitation of a minor under Section 76-5b-201;
 - (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 - (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
 - (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after

- 745 May 10, 2011; or
- 746 (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender
- 747 enticed the minor to engage in sexual activity that is one of the offenses described
- 748 in Subsections (1)(b)(ii) through (xiii).
- 749 (2) An individual who qualifies as an offender based on a conviction in an external
- 750 jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an
- 751 external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is
- 752 required to register on the registry for the time period required by the external
- 753 jurisdiction.
- 754 (3)(a) If the sentencing court at any time after an offender is convicted of an offense
- 755 requiring lifetime registration described in Subsection (1)(b), and after considering
- 756 the factors described in Subsection (3)(b), determines that the offender was under 21
- 757 years old at the time the offense was committed and the offense did not involve force
- 758 or coercion, the requirement that the offender register for the offender's lifetime does
- 759 not apply and the offender shall register for 10 years after the day on which the
- 760 offender's sentence for the offense has been terminated.
- 761 (b) In determining whether an offense committed by an offender involves force or
- 762 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
- 766 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,
- 769 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,
- 772 that involved force or coercion against a victim depicted in the child sexual
- 773 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
- 776 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is
- 777 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to
- 778 registration requirements under this chapter unless the offender:

- (a) is charged by criminal information in juvenile court under Section 80-6-503;
- (b) is bound over to district court in accordance with Section 80-6-504; and
- (c) is convicted of a registrable offense.

- (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.

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

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

- (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:
 - (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;
 - (b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
 - (c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.
- (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:
 - (a) the day on which the offender was placed on probation;
 - (b) the day on which the offender was released from incarceration to parole;
 - (c) the day on which the offender's sentence was terminated without parole;
 - (d) the day on which the offender entered a community-based residential program; or
 - (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.
- (3) The offenses that qualify for a 10-year petition for an order of removal from the registry referenced in Subsection (1) are:
 - (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);
- (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (c) child torture under Section 76-5-109.4;
 - (d) human trafficking for labor under Section 76-5-308;
 - (e) human smuggling under Section 76-5-308.3;
 - (f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
 - (g) aggravated human trafficking for labor under Section 76-5-310;
 - (h) aggravated human smuggling under Section 76-5-310.1;
 - (i) human trafficking of a vulnerable adult for labor under Section 76-5-311;
 - (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;
 - (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;
 - (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;
 - (m) forcible sexual abuse under Section 76-5-404;
 - (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;
 - (o) sexual exploitation of a vulnerable adult under Section 76-5b-202;
 - (p) sexual extortion under Subsection 76-5b-204(2)(a);
 - (q) incest under Section 76-7-102;
 - (r) four or more convictions of lewdness under Section 76-5-419;
 - (s) four or more convictions of sexual battery under Section 76-5-418;
 - (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;
 - (u) lewdness involving a child under Section 76-5-420;
 - (v) a felony violation of:
 - (i) recorded or photographed voyeurism under Section 76-12-307; or
 - (ii) distribution of images obtained through voyeurism under Section 76-12-308;
 - (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
 - (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;
 - (y) attempting, soliciting, or conspiring to commit:

- (i) human trafficking for sexual exploitation under Section 76-5-308.1;
- (ii) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
- (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- (iv) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
- (v) aggravated kidnapping under Section 76-5-302, except if the offender is a ~~[natural]~~ parent of the victim;
- (vi) forcible sodomy under Section 76-5-403;
- (vii) sexual abuse of a child under Section 76-5-404.1;
- (viii) sexual exploitation of a minor under Section 76-5b-201;
- (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- (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:
- (i) the sentencing court determines that the offender was under 21 years old at the time the offense was committed; and
- (ii) the offense did not involve force or coercion as described in Subsection 53-29-203(3).
- (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:
- (a) does not have a lifetime registration requirement on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry;
- (b) meets the requirements described in Subsections (1)(a) through (c);
- (c) has resided in this state for at least 183 days in a year for two consecutive years;
- (d) intends to primarily reside in this state; and
- (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.

Section 10. Section **53-29-307** is amended to read:

53-29-307 . Sex offender in presence of a child -- Definitions -- Penalties.

(1) As used in this section:

(a) "Accompany" means:

(i) to be in the presence of an individual; and

(ii) to move or travel with that individual from one location to another, whether outdoors, indoors, or in or on any type of vehicle.

(b) "Child" means an individual younger than 14 years old.

(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:

(a)(i) the sex offender, [~~prior to~~] before accompanying the child:

(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

(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;

(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

(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;

(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

(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.

(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.

(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.

(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.

(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.

Section 11. Section **53-29-405** is amended to read:

53-29-405 . Removal for offenses or convictions for which registration is no longer required.

(1) The department shall automatically remove an individual who is currently on the registry if:

(a) the only offense or offenses for which the individual is on the registry are listed in Subsection (2); or

(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.

(2) The offenses described in Subsection (1)(a) are:

(a) a class B or class C misdemeanor for enticing a minor under Section 76-5-417;

(b) kidnapping under Subsection 76-5-301(2)(a) or (b);

(c) child kidnapping under Section 76-5-301.1, if the offender was the [natural-]parent of the child victim;

(d) unlawful detention under Section 76-5-304;

(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

(f) sodomy, but not forcible sodomy, under Section 76-5-403.

(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.

(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).

(5) The department, upon receipt of a request for removal from the registry in accordance

with this section, shall:

- (a) check the registry for the individual's current status;
- (b) determine whether the individual qualifies for removal based upon this section; and
- (c) notify the individual in writing of the department's determination and whether the individual:
 - (i) qualifies for removal from the registry; or
 - (ii) does not qualify for removal.

(6) If the department determines that the individual qualifies for removal from the registry, the department shall remove the offender from the registry.

(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.

(b) The department's determination under Subsection (7)(a) is final and not subject to administrative review.

(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.

(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.

(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.

Section 12. Section **53-30-101** is amended to read:

53-30-101 . Definitions.

As used in this chapter:

- (1) "Applicant" means an individual who submits an application for certification.
- (2) "Application for certification" means an application described in Subsection [~~53-29-201(1)~~] 53-30-201(1).
- (3) "Certifying officer" means the commissioner or an individual the commissioner designates to certify an application for certification.
- (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.
- (5) "Easement holder" means the same as that term is defined in Section 57-13c-101.
- (6) "Improvement" means the same as that term is defined in Section 78B-2-225.
- (7) "Land use authority" means:

- (a) with respect to protected property located within a municipality, the same as that term is defined in Section 10-20-102; or
- (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.

(8) "Protected person" means an individual who:

- (a) within the four years preceding the day on which the individual submits an application for certification:
- (i) received a credible threat; or
- (ii) was physically harmed; and
- (b) is at risk of serious bodily injury or death caused by:
- (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
- (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).

(9) "Protected property" means real property that is owned or occupied by a protected person.

(10) "Protection certificate" means a written determination described in Subsection [~~53-29-201(4)~~] 53-30-201(4).

(11)(a) "Security improvement" means an improvement that:

- (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;
- (ii) is constructed within the boundaries of protected property; and
- (iii) does not interfere with another property owner's property right.
- (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.

Section 13. Section **53E-1-102** is amended to read:

53E-1-102 . Public education code definitions.

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

- (1) "Bullying" means the same as that term is defined in Section 53G-9-601.
- (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.
- (3) "Charter school governing board" means the board that governs a charter school.
- (4) "Custodial parent" means the same as that term is defined in Section 81-1-101.
- ~~[(4)]~~ (5) "District school" means a public school under the control of a local school board.
- ~~[(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.
- ~~[(6)]~~ (7) "LEA governing board" means:
- (a) for a school district, the local school board;
 - (b) for a charter school, the charter school governing board; or
 - (c) for the Utah Schools for the Deaf and the Blind, the state board.
- ~~[(7)]~~ (8) "Local education agency" or "LEA" means:
- (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- ~~[(8)]~~ (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- ~~[(9)]~~ (10) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.
- ~~[(10)]~~ "Parent" means a parent or legal guardian.]
- (11) "Noncustodial parent" means the same as that term is defined in Section 81-1-101.
- (12) "Parent" means:
- (a) an individual who has a parent-child relationship as defined in Section 81-5-102; or
 - (b) a legal guardian.
- ~~[(11)]~~ (13) "Public education code" means:
- (a) this title;
 - (b) Title 53F, Public Education System -- Funding; and
 - (c) Title 53G, Public Education System -- Local Administration.
- ~~[(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
1056 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
1059 appointed under Section 53E-3-301.

1060 Section 14. Section **53E-3-907** is amended to read:

1061 **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
1063 and executed under applicable law, shall be sufficient for the purposes of enrollment and
1064 all other actions requiring parental participation and consent.

1065 (2) A local education agency shall be prohibited from charging local tuition to a
1066 transitioning military child placed in the care of a [~~non-custodial~~] noncustodial parent or
1067 other person standing in loco parentis who lives in a jurisdiction other than that of the
1068 custodial parent.

1069 (3) A transitioning military child, placed in the care of a [~~non-custodial~~] noncustodial parent
1070 or other person standing in loco parentis who lives in a jurisdiction other than that of the
1071 custodial parent, may continue to attend the school in which the student was enrolled
1072 while residing with the custodial parent.

1073 (4) State and local education agencies shall facilitate the opportunity for transitioning
1074 military children's inclusion in extracurricular activities, regardless of application
1075 deadlines, to the extent they are otherwise qualified.

1076 Section 15. Section **53E-3-1204** is amended to read:

1077 **53E-3-1204 . Parental consent -- Tuition.**

1078 (1) Power of attorney lawfully executed under [~~Title 75, Chapter 9, Uniform Power of~~
1079 ~~Attorney Act~~] Title 75A, Chapter 2, Uniform Power of Attorney Act, is sufficient for the
1080 purposes of enrollment and other actions requiring parental participation or consent.

1081 (2) An LEA may not charge local tuition to a transferring student placed in the care of a [~~non-custodial~~] noncustodial parent or other individual standing in loco parentis who lives
1082 in a jurisdiction other than that of the custodial parent.
1083

1084 (3) A transferring student, placed in the care of a [~~non-custodial~~] noncustodial parent or

other individual 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.

Section 16. Section **53H-11-202** is amended to read:

53H-11-202 . Resident student status -- Definitions -- Exceptions.

(1) As used in this section:

- (a) "DOD civilian" means an employee of the United States Department of Defense who is assigned to perform the employee's duties at a military organization based in Utah.
- (b) "Eligible person" means an individual who is entitled to post-secondary educational benefits under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec. 101 et seq.
- (c) "Immediate family member" means an individual's spouse or dependent child.
- (d) "Inmate" means the same as that term is defined in Section 64-13-1.
- (e) "Military service member" means an individual who:
 - (i) is serving on active duty in the United States Armed Forces;
 - (ii) is a member of a reserve component of the United States Armed Forces; or
 - (iii) is a member of the National Guard.
- (f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.
- (g) "National Guard" means the same as that term is defined in Section 39A-1-102.
- (h) "Parent" means[~~a student's biological or adoptive parent~~] , with respect to a student, an individual who has a parent-child relationship, as defined in Section 81-5-102, with the student.

(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.

(3)(a) Institutions may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:

- (i) has maintained continuous Utah residency status for one full year;
- (ii) has signed a written declaration that the student has relinquished residency in any other state; and
- (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.

(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
1120 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
1123 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
1128 months prior to application; and
- 1129 (viii) utility bills showing the student's name and Utah address for at least 12 months
1130 prior to application.
- 1131 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
1132 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
1134 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
1136 honor the decision of another institution within the state system of higher education to
1137 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
1141 higher education may, regardless of its policy on obtaining resident student status, waive
1142 nonresident tuition either in whole or in part, but not other fees.
- 1143 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
1144 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
1145 maximum number allowed by the appropriate athletic conference as recommended by
1146 the president of each institution.
- 1147 (8) Notwithstanding Subsection (3), an institution shall grant resident student status for
1148 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
1155 the military service member is currently serving in the military;
- 1156 (b) a military service member's immediate family member, if the military service
1157 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
1161 military veteran provides evidence of an honorable or general discharge;
- 1162 (d) a military veteran's immediate family member, regardless of whether the military
1163 veteran served in Utah, if the military veteran's immediate family member provides
1164 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
1166 is either:
- 1167 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1168 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
1172 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
1175 is either:
- 1176 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1177 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
1181 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'
1185 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

- 1187 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,
- 1191 temporary protected status, or asylum; or
- 1192 (iii) evidence that the alien has submitted in good faith an application for refugee
- 1193 status, humanitarian parole, temporary protected status, or asylum under United
- 1194 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
- 1198 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
- 1201 card; and
- 1202 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 1203 stating that the DOD civilian is assigned in Utah; or
- 1204 (B) evidence that the DOD civilian is domiciled in Utah, as described in
- 1205 Subsection (9)(a); or
- 1206 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family
- 1207 member provides:
- 1208 (i) the DOD civilian's current United States Department of Defense identification
- 1209 card; and
- 1210 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 1211 stating that the DOD civilian is assigned in Utah; or
- 1212 (B) evidence that the DOD civilian is domiciled in Utah, as described in
- 1213 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
- 1219 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.

(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.

(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.

(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.

(11) A Job Corps student is entitled to resident student status if the student:

(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

(b) submits verification that the student is a current Job Corps student.

(12) A person is entitled to resident student status and may immediately apply for resident student status if the person:

(a) marries a Utah resident eligible to be a resident student under this section; and

(b) establishes ~~[his or her]~~ the person's domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).

(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.

(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.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

(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
1258 as a postsecondary student;
1259 (v) whether the person applied for admission to an institution of higher education
1260 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
1265 of a new domicile in Utah for purposes other than to attend an institution of higher
1266 education.
- 1267 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
1268 athlete training program, at a facility in Utah, approved by the governing body for the
1269 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
1271 shall be subject to the same residency standards applicable to other persons under this
1272 section.
- 1273 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
1274 counts for Utah residency for tuition purposes upon termination of the athlete's
1275 participation in a Utah Olympic athlete training program.
- 1276 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
1277 death of a spouse, or long-term health care responsibilities for an immediate family
1278 member, including the person's spouse, parent, sibling, or child, may rebut the
1279 presumption of a nonresident classification by providing substantial evidence that the
1280 reason for the individual's move to Utah was, in good faith, based on the long-term
1281 health care responsibilities.
- 1282 (b) All relevant evidence concerning the motivation for the move shall be considered,
1283 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
1286 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;

(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;

(vi) evidence that the person is an independent person who is:

(A) at least 24 years old; or

(B) not claimed as a dependent on someone else's tax returns; and

(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.

(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.

(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.

(19) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

(a) concerning the definition of resident and nonresident students;

(b) establishing procedures for classifying and reclassifying students;

(c) establishing criteria for determining and judging claims of residency or domicile;

(d) establishing appeals procedures; and

(e) other matters related to this section.

(20) A student shall be exempt from paying the nonresident portion of total tuition if the student:

(a) is a foreign national legally admitted to the United States;

(b) attended high school in this state for three or more years; and

(c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Section 17. Section **59-10-1005** is amended to read:

59-10-1005 . Tax credit for at-home parent.

(1) As used in this section:

(a) "At-home parent" means a parent:

- (i) who provides full-time care at the parent's residence for one or more of the parent's own qualifying children;
- (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
- (iii) if the sum of the following amounts are \$3,000 or less for the taxable year for which the parent claims the credit:

(A) the total wages, tips, and other compensation listed on all of the parent's federal Forms W-2; and

(B) the gross income listed on the parent's federal Form 1040 Schedule C, Profit or Loss From Business.

(b) "Parent" means an individual who:

~~[(i) is the biological mother or father of a qualifying child;]~~

(i) has a parent-child relationship, as defined in Section 81-5-102, with a qualifying child;

(ii) is the stepfather or stepmother of a qualifying child;

~~(iii)[(A) legally adopts a qualifying child; or]~~

~~[(B)]~~ has a qualifying child placed in the individual's home:

~~[(H)]~~ (A) by a child-placing agency, as defined in Section 26B-2-101; and

~~[(H)]~~ (B) for the purpose of legally adopting the child;

(iv) is a foster parent of a qualifying child; or

(v) is a legal guardian of a qualifying child.

(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.

(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:

(a) the claimant or another claimant filing a joint individual income tax return with the claimant is an at-home parent; and

(b) the adjusted gross income of all of the claimants filing the individual income tax return is less than or equal to \$50,000.

(3) A claimant may not carry forward or carry back a tax credit authorized by this section.

(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.

(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).

Section 18. Section **63A-17-806** is amended to read:

63A-17-806 . Definitions -- Infant at Work Pilot Program -- Administration.

(1) As used in this section:

(a) "Eligible employee" means an employee who has been employed by the Department of Health and Human Services for a minimum of:

(i) 12 consecutive months; and

(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.

(b) "Infant" means a baby that is at least six weeks of age and no more than six months of age.

(c) "Parent" means:

~~[(i) a biological or adoptive parent of an infant; or]~~

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

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

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

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

(3) The program shall:

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

(b) be administered by the division; and

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

(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:

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

(b) guidelines for infant health and safety; and

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

(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.

(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.

(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.

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

75-2-114 . Parent and child relationship.

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

~~[(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.

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

~~[(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.

~~[(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.

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

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

(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.

(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.

(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.

- (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.
- (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.

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

76-2-409 . Battered person mitigation.

- (1) As used in this section:
- (a) "Abuse" means the same as that term is defined in Section 78B-7-102.
- (b) "Cohabitant" means:
- (i) the same as that term is defined in Section 78B-7-102; or
- (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.
- (2)(a) An individual is entitled to battered person mitigation if:
- (i) the individual committed a criminal offense that was not legally justified;
- (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
- (iii) the individual reasonably believed that the criminal offense was necessary to end the pattern of abuse.
- (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.
- (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).

(4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense of which the individual is convicted.

(5)(a) If the trier of fact is a jury, an individual is not entitled to mitigation under Subsection (2)(a) unless the jury:

(i) finds the individual proved, in accordance with Subsection (3), that the individual is entitled to mitigation by unanimous vote; and

(ii) returns a special verdict for the reduced charge at the same time the jury returns the general verdict.

(b) A nonunanimous vote by the jury on the question of mitigation under Subsection (2)(a) does not result in a hung jury.

(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.

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

76-5-301.2 . Parental kidnapping.

(1)(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

(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
1494 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
1497 felony if, during the course of parental kidnapping, the parent removes, causes the
1498 removal, or directs the removal of the child from the state.
- 1499 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative
1500 defense to the crime of parental kidnapping that:
- 1501 (a) the parent acted under a reasonable belief that the action described in Subsection
1502 (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
1508 the individual entitled to custody of the child; or
- 1509 (b)(i) the parent acted under a reasonable belief that the action described in
1510 Subsection (2)(a) was necessary to protect the child from abuse, including sexual
1511 abuse; and
1512 (ii) before taking the action described in Subsection (2)(a), the parent reports to law
1513 enforcement the parent's intention to engage in the action and the basis for the
1514 parent's belief described in Subsection (4)(b)(i).
- 1515 Section 23. Section **76-5-404.1** is amended to read:
- 1516 **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;

- (E) a coach;
- (F) a cohabitant of a parent if the cohabitant is an adult;
- (G) a counselor;
- (H) a doctor or physician;
- (I) an employer;
- (J) a foster parent;
- (K) a grandparent;
- (L) a legal guardian;
- (M) a ~~natural~~-parent;
- (N) a recreational leader who is an adult;
- (O) a religious leader;
- (P) a sibling or a stepsibling who is an adult;
- (Q) a scout leader who is an adult;
- (R) a stepparent;
- (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;
- (T) an instructor, professor, or teaching assistant at a public or private institution of higher education;
- (U) an uncle;
- (V) a youth leader who is an adult; or
- (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.

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

(2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a child if the actor:

- (i)(A) touches, whether over or under the clothing, the buttocks or pubic area of a child;
- (B) touches, whether over or under the clothing, the female breast of a child;
- (C) touches the anus or genitals of a child over the clothing; or
- (D) otherwise takes indecent liberties with a child whether over or under the clothing; and
- (ii) the actor's conduct is with intent to:

(A) cause substantial emotional or bodily pain to any individual; or

(B) arouse or gratify the sexual desire of any individual.

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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

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

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

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

(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.

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

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

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

(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;

(ii) over a petition to modify a minor's birth certificate if the juvenile court has

- 1595 jurisdiction over the minor's case under Section 78A-6-103; and
- 1596 (iii) over questions of custody, support, and parent-time of a minor if the juvenile
- 1597 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
- 1599 (1)(a)(i), the juvenile court may:
- 1600 (i) retain jurisdiction over the parentage action until parentage of the child is
- 1601 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
- 1604 court otherwise having jurisdiction, over a criminal information filed under Part 4a,
- 1605 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
- 1607 a minor;
- 1608 (ii) an offense under Section 53G-6-202, failure to comply with compulsory
- 1609 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
- 1615 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
- 1616 Subsection (2)(a).
- 1617 (3)(a) When a support, custody, or parent-time award has been made by a district court
- 1618 in a divorce action or other proceeding, and the jurisdiction of the district court in the
- 1619 case is continuing, the juvenile court may acquire jurisdiction in a case involving the
- 1620 same child if the child comes within the jurisdiction of the juvenile court under
- 1621 Section 78A-6-103.
- 1622 (b)(i) The juvenile court may, by order, change the custody subject to Subsection
- 1623 81-9-204(4), support, parent-time, and visitation rights previously ordered in the
- 1624 district court as necessary to implement the order of the juvenile court for the
- 1625 safety and welfare of the child.
- 1626 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
- 1627 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.

(4) This section does not deprive the district court of jurisdiction to:

(a) appoint a guardian for a child;

(b) determine the support, custody, and parent-time of a child upon writ of habeas corpus; or

(c) determine a question of support, custody, and parent-time that is incidental to the determination of an action in the district court.

(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:

(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;

(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

(c) the best interests of the child will be better served in the district court.

Section 26. Section **78B-7-102** is amended to read:

78B-7-102 . Definitions.

As used in this chapter:

(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.

(2) "Affinity" means the same as that term is defined in Section 76-1-101.5.

(3) "Canadian domestic violence protection order" means the same as that term is defined in Section 78B-7-1201.

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

(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:

(a) Part 2, Child Protective Orders;

(b) Part 4, Dating Violence Protective Orders;

(c) Part 5, Sexual Violence Protective Orders;

(d) Part 6, Cohabitant Abuse Protective Orders; or

(e) Part 11, Workplace Violence Protective Orders.

- 1663 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil
1664 Stalking Injunctions.
- 1665 (7)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an
1666 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,
1670 grandparent, sibling, or any other individual related to the individual by
1671 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
1678 minor child; or
 - 1679 (ii) the relationship between [~~natural, adoptive, step, or foster siblings~~] siblings,
1680 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
1683 Orders.
- 1684 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
1685 Criminal Stalking Injunctions.
- 1686 (11) "Court clerk" means a district court clerk.
- 1687 (12)(a) "Dating partner" means an individual who:
- 1688 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,
1689 Emancipation; or
 - 1690 (B) is 18 years old or older; and
 - 1691 (ii) is, or has been, in a dating relationship with the other party.
- 1692 (b) "Dating partner" does not include an intimate partner.
- 1693 (13)(a) "Dating relationship" means a social relationship of a romantic or intimate
1694 nature, or a relationship which has romance or intimacy as a goal by one or both
1695 parties, regardless of whether the relationship involves sexual intimacy.
- 1696 (b) "Dating relationship" does not include casual fraternization in a business,

educational, or social context.

(c) In determining, based on a totality of the circumstances, whether a dating relationship exists:

(i) all relevant factors shall be considered, including:

(A) whether the parties developed interpersonal bonding above a mere casual fraternization;

(B) the length of the parties' relationship;

(C) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship;

(D) the ongoing expectations of the parties, individual or jointly, with respect to the relationship;

(E) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and

(F) whether other reasons exist that support or detract from a finding that a dating relationship exists; and

(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.

(14) "Dating violence" means:

(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

(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.

(15) "Domestic violence" means the same as that term is defined in Section 77-36-1.

(16) "Ex parte civil protective order" means an order issued without notice to the respondent under:

(a) Part 2, Child Protective Orders;

(b) Part 4, Dating Violence Protective Orders;

(c) Part 5, Sexual Violence Protective Orders;

(d) Part 6, Cohabitant Abuse Protective Orders; or

(e) Part 11, Workplace Violence Protective Orders.

(17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to the respondent under Part 7, Civil Stalking Injunctions.

(18) "Foreign protection order" means:

(a) the same as that term is defined in Section 78B-7-302; or

(b) a Canadian domestic violence protection order.

(19) "Household animal" means an animal that is tamed and kept as a pet.

(20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.

(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.

(22) "Minor child" means the same as that term is defined in Section 81-1-101.

(23) "Peace officer" means those individuals specified in Title 53, Chapter 13, Peace Officer Classifications.

(24) "Qualifying domestic violence offense" means the same as that term is defined in Section 77-36-1.1.

(25) "Respondent" means the individual against whom enforcement of a protective order is sought.

(26) "Stalking" means the same as that term is defined in Section 76-5-106.5.

Section 27. Section **80-1-102** is amended to read:

80-1-102 . Juvenile Code definitions.

Except as provided in Section 80-6-1103, as used in this title:

(1)(a) "Abuse" means:

(i)(A) nonaccidental harm of a child;

(B) threatened harm of a child;

(C) sexual exploitation;

(D) sexual abuse; or

(E) human trafficking of a child in violation of Section 76-5-308.5; or

(ii) that a child's parent:

(A) intentionally, knowingly, or recklessly causes the death of another parent of the child;

(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

(C) is being prosecuted for or has been convicted of intentionally, knowingly, or recklessly causing the death of another parent of the child.

(b) "Abuse" does not include:

(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
- 1771 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
- 1775 Justice:
- 1776 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
- 1777 or criminal information alleging that a minor committed an offense have been
- 1778 proved;
- 1779 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 1780 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
- 1783 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
- 1786 enters the minor's admission; or
- 1787 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 1788 (4)(a) "Adult" means an individual who is 18 years old or older.
- 1789 (b) "Adult" does not include an individual:
- 1790 (i) who is 18 years old or older; and
- 1791 (ii) who is a minor.
- 1792 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 1793 78A-2-801.
- 1794 (6) "Board" means the Board of Juvenile Court Judges.
- 1795 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 1796 years old.
- 1797 (8) "Child and family plan" means a written agreement between a child's parents or
- 1798 guardian and the Division of Child and Family Services as described in Section 80-3-307.

- 1799 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 1800 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 1801 (11) "Child protection team" means a team consisting of:
- 1802 (a) the child welfare caseworker assigned to the case;
- 1803 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 1804 child;
- 1805 (c) a representative of the school or school district where the child attends school;
- 1806 (d) if applicable, the law enforcement officer who removed the child from the home;
- 1807 (e) a representative of the appropriate Children's Justice Center, if one is established
- 1808 within the county where the child resides;
- 1809 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 1810 with the child's circumstances;
- 1811 (g) if appropriate, a representative of law enforcement selected by the chief of police or
- 1812 sheriff in the city or county where the child resides; and
- 1813 (h) any other individuals determined appropriate and necessary by the team coordinator
- 1814 and chair.
- 1815 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 1816 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 1817 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 1818 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 1819 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
- 1820 58-37d-3.
- 1821 (15) "Commit" or "committed" means, unless specified otherwise:
- 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,
- 1825 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
- 1826 restrictive setting, consistent with public safety, and operated by or under contract with
- 1827 the Division of Juvenile Justice and Youth Services.
- 1828 (17) "Community placement" means placement of a minor in a community-based program
- 1829 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.

- (19) "Criminogenic risk factors" means evidence-based factors that are associated with a minor's likelihood of reoffending.
- (20) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- (21) "Dependent child" or "dependency" means a child who is without proper care through no fault of the child's parent, guardian, or custodian.
- (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.
- (23) "Detention" means home detention or secure detention.
- (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.
- (25) "Detention risk assessment tool" means an evidence-based tool established under Section 80-5-203 that:
- (a) assesses a minor's risk of failing to appear in court or reoffending before adjudication; and
 - (b) is designed to assist in making a determination of whether a minor shall be held in detention.
- (26) "Developmental immaturity" means incomplete development in one or more domains that manifests as a functional limitation in the minor's present ability to:
- (a) consult with counsel with a reasonable degree of rational understanding; and
 - (b) have a rational as well as factual understanding of the proceedings.
- (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.
- (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.
- (29) "Educational series" means an evidence-based instructional series:
- (a) obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104; and
 - (b) designed to prevent substance use or the onset of a mental health disorder.
- (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- (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

1867 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
1871 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
1875 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,
1877 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
1882 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,
1887 development, behavior, or psychological functioning;

1888 (c) sexual abuse; or

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
1892 of the minor's parent, guardian, or custodian, under terms and conditions established
1893 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
1895 minor's home, or in a surrogate home with the consent of the minor's parent,
1896 guardian, or custodian, under terms and conditions established by the Division of
1897 Juvenile Justice and Youth Services or the juvenile court.

1898 (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
1899 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
1900 aunt, nephew, niece, or first cousin.

(b) "Incest" includes:

- (i) blood relationships of the whole or half blood, regardless of whether the relationship is legally recognized;
- (ii) relationships of parent and child by adoption; and
- (iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

(41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

(42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

(43) "Indigent defense service provider" means the same as that term is defined in Section 78B-22-102.

(44) "Indigent defense services" means the same as that term is defined in Section 78B-22-102.

(45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.

(46)(a) "Intake probation" means a minor is:

- (i) monitored by a juvenile probation officer; and
- (ii) subject to return to the juvenile court in accordance with Section 80-6-607.

(b) "Intake probation" does not include formal probation.

(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.

(48) "Juvenile offender" means:

- (a) a serious youth offender; or
- (b) a youth offender.

(49) "Juvenile probation officer" means a probation officer appointed under Section 78A-6-205.

(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.

(51) "Legal custody" means a relationship embodying:

- (a) the right to physical custody of the minor;
- (b) the right and duty to protect, train, and discipline the minor;
- (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;

(d) the right to determine where and with whom the minor shall live; and

(e) the right, in an emergency, to authorize surgery or other extraordinary care.

(52) "Licensing Information System" means the Licensing Information System maintained by the Division of Child and Family Services under Section 80-2-1002.

(53) "Management Information System" means the Management Information System developed by the Division of Child and Family Services under Section 80-2-1001.

(54) "Mental illness" means:

(a) a psychiatric disorder that substantially impairs an individual's mental, emotional, behavioral, or related functioning; or

(b) the same as that term is defined in:

(i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or

(ii) the current edition of the International Statistical Classification of Diseases and Related Health Problems.

(55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:

(a) a child; or

(b) an individual:

(i)(A) who is at least 18 years old and younger than 21 years old; and

(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;

(ii)(A) who is at least 18 years old and younger than 25 years old; and

(B) whose case is under the jurisdiction of the juvenile court in accordance with Subsection 78A-6-103(1)(b); or

(iii)(A) who is at least 18 years old and younger than 21 years old; and

(B) whose case is under the jurisdiction of the juvenile court in accordance with Subsection 78A-6-103(1)(c).

(56) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.

(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
1971 Relinquishment of a Newborn Child;
1972 (ii) lack of proper parental care of a child by reason of the fault or habits of the
1973 parent, guardian, or custodian;
1974 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
1975 necessary subsistence or medical care, or any other care necessary for the child's
1976 health, safety, morals, or well-being;
1977 (iv) a child to be at risk of being neglected or abused because another child in the
1978 same home is neglected or abused;
1979 (v) abandonment of a child through an unregulated child custody transfer under
1980 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
1984 reason, does not provide specified medical treatment for a child;
1985 (ii) a health care decision made for a child by the child's parent or guardian, unless
1986 the state or other party to a proceeding shows, by clear and convincing evidence,
1987 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
1990 maturity to avoid harm or unreasonable risk of harm, to engage in independent
1991 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
1996 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
2001 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
2002 consent in writing of:

(a) the assigned juvenile probation officer; and

(b)(i) the minor; or

(ii) the minor and the minor's parent, guardian, or custodian.

(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:

(a) understand the nature of the proceedings against the minor or of the potential disposition for the offense charged; or

(b) consult with counsel and participate in the proceedings against the minor with a reasonable degree of rational understanding.

(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~~].

(b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.

(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.

(64) "Physical abuse" means abuse that results in physical injury or damage to a child.

(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.

(b) "Probation" includes intake probation or formal probation.

(66) "Prosecuting attorney" means:

(a) the attorney general and any assistant attorney general;

(b) any district attorney or deputy district attorney;

(c) any county attorney or assistant county attorney; and

(d) any other attorney authorized to commence an action on behalf of the state.

(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:

(a) the day on which the shelter hearing is held under Section 80-3-301; or

(b) the day on which the child is returned home.

(68) "Protective services" means expedited services that are provided:

(a) in response to evidence of neglect, abuse, or dependency of a child;

(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
- 2038 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
- 2042 enforcement agency;
- 2043 (ii) to cause a protective order to be issued for the protection of the child, when
- 2044 appropriate; and
- 2045 (iii) to protect the child from the circumstances that endanger the child's welfare
- 2046 including, when appropriate:
- 2047 (A) removal from the child's home;
- 2048 (B) placement in substitute care; and
- 2049 (C) petitioning the court for termination of parental rights.
- 2050 (69) "Protective supervision" means a legal status created by court order, following an
- 2051 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
- 2054 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
- 2058 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
- 2062 serious emotional or behavioral disturbance.
- 2063 (71)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 2064 a parent after legal custody or guardianship, or both, have been vested in another
- 2065 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:

(i) marriage;

(ii) enlistment; and

(iii) major medical, surgical, or psychiatric treatment.

(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.

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

(74) "Secure care facility" means a facility, established in accordance with Section 80-5-503, for juvenile offenders in secure care.

(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:

(a) before disposition of an offense that is alleged to have been committed by the minor; or

(b) under Section 80-6-704.

(76) "Serious youth offender" means an individual who:

(a) is at least 14 years old, but under 25 years old;

(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

(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.

(77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.

(78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.

(79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection

(79)(b):

(i) if committed by an individual who is 18 years old or older:

(A) chronic abuse;

(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
2112 that indicates a significant risk to other children; or
2113 (B) sexual behavior with or upon another child that indicates a significant risk to
2114 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
2117 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
2119 use of reasonable and necessary physical restraint or force in self-defense or
2120 otherwise appropriate to the circumstances to obtain possession of a weapon or
2121 other dangerous object in the possession or under the control of a child or to
2122 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,
2124 subject to Subsection (79)(c), the state or other party to the proceeding shows, by
2125 clear and convincing evidence, that the health care decision is not reasonable and
2126 informed.
2127 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the
2128 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
2131 adult directed towards a child;
2132 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
2133 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
2136 marriage while the marriage exists or by adoption; or
2137 (C) the act or attempted act constitutes unlawful sexual activity as described in
2138 Section 76-5-401.3.

- 2139 (iii) engaging in any conduct with a child that would constitute an offense under any
2140 of the following, regardless of whether the individual who engages in the conduct
2141 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
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
2149 in a sexual relationship, regardless of whether that sexual relationship is part of a
2150 legal or cultural marriage.
- 2151 (b) "Sexual abuse" does not include engaging in any conduct with a child that would
2152 constitute an offense described in:
2153 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator
2154 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
2160 photographing, filming, recording, or displaying in any way the sexual or
2161 simulated sexual conduct;
- 2162 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
2163 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,
2167 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
2168 exploitation of a minor, regardless of whether the individual who engages in the
2169 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
2171 pending a disposition or transfer to another jurisdiction.
- 2172 (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.

- (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:
- (a) age;
 - (b) social factors;
 - (c) emotional factors;
 - (d) sexual factors;
 - (e) intellectual factors;
 - (f) family risk factors; and
 - (g) other related considerations.
- (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- (86) "Status offense" means an offense that would not be an offense but for the age of the offender.
- (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or excessive use of alcohol or other drugs or substances.
- (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.
- (89) "Substitute care" means:
- (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;
 - (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
 - (c) the licensing and supervision of a substitute care facility.
- (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.
- (91) "Termination of parental rights" means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.

- (92) "Therapist" means:
- (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
 - (b) any other individual licensed or approved by the state for the purpose of conducting psychological treatment and counseling.
- (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect.
- (94) "Torture" means:
- (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
 - (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.
- (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- (a) results in behavior that is beyond the control or ability of the child, or the parent or guardian, to manage effectively;
 - (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
 - (c) results in the situations described in Subsections (95)(a) and (b).
- (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- (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.
- (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.
- (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.
- (100) "Youth offender" means an individual who is:
- (a) at least 12 years old, but under 21 years old; and
 - (b) committed by the juvenile court to the Division of Juvenile Justice and Youth

2241 Services for secure care under Sections 80-6-703 and 80-6-705.

2242 Section 28. Section **81-1-101** is amended to read:

2243 **81-1-101 . Definitions for title.**

2244 As used in this title:

2245 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and
2246 81-10-101, a son or daughter of any age.

2247 (2) "Court" means:

2248 (a) a judge; or

2249 (b) a court commissioner if the court commissioner has authority to hear the matter
2250 under Section 78A-5-107 or the Utah Rules of Judicial Administration.

2251 (3) "Custodial parent" means:

2252 (a) a parent awarded primary physical custody of a minor child by a court order;

2253 (b) if both parents have joint physical custody:

2254 (i) the parent awarded more overnights each year by a court order; or

2255 (ii) the parent designated as the custodial parent by a court order; or

2256 (c) if there is no court order, the parent with whom the minor child resides more than
2257 one-half of the calendar year without regard to any temporary parent-time.

2258 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger
2259 than 18 years old and is not emancipated.

2260 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of
2261 any designation of joint legal custody.

2262 (6) "Parent" means, except as provided in Section 81-13-211, an individual with an
2263 established parent-child relationship as ~~[described in Section 81-5-201]~~ defined in
2264 Section 81-5-102.

2265 Section 29. Section **81-2-302** is amended to read:

2266 **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
2268 clerk of any county of this state.

2269 (2)(a) A license issued within this state by a county clerk may only be used within this
2270 state.

2271 (b) A license is considered used within this state if the officiant and at least one of the
2272 parties to the marriage is physically present in the state at the time of solemnization
2273 of the marriage.

2274 (3) A marriage is considered solemnized if:

- (a) the parties to the marriage have a valid marriage license;
- (b) each party to the marriage willingly, and without duress, declares their intent to enter into the marriage;
- (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);
- (d) an officiant pronounces the parties as married; and
- (e) at least two individuals 18 years old or older witness the declarations of intent and the pronouncement.

- (4) A license that is not used within 32 days after the day on which the license is issued is invalid.

Section 30. Section **81-2-303** is amended to read:

81-2-303 . Application for marriage license -- Contents.

- (1) A county clerk may issue a marriage license only after[:]
- [~~(a)~~] an application is filed with the county clerk's office, requiring the following information:
- [~~(i)~~] (a) the full names of the applicants, including the maiden or bachelor name of each applicant;
- [~~(ii)~~] (b) the social security numbers of the applicants, unless an applicant has not been assigned a number;
- [~~(iii)~~] (c) the current address of each applicant;
- [~~(iv)~~] (d) the date and place of birth, including the town or city, county, state or country, if possible;
- [~~(v)~~] (e) the names of the applicants' respective parents, including the maiden name of a mother;
- [~~(vi)~~] (f) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible; and
- [~~(vii)~~] (g) the age, legal name, and identity of each applicant is verified.
- (2) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.
- (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.

- (b) The form described in Subsection (3)(a) shall include:
- (i) all information described in Subsection (1);
 - (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);
 - (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 81-2-304 signed under penalty of perjury;
 - (iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and
 - (v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:
 - (A) each applicant; and
 - (B) the minor's parent or legal guardian.

(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.

(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.

(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.

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

- (i) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and
- (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.

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

(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.

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

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

81-2-403 . Marriages prohibited and void.

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

- (a) ~~[when]~~there is a spouse living from whom the individual marrying has not been divorced;
- (b) except as provided in Subsection (2), the individual marrying is under 18 years old;~~or]~~
- ~~[(c) between a divorced individual and any individual other than the one from whom the divorce was secured until:]~~
- ~~[(i) the divorce decree becomes absolute; and]~~
- ~~[(ii) if an appeal is taken, until after the affirmance of the divorce decree.]~~
- (c)(i) the marriage is between a divorced individual and an individual other than the divorced individual's spouse in the divorce action; and
- (ii)(A) the divorce decree is not final; or
- (B) if an appeal is taken, the divorce decree has not been affirmed; or
- (d) except as provided in Subsection (3):
 - (i) the marriage is solemnized remotely through electronic means;
 - (ii) both of the individuals marrying are not residents of the state; and
 - (iii) the two individuals marrying are not in the same physical location within the state when the marriage is solemnized.

- (2) A marriage of an individual under 18 years old is not void if the individual:

- (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization in accordance with Section 81-2-304; or
- (b) lawfully marries before May 14, 2019.

- (3) A marriage described in Subsection (1)(d) is not void if the marriage:

- (a) was solemnized before May 6, 2026; and
- (b) is otherwise lawful.

Section 32. Section **81-4-104** is amended to read:

81-4-104 . Temporary separation order.

- (1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for

temporary orders if:

(a) the individual is lawfully married to the individual from whom the separation is sought; and

(b)(i) both parties are residents of the state for at least 90 days before the day on which the action is filed; or

(ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection ~~[81-2-303(4)(a)(ii)]~~ 81-2-303(5)(a)(ii).

(2) The temporary orders are valid for one year after the day on which the hearing for the order is held or until one of the following occurs:

(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or

(b) the case is dismissed.

(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.

(4)(a) If the parties to the temporary separation action have a minor child, the parties shall attend the divorce orientation course described in Section 81-4-105:

(i) for the petitioner, within 60 days after the day on which the petition is filed; and

(ii) for the respondent, within 30 days after the day on which the respondent is served.

(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.

(c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.

(d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.

(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:

(a) make a final determination of indigency; and

(b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.

(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.

(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.

(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.

(b) If the requirement is waived, the court may permit the temporary separation action to proceed.

(8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.

(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.

Section 33. Section **81-5-102** is amended to read:

81-5-102 . Definitions for chapter.

As used in this chapter:

(1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the father of a child.

(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.

(3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse.

(b) "Assisted reproduction" includes:

(i) intrauterine insemination;

(ii) donation of eggs;

(iii) donation of embryos;

(iv) in vitro fertilization and transfer of embryos; or

(v) intracytoplasmic sperm injection.

(4)(a) "Birth mother" means the woman [that] who gives birth to the child.

(b) "Birth mother" does not include a gestational mother.

(5) "Child" means an individual of any age whose parentage may be determined under this

- 2445 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
- 2448 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
- 2454 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
- 2459 by:
- 2460 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of
- 2461 Paternity; or
- 2462 (b) adjudication by a tribunal.
- 2463 (11)(a) "Donor" means an individual who produces eggs or sperm used for assisted
- 2464 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
- 2467 assisted reproduction by the wife;
- 2468 (ii) a woman who gives birth to a child by means of assisted reproduction, except as
- 2469 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
- 2473 an individual identifies as all or part of the individual's ancestry or that is so identified
- 2474 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.

- (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.
- (b) "Genetic testing" includes an analysis of one or a combination of the following:
- (i) deoxyribonucleic acid; or
 - (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.
- (15) "Gestational mother" means a woman who:
- (a) is 18 years old or older; and
 - (b) gives birth to a child under a gestational agreement.
- (16) "Man" means a male individual of any age.
- (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- (19) "Parentage" means a parent-child relationship.
- (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.
- (b) "Parent-child relationship" includes:
- (i) the mother-child relationship; or
 - (ii) the father-child relationship.
- (21) "Parentage index" means the likelihood of paternity calculated by computing the ratio between:
- (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
 - (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.
- (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.
- (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.

(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.

(25) "Signatory" means an individual who authenticates a record and is bound by the record's terms.

(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.

(27) "Support" means the same as that term is defined in Section 81-6-101.

(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.

(29) "Unmarried biological father" means the same as that term is defined in Section 81-13-101.

Section 34. Section **81-5-204** is amended to read:

81-5-204 . Presumption of parentage.

(1) A man is presumed to be the father of a child if:

(a) the man and the birth mother of the child are married to each other and the child is born during the marriage;

(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;

(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

(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:

(i) the assertion is in a record filed with the Office of Vital Records and Statistics;

(ii) the man agreed to be and is named as the child's father on the child's birth certificate; or

(iii) the man promised in a record to support the child as his own.

(2) A man is not presumed to be the father of a child not named in a divorce decree if:

- (a) the child was born at the time of entry of the divorce decree; and
(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.

[(2)] (3) A presumption of parentage established under this section may only be rebutted in accordance with Section 81-5-607.

[(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.

Section 35. Section **81-5-608** is amended to read:

81-5-608 . Authority to deny motion for genetic testing or disregard test results.

[(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:]

(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.

(2) In a proceeding to adjudicate the parentage of a child, the tribunal may:

- (a) deny a motion seeking an order for genetic testing; or
(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:

- [(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
[(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.

[(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:

- (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

- 2581 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
- 2583 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,
- 2585 declarant father's, or possible father's discovery of the [~~father's~~] their possible
- 2586 nonparentage;
- 2587 (d) the nature of the relationship between the child and [~~the presumed or declarant father~~]
- 2588 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
- 2591 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
- 2594 parentage of another individual and a child-support obligation in favor of the child;
- 2595 and
- 2596 (i) other factors that may affect the equities arising from the disruption of the
- 2597 parent-child relationship between the child and [~~the presumed or declarant father~~] the
- 2598 presumed father, declarant father, or possible father or the chance of other harm to
- 2599 the child.

2600 [(3)] (4) If the tribunal denies a motion seeking an order for genetic testing or disregards

2601 genetic test results that exclude [~~the presumed or declarant father~~] the presumed father,

2602 declarant father, or possible father, the tribunal shall issue an order adjudicating [~~the~~

2603 ~~presumed or declarant father~~] the presumed father, declarant father, or possible father to

2604 be the father of the child.

2605 Section 36. Section **81-5-609** is amended to read:

2606 **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 [
- 2608 ~~parentage~~] paternity or a child support services agency may commence a proceeding
- 2609 seeking to rescind the declaration or denial or challenge the parentage of the child only
- 2610 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
- 2612 established in Section 81-5-608.

2613 Section 37. Section **81-5-705** is amended to read:

2614 **81-5-705 . Limitation on husband's dispute of paternity.**

- (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:
- (a) within two years after learning of the birth of the child the husband commences a proceeding to adjudicate the husband's paternity; and
 - (b) the tribunal finds that the [spouse] husband did not consent to the assisted reproduction, before or after the birth of the child.
- (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal determines that:
- (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;
 - (b) the husband and the birth mother of the child have not cohabited since the probable time of assisted reproduction; and
 - (c) the husband never openly treated the child as the husband's own.
- (3) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.

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

81-6-101 . Definitions for chapter.

As used in this chapter:

- (1) "Administrative agency" means the Office of Recovery Services or the Department of Health and Human Services.
- (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.
- (3) "Alimony" means the same as that term is defined in Section 81-4-101.
- (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.
- (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).
- (6) "Base combined child support obligation table" means the table described in Section 81-6-304.
- (7) "Child" means:
 - (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;
 - (b) a son or daughter who is 18 years old or older while enrolled in high school during

- 2649 the normal and expected year of graduation and not otherwise emancipated,
2650 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
2652 provide some financial resources to the family, is not able to support self by own
2653 means.
- 2654 (8)(a) "Child support" means a base child support award, or a monthly financial award
2655 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
2657 order for current periodic payments, and sum certain judgments awarded for
2658 arrearages, medical expenses, and child care costs.
- 2659 (9) "Child support guidelines" means the calculation and application of child support as
2660 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
2662 temporary, final, or subject to modification, that:
- 2663 (a) establishes or modifies child support;
2664 (b) reduces child support arrearages to judgment; or
2665 (c) establishes child support or registers a child support order under Chapter 8, Uniform
2666 Interstate Family Support Act.
- 2667 (11) "Child support tables" means the tables described in [~~Part 3, Child Support Tables~~]
2668 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
2671 Section 81-6-203.
- 2672 (14) "Health care coverage" means coverage under which medical services are provided to
2673 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
2680 child support into a carceral setting in which the obligor is not permitted to earn
2681 wages from employment outside of the carceral setting.
- 2682 (b) "Incarceration" does not include being placed on probation, parole, or work release.

- (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.
- (b) "Income" includes:
- (i) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion of capital assets;
 - (ii) interest and dividends;
 - (iii) periodic payments made under pension or retirement programs or insurance policies of any type;
 - (iv) unemployment compensation benefits;
 - (v) workers' compensation benefits; and
 - (vi) disability benefits.
- (17) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- (18) "Low income table" means the table described in Section 81-6-305.
- (19) "Medical expenses" means health and dental expenses and related insurance costs.
- (20) "Minimal child care award" means a minimum amount that an obligor has to pay each month for the monthly expense of child care.
- ~~[(20)]~~ (21) "Minor child" means a child who is younger than 18 years old.
- ~~[(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.
- ~~[(22)]~~ (23) "Obligor" means a person owing a duty of support.
- ~~[(23)]~~ (24) "Office" means the Office of Recovery Services within the Department of Health and Human Services.
- ~~[(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.
- ~~[(25)]~~ (26) "Pregnancy expenses" means an amount equal to:
- (a) the sum of a pregnant mother's:
 - (i) health insurance premiums while pregnant that are not paid by an employer or government program; and
 - (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
2718 determines is equitable based on the totality of the circumstances, not including any
2719 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
2721 children.

2722 ~~[(27)]~~ (28) "State" means a state, territory, possession of the United States, the District of
2723 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other
2724 comparable domestic or foreign jurisdiction.

2725 ~~[(28)]~~ (29) "Support" means past-due, present, and future obligations to provide for the
2726 financial support, maintenance, or medical expenses of a child.

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
2730 modification, for alimony.

2731 ~~[(30)]~~ (31) "Suspension" means adjusting a child support order to zero dollars during the
2732 period of an obligor's incarceration.

2733 ~~[(31)]~~ (32) "Temporary" means a period of time that is projected to be less than 12 months
2734 in duration.

2735 ~~[(32)]~~ (33) "Third party" means an agency or a person other than a parent or a child who
2736 provides care, maintenance, and support to a child.

2737 ~~[(33)]~~ (34) "Tribunal" means the district court, the Department of Health and Human
2738 Services, Office of Recovery Services, or court or administrative agency of a state,
2739 territory, possession of the United States, the District of Columbia, the Commonwealth
2740 of Puerto Rico, Native American tribe, or other comparable domestic or foreign
2741 jurisdiction.

2742 ~~[(34)]~~ (35) "Work-related child care expenses" means reasonable child care costs for up to a
2743 full-time work week or training schedule as necessitated by the employment or training
2744 of a parent.

2745 ~~[(35)]~~ (36) "Worksheet" means a form used to aid in calculating the base child support
2746 award.

2747 Section 39. Section **81-6-202** is amended to read:

2748 **81-6-202 . Determination of amount of child support -- Application of child**
2749 **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.

(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.

(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.

(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.

(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.

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

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

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

(b) the worksheet has:

(i) the box checked for a deviation; and

(ii) an explanation as to the reason; or

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

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

(a) the order is considered deviated; and

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

(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:

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

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

(c) the ability of the obligor to earn;

(d) the ability of the obligee to earn;

(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;

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

(g) the ages of the parties; and

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

(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).

(b) Additional worksheets shall be prepared that calculate the base child support award of the respective parents for the additional children.

(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).

(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:

(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

(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.

(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.

(10) The court shall include the following provisions in a child support order:

(a) a provision establishing the monthly amount of child support obligation for each parent in accordance with the child support guidelines;

- (b) a provision assigning responsibility for the payment of reasonable and necessary medical expenses for the child as described in Section 81-6-208;
- (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;
- (d) a provision regarding the child care expenses [~~and costs~~] as described in Section 81-6-209;
- (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;
- (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
- (g) a provision regarding a parent's opportunity to adjust a child support order as described in Section 81-6-212.

(11) The office shall include the provisions described in Section 26B-9-224 in a child support order.

Section 40. Section **81-6-209** is repealed and reenacted to read:

81-6-209 . Requirements for a child support order regarding child care expenses

-- Actual expenses.

(1)(a) Except as otherwise provided in this section, the court or administrative agency shall require in a child support order that:

(i) each parent share equally the reasonable work-related child care expenses of the parents; and

(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.

(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.

(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.

(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
2854 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
2856 exceed 50% of the obligor's adjusted gross income.
- 2857 (3)(a) The court or administrative agency may award child care expenses on a
2858 case-by-case basis if the child care expenses are related to the employment and
2859 occupational training of the custodial parent or the child care expenses would be in
2860 the interest of justice.
- 2861 (b) The court or administrative agency may assign financial responsibility in a child
2862 support order for all or a portion of child care expenses incurred on behalf of a child
2863 due to the employment or occupational training of the custodial parent.
- 2864 (4)(a) The court or administrative agency may impute a monthly obligation for child
2865 care expenses when the court imputes income to a parent who is providing child care
2866 for the child so that the parties are not incurring child care expenses for the child.
- 2867 (b) The court shall apply any monthly obligation imputed under Subsection (4)(a)
2868 towards any actual child care expenses incurred within the same month for the child.
- 2869 (5)(a) The court shall require each party to file a proposed minimal child care award
2870 before the court makes a determination under Subsection (1)(a)(ii).
- 2871 (b) To calculate a minimal child care award under Section (1)(a)(ii), the court or
2872 administrative agency shall:
- 2873 (i) use the combined adjusted average monthly gross income of the parents as
2874 calculated for the base child support award under Section 81-6-204; and
2875 (ii) locate the minimum child care award for each child in the minimum child care
2876 award table in Section 81-6-306 by finding:
- 2877 (A) the combined adjusted average monthly gross income in the table;
2878 (B) the age of the child in the table; and
2879 (C) combining the amounts in the table for each child to determine the minimal
2880 child care award.
- 2881 (c) The court or administrative agency shall presume that the amount calculated under
2882 Subsection (5)(b) for the minimal child care award is the amount that the obligor
2883 should pay under Subsection (1)(a)(ii).
- 2884 (d) The presumption described in Subsection (5)(c) is rebuttable upon:
- 2885 (i) an agreement of the parties that is acceptable to the court or administrative agency;
2886 (ii) the court or administrative agency determining that the evidence presented favors

- 2887 a different minimum child care award; or
2888 (iii) a showing, by a preponderance of the evidence, that a different minimum child
2889 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
2891 the minimal child care award under Subsection (1)(a)(ii) at zero dollars upon a
2892 showing, by a preponderance of the evidence, that child care expenses will not be
2893 incurred.
- 2894 (f) If a child is in the custody of the state and placed in a facility that is managed by the
2895 state, the obligor does not owe the child's portion of the minimal child care award for
2896 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
2898 in Section 81-6-306, the minimal child care award in a child support order shall be
2899 automatically adjusted to the appropriate amount in the minimal child care award
2900 table as the child ages without the need of the court or administrative agency to
2901 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
2906 shall provide written verification of the expense and identity of a child care provider to
2907 the other parent upon initial engagement of a provider and thereafter on the request of
2908 the other parent.
- 2909 (7) In the absence of a court order to the contrary, the parent shall notify the other parent of
2910 any change of a child care provider, any change in the monthly expense of child care, or
2911 the termination of child care within 30 calendar days after the day on which the change
2912 occurred.
- 2913 (8) The court may deny a parent incurring work-related child care expenses the right to
2914 receive credit for the expenses or to recover the other parent's share of the expenses if
2915 the parent incurring the expenses fails to comply with this section.
- 2916 Section 41. Section **81-6-213** is amended to read:
- 2917 **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
2920 normal and expected year of graduation, whichever occurs later;

(b) the child dies, marries, or becomes a member of the armed forces of the United States;

(c) the child is emancipated in accordance with Title 80, Chapter 7, Emancipation; or

(d) the obligor's parental rights are terminated by a court in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights.

[(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.

~~[(a) becomes 18 years old or graduates from high school during the child's normal and expected year of graduation, whichever occurs later;]~~

~~[(b) dies, marries, becomes a member of the armed forces of the United States; or]~~

~~[(c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.]~~

[(2)] (3) The base child support award is adjusted as described in Subsection [(1)] (2) by using:

(a) the child support table that was used to establish the most recent child support order[and by using] ; and

(b) [-]the income of the parties as specified in the most recent child support order or the worksheets.

[(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.

[(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.

[(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.

Section 42. Section **81-6-306** is enacted to read:

81-6-306 . Minimal child care award table -- Child support orders on or after January 1, 2027.

The following table is used to:

- (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
- (2) modify a minimal child care award for a child support order modified on or after January 1, 2027.

<u>Combined Monthly Ad- justed Gross In- come</u>		<u>Age of the Child</u>			
		<u>0 to 23 Months Old</u>	<u>2 to 3 Years Old</u>	<u>4 to 5 Years Old</u>	<u>6 to 12 Years Old</u>
<u>From</u>	<u>To</u>				
<u>\$0-</u>	<u>\$4,752</u>	<u>\$225</u>	<u>\$263</u>	<u>\$263</u>	<u>\$204</u>
<u>\$4,573-</u>	<u>\$6,911</u>	<u>\$325</u>	<u>\$313</u>	<u>\$300</u>	<u>\$300</u>
<u>\$6,912-</u>	<u>\$10,140</u>	<u>\$410</u>	<u>\$338</u>	<u>\$338</u>	<u>\$305</u>
<u>\$10,141-</u>	<u>\$14,999</u>	<u>\$420</u>	<u>\$345</u>	<u>\$345</u>	<u>\$325</u>
<u>\$15,000-</u>	<u>More than \$15,000</u>	<u>\$450</u>	<u>\$375</u>	<u>\$375</u>	<u>\$363</u>

Section 43. Section **81-9-202** is amended to read:

81-9-202 . Advisory guidelines for a custody and parent-time arrangement.

- (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.
- (2) A parent-time schedule mutually agreed upon by both parents is preferable to a court-imposed solution.
- (3) A parent-time schedule shall be used to maximize the continuity and stability of the minor child's life.
- (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.
- (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.

(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.

(c) If the noncustodial parent will be providing transportation, the custodial parent shall:

(i) have the minor child ready for parent-time at the time the minor child is to be picked up; and

(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.

(d) If the custodial parent will be transporting the minor child, the noncustodial parent shall:

(i) be at the appointed place at the time the noncustodial parent is to receive the minor child; and

(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.

(6) A parent may not interrupt regular school hours for a school-age minor child for the exercise of parent-time.

(7) The court may:

(a) make alterations in the parent-time schedule to reasonably accommodate the work schedule of both parents; and

(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.

(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.

(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.

(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.

(b) The noncustodial parent is entitled to attend and participate fully in the functions described in Subsection (10)(a).

(c) The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records.

(d) A parent shall immediately notify the other parent in the event of a medical

- 3016 emergency.
- 3017 (11) Each parent shall provide the other with the parent's current address and telephone
3018 number, email address, and other virtual parent-time access information within 24 hours
3019 of any change.
- 3020 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable and
3021 uncensored communications with the minor child, in the form of mail privileges and
3022 virtual parent-time if the equipment is reasonably available.
- 3023 (b) If the parents cannot agree on whether the equipment is reasonably available, the
3024 court shall decide whether the equipment for virtual parent-time is reasonably
3025 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
3031 parent, if willing and able to transport the minor child, to provide the child care.
- 3032 (c) Child care arrangements existing during the marriage are preferred as are child care
3033 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
3036 number of the other parent; and
- 3037 (b) provide the noncustodial parent with the name, current address, and telephone
3038 number of all surrogate care providers unless the court for good cause orders
3039 otherwise.
- 3040 (15)(a) Each parent is entitled to an equal division of major religious holidays celebrated
3041 by the parents.
- 3042 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
3043 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
3045 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
3046 parent-time with all the minor children so that parent-time is uniform between school
3047 aged and nonschool aged children, is appropriate.
- 3048 (17)(a) When one or both parents are servicemembers or contemplating joining a
3049 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.

(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.

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

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

(b) the parent knows that the individual:

(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

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

~~[(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;]~~

~~[(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;]~~

~~[(C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;]~~

~~[(D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation Act; or]~~

(A) Section 76-5-109, child abuse;

(B) Section 76-6-109.2, aggravated child abuse;

(C) Section 76-5-109.3, child abandonment;

(D) Section 76-5-109.4, child torture;

(E) Section 76-5-114, commission of domestic violence in the presence of a child;

(F) Section 76-5-208, child abuse homicide;

(G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for which the victim was younger than 18 years old;

(H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger than 18 years old; or

(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
3085 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
3087 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
3092 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
3094 not recommended.

3095 Section 44. Section **81-9-204** is amended to read:

- 3096 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**
3097 **Preferences.**
3098 (1) In a proceeding between parents in which the custody and parent-time of a minor child
3099 is at issue, the court shall consider the best interests of the minor child in determining
3100 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
3102 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
3104 shall consider:
3105 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
3106 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
3107 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
3111 Section 76-5c-101; and
3112 (c) whether custody and parent-time would endanger the minor child's health or physical
3113 or psychological safety.
3114 (4) In determining the form of custody and parent-time that is in the best interests of the
3115 minor child, the court may consider, among other factors the court finds relevant, the
3116 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
3119 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
3130 (C) willingness to allow frequent and continuous contact between the minor child
3131 and the other parent, except that, if the court determines that the parent is
3132 acting to protect the minor child from domestic violence, neglect, or abuse, the
3133 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
3136 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
3139 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
3145 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
3148 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
3151 minor child's cognitive ability and emotional maturity;

(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

(q) any other factor the court finds relevant.

(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.

(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.

(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.

(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.

(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.

(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.

(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:

(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

(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.

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

(7) This section does not establish:

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

(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.

(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.

(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:

(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

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

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

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

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

or

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

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

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

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

(iii) sexual orientation.

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

(b) The court shall consider as primary, the safety and well-being of the minor child and

the parent who experiences domestic violence.

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

(d) If a parent relocates because of an act of domestic violence or family violence by the other parent[:];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) establish a parent-time schedule; or

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

(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.

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

(a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, a parent, or a household member of the parent; and

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

(4) A court may consider the following when ordering a parent-time schedule:

(a) evidence of psychological maltreatment;

(b) the distance between the residency of the minor child and the noncustodial parent;

(c) the lack of demonstrated parenting skills without safeguards to ensure the minor child's well-being during parent-time;

(d) the financial inability of the noncustodial parent to provide adequate food and shelter for the minor child during periods of parent-time;

(e) the preference of the minor child if the court determines the minor child is of sufficient maturity;

(f) the incarceration of the noncustodial parent in a county jail, secure youth corrections facility, or an adult corrections facility;

(g) shared interests between the minor child and the noncustodial parent;

(h) the involvement or lack of involvement of the noncustodial parent in the school, community, religious, or other related activities of the minor child;

(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;

(j) a substantial and chronic pattern of missing, canceling, or denying regularly scheduled parent-time;

(k) the minimal duration of and lack of significant bonding in the parents' relationship before the conception of the minor child;

(l) the parent-time schedule of siblings;

(m) the lack of reasonable alternatives to the needs of a nursing minor child; and

~~[(nn)]~~ (n) any other criteria the court determines relevant to the best interests of the minor child.

- (5) The court shall enter the reasons underlying the court's order for parent-time that:
- (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or
 - (b) provides more or less parent-time than a parent-time schedule described in Section 81-9-302 or 81-9-304.
- (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.
- ~~[(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.]~~
- ~~[(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.
- (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.
 - (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.
- ~~[(9)]~~ (8) If there is a protective order, stalking injunction, or the court finds that a parent has committed domestic violence, the court shall:
- (a) consider the impact of domestic violence in awarding parent-time; and
 - (b) make specific findings regarding the award of parent-time.
- ~~[(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.
- ~~[(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:
- (a) consider the possible adverse effects upon the minor child; and
 - (b) gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- (11) If a court enters an order establishing a parent-time schedule for a minor child:
- (a) the court order governs the parent-time schedule for the minor child; and
 - (b) an amendment to this chapter does not modify the parent-time schedule unless the court orders otherwise.
- (12) Once a parent-time schedule has been established for a minor child, the parties may

only modify the parent-time schedule if:

- (a) there is mutual consent of the parties to the modification that is in writing and signed by both parties; or
- (b) the court modifies the parent-time schedule in a new order.

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

81-9-207 . Supervised parent-time.

- ~~[(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.]~~
- (1) As used in this section:
- (a) "Abuse" means the same as that term is defined in Section 81-1-102.
 - (b) "Abuse" includes an offense described in:
 - (i) Section 76-5-109, child abuse;
 - (ii) Section 76-6-109.2, aggravated child abuse;
 - (iii) Section 76-5-109.3, child abandonment;
 - (iv) Section 76-5-109.4, child torture;
 - (v) Section 76-5-114, commission of domestic violence in the presence of a child; or
 - (vi) Section 76-5-208, child abuse homicide.
- (2) A court may order supervised parent-time of a minor child in accordance with Section 81-9-104 if the court finds:
- (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;
 - (b) it is necessary to protect the minor child; and
 - (c) there are no less restrictive means reasonably available.
- ~~[(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.~~
- ~~[(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:

(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

(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.

~~[(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.

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

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

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

~~[(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.

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

~~[(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.

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

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.

(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
 3391 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
 3393 circumstances since the entry of the order.
- 3394 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
 3395 showing by a parent that the other parent:
- 3396 (a) resides with an individual or provides an individual with access to the minor child;
 3397 and
- 3398 (b) knows that the individual:
- 3399 (i) is required to register as a sex offender, a kidnap offender, or a child abuse
 3400 offender for an offense committed against a minor child under Title 53, Chapter 29,
 3401 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,~~
 3404 ~~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,~~
 3406 ~~Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or~~
 3407 ~~76-5-419;~~]
- 3408 [~~(C) an offense for kidnapping or human trafficking of a minor child under Title~~
 3409 ~~76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;~~]
- 3410 [~~(D) a sexual exploitation offense against a minor child under Title 76, Chapter~~
 3411 ~~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
 3419 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
 3421 than 18 years old;
- 3422 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was
 3423 younger than 18 years old; or

[~~(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).

(3)(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.

(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.

[~~(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:

- (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;
- (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
- (c)(i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 81-9-205(8); or
- (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.

[~~(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.

- (b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:
 - (i) a substantial and material change of circumstance has occurred; and
 - (ii) a modification of the terms and conditions of the order would be an improvement

3458 for and in the best interest of the minor child.

3459 (c) The court shall give substantial weight to the existing joint legal custody or joint
3460 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
3462 custody or joint physical custody order, consider reasonable alternatives to preserve the
3463 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
3465 with this chapter and may order the parents to file a parenting plan in accordance with
3466 Section 81-9-203.

3467 ~~[(7)]~~ (8) A parent requesting a modification from sole custody to joint legal custody or joint
3468 physical custody or both, or any other type of shared parenting arrangement, shall file
3469 and serve a proposed parenting plan with the petition to modify in accordance with
3470 Section 81-9-203.

3471 ~~[(8)]~~ (9) If an issue before the court involves custodial responsibility in the event of
3472 deployment of one or both parents who are service members, and the service member
3473 has not yet been notified of deployment, the court shall resolve the issue based on the
3474 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
3476 answered frivolously and, in a manner, designed to harass the other party, the court shall
3477 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
3479 and denied, the court shall order the petitioner to pay the reasonable attorney fees
3480 expended by the prevailing party in that action if the court determines that the petition
3481 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
3483 parent, or a visitation order by a grandparent or other member of the immediate family
3484 where a visitation or parent-time right has been previously granted by the court, the
3485 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
3489 provide or exercise court-ordered visitation or parent-time, including:

3490 (A) court costs;

3491 (B) child care expenses;

(C) transportation expenses actually incurred;

(D) lost wages, if ascertainable; or

(E) counseling for a parent or a minor child if ordered or approved by the court; or

(iii) any other appropriate equitable remedy; and

(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.

(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:

(i) the parent was denied parent-time with a minor child due to an investigation by the Division of Child and Family Services; and

(ii) the investigation did not result in a finding of abuse, neglect, or dependency.

(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.

(c) When a court orders make-up parent-time under Subsection (13)(a):

(i) the court shall order:

(A) parent-time that is the same type and duration of the parent-time that was denied; and

(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

(ii) the court may include weekend or holiday parent-time or extended parent-time that was denied to the parent.

(d) Subject to Subsection (13)(c)(i), the parent denied parent-time is entitled to decide the time of the make-up parent-time.

(e) This Subsection (13) does not create a right of action against the Division of Child and Family Services.

Section 48. Section **81-9-209** is amended to read:

81-9-209 . Notice of relocation -- Effect of relocation on parent-time schedule.

(1) As used in this section, "relocation" means moving 150 miles or more from the residence of the other parent.

(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.

(3) The written notice of relocation ~~[under]~~ described in Subsection (2) shall contain statements affirming[-]:

(a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by

both parties will be followed; and

(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.

(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:

(a) review the notice of relocation and the relevant parent-time schedule under Section 81-9-302 or 81-9-304; and

(b) make appropriate orders regarding the parent-time schedule and costs for parent-time transportation.

(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.

(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.

(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.

(b) In making a determination under Subsection (7)(a), the court shall consider:

(i) the reason for the parent's relocation;

(ii) the additional costs or difficulty to both parents in exercising parent-time;

(iii) the economic resources of both parents; and

(iv) other factors the court considers necessary and relevant.

(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.

(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:

(a) in years ending in an odd number, the minor child shall spend the following holidays with the noncustodial parent:

~~[(i) Thanksgiving holiday beginning Wednesday until Sunday; and]~~

~~[(ii) Spring break, if applicable, beginning the last day of school before the holiday]~~

until the day before school resumes;]

(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

(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

(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;

(b) in years ending in an even number, the minor child shall spend the following holidays with the noncustodial parent:

~~[(i) the entire winter school break period; and]~~

~~[(ii) the Fall school break beginning the last day of school before the holiday until the day before school resumes;]~~

(i)(A) spring break, beginning on the day that school dismisses for the spring break and ending on the day before school resumes; or

(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

(ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and ending on the day before school resumes;

(c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks~~[-and]~~ with:

(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

(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

(d) one weekend per month, at the option and expense of the noncustodial parent.

(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.

(11)(a) ~~[The]~~ Upon relocation of one of the parties, the court may also set a parent-time

3594 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
3596 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~~
3604 ~~restrictions.]~~

3605 ~~[(a)]~~

3606 ~~[(i)]~~ ~~(12)(a)(i)~~ If the noncustodial parent has not designated a specific weekend ~~[for~~
3607 ~~parent-time]~~ on which the noncustodial parent will exercise parent-time under
3608 Subsection (9)(d), the noncustodial parent shall receive the last weekend of each
3609 month~~[unless a holiday assigned to the custodial parent falls on that particular~~
3610 weekend].

3611 (ii) If a holiday assigned to the custodial parent falls on ~~[the last weekend of the~~
3612 month] a weekend on which the noncustodial parent normally exercises
3613 parent-time under Subsection (9)(d), the noncustodial parent is entitled to the [
3614 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
3616 into or through the first weekend of the next month, that weekend ~~[shall be]~~ is
3617 considered the noncustodial parent's monthly weekend entitlement under Subsection
3618 (9)(d) for that month.

3619 (c) If a minor child is out of school for teacher development days or snow days after the
3620 minor child begins the school year, or other days not included in the list of holidays
3621 in Subsection (9), and those days are contiguous with the noncustodial parent's
3622 monthly weekend or holiday parent-time, those days shall be included in the weekend
3623 or holiday parent-time.

3624 (13)(a) In addition to the parent-time for which a noncustodial parent is entitled under
3625 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
3627 reasonable duration; and

3628 (ii) virtual parent-time if the equipment is reasonably available at reasonable hours
3629 and for reasonable duration.

3630 (b) If the parties cannot agree on whether the equipment is reasonably available, the
3631 court shall decide whether the equipment for virtual parent-time is reasonably
3632 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
3637 described in Subsection (9).

3638 ~~[(13)]~~ (14) The custodial parent is entitled to all parent-time not specifically allocated to the
3639 noncustodial parent.

3640 ~~[(14)]~~ (15) In the event finances and distance preclude the exercise of minimum parent-time
3641 for the noncustodial parent during the school year, the court should consider awarding
3642 more time for the noncustodial parent during the summer time if it is in the best interests
3643 of the minor child.

3644 ~~[(15)]~~ (16)(a) Upon the motion of any party, the court may order uninterrupted
3645 parent-time with the noncustodial parent for a minimum of 30 days during extended
3646 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
3648 section, the court shall specify in ~~[its]~~ the court's order which parent is responsible for
3649 the minor child's travel expenses.

3650 ~~[(16)]~~ (17)(a) Unless otherwise ordered by the court the relocating party shall be
3651 responsible for all the minor child's travel expenses relating to Subsections (9)(a) and
3652 (b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided
3653 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
3655 support obligations, the noncustodial parent is responsible for all of the minor child's
3656 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
3658 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.

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

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

(1) The 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.

(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:

(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

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

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

(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.;

(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

(ii) at the election of the noncustodial parent and beginning on the first weekend after the entry of the decree, alternating weekends:

(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

(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.;

(c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (12); and

(d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection (3).

(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.

(b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (3)(a):

(i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the noncustodial parent; and

(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.

(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.

(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.

(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).

(b) For the notification requirement ~~[under]~~ described in Subsection (4)(a):

(i) in odd-numbered years:

(A) the noncustodial parent shall provide notice to the custodial parent by May 1;
and

(B) the custodial parent shall provide notice to the noncustodial parent by May 15;
and

(ii) in even-numbered years:

(A) the custodial parent shall provide notice to the noncustodial parent by May 1;
and

(B) the noncustodial parent shall provide notice to the custodial parent by May 15.

(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.

(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.

(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.

(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.

(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.

(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:

(i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);

(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;

(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;

(iv) extended parent-time under Subsection (3); and

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

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

(7) 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.

(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.

(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.

(10)(a) Telephone contact shall be at reasonable hours and for a reasonable duration.

(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.

(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:

(A) the best interests of the minor child;

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

(C) any other factors the court considers material.

(c) Virtual parent-time supplements, but does not replace, in-person parent-time.

(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.

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

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or] (a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or	Odd years	Even years

		<p>[(e) 6 p.m.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on Dr. Martin Luther King Jr. Day.</p>		
3784	[President's] <u>Presi-</u> <u>dents' Day</u>	<p>(1) Holiday begins[-Friday at]: [(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 [reg- ularly dismissed] dismissed for Presi- dents' Day; or</p> <p>[(e) 6 p.m.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.</p>	Even years	Odd years
3785	Spring Break	<p>(1) Holiday begins at:</p> <p><u>[6] (a) the time that school is dismissed for spring break; or</u></p> <p><u>(b) 5:30 p.m. on the day that school dis-</u> <u>misses for spring break at the election of</u> <u>the parent granted the holiday.</u></p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.</p>	Odd years	Even years
3786	Memorial Day	<p>(1) Holiday begins[-Friday at]: [(a) 9 a.m. if school is not in session and the parent can be with the minor child;</p>	Even years	Odd years

		<p>(b) (a) at the time that school is [regu- larly dismissed] <u>dismissed for Memorial Day</u>; or</p> <p>[(e)-6] (b) Friday at <u>5:30</u> p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] <u>8:30</u> p.m. on Memorial Day.</p>		
3787	Mother's Day	<p>(1) Holiday begins[on Mother's Day at 9 a.m.] <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</u> p.m.</p>	All years if non-custodial 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	<p>(1) Holiday begins [on Father's Day at 9 a.m.] <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</u> p.m.</p>	All years if non-custodial 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	<p>(1) Holiday begins at:</p> <p>(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</p> <p>(b) [9] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p> <p>(2) Holiday ends at [6] <u>8:30</u> p.m. on the day following Juneteenth National Freedom Day.</p>	Even years	Odd years

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 [-on Friday at]: [(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 [reg- ularly dismissed] <u>dismissed for Labor</u> <u>Day</u> ; or [(c) 6] (b) Friday at <u>5:30</u> p.m. at the election of the parent granted the holi- day. (2) Holiday ends at [7] <u>8:30</u> p.m. on La- bor Day.	Odd years	Even years
3793	[Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years]
3794	Fall Break	(1) Holiday begins at [-6 p.m.] : (a) <u>the time that school is dismissed for</u> <u>fall break</u> ; or (b) <u>5:30 p.m. on the day school is dis-</u> <u>missed for fall break at the election of</u> <u>the parent granted the holiday.</u> (2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.	Odd years	Even years

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	[Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years]
3797	Thanksgiving	(1) Holiday begins[on Wednesday] at: [(a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.] (a) <u>the time that school is dismissed for Thanksgiving; or</u> (b) <u>5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted the holiday.</u> (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: (a) [6 p.m. on the day on] <u>the time</u> that school dismisses for winter break; or (b) [the time school is regularly dismissed] <u>5:30 p.m.</u> on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at [7] 8:30 p.m.	Odd years	Even years

3799	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] 8:30 p.m. (2) Holiday ends at [7] 8:30 p.m. on the day before school resumes <u>after the winter break</u> .	Even years	Odd years
3800	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 8:30 p.m.	Even years	Odd years
3801	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 8:30 p.m.	Odd years	Even years

3802 Section 50. Section **81-9-303** is amended to read:

3803 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**
 3804 **old.**

- 3805 (1)(a) The optional parent-time schedule in this section applies [tø] when establishing a
 3806 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
 3808 section is 145 overnights.
- 3809 (c) Any impact on child support shall be consistent with joint physical custody.
- 3810 (2) The parents and the court may consider the increased parent-time schedule in this
 3811 section as a minimum parent-time schedule when the parties agree or the noncustodial
 3812 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
 3815 noncustodial parent has a plan to accomplish effective communications regarding the
 3816 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
 3821 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

- 3825 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
- 3831 parent-time, the court shall consider:
- 3832 (a) the geographic distance between the residences of the parents and the distance
- 3833 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
- 3836 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
- 3840 minor child;
- 3841 (g) physical facilities of the noncustodial parent's residence; and
- 3842 (h) any other factor the court considers relevant.
- 3843 (5) If the parties agree or the court enters an order for the optional parent-time schedule
- 3844 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed
- 3845 with any order incorporating the optional parent-time schedule described in Subsection
- 3846 (6).
- 3847 (6) The following schedule is considered the optional parent-time to which the noncustodial
- 3848 parent is entitled to the minor child:
- 3849 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
- 3850 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
- 3851 following day upon delivering the minor child to school or at 8 a.m. if there is no
- 3852 school; or
- 3853 (ii) at the election of the noncustodial parent, one weekday specified by the
- 3854 noncustodial parent or the court:
- 3855 (A) beginning at the time the minor child's school is regularly dismissed until the
- 3856 following day upon delivering the minor child to school or at 8 a.m. if there is
- 3857 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;

(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

(ii) at the election of the noncustodial parent, beginning the first weekend after the
entry of the decree, alternating weekends:

(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

(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;

(c) each holiday granted to the noncustodial parent in accordance with the holiday
schedule described in Subsection (15); and

(d) extended parent-time with the minor child when school is not in session for summer
break in accordance with Subsection (7).

(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.

(b) For the four weeks of extended parent-time for a noncustodial parent under
Subsection (7)(a):

(i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the
noncustodial parent; and

(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.

(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.

(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.

(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).

(b) For the notification requirement ~~[under]~~ described in Subsection (8)(a):

(i) in odd-numbered years:

(A) the noncustodial parent shall provide notice to the custodial parent by May 1;

and

(B) the custodial parent shall provide notice to the noncustodial parent by May 15;

and

(ii) in even-numbered years:

(A) the custodial parent shall provide notice to the noncustodial parent by May 1;

and

(B) the noncustodial parent shall provide notice to the custodial parent by May 15.

(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.

(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.

(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.

(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.

(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.

(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:

- (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- (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;
- (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;
- (iv) extended parent-time under Subsection (7); and
- (v) the schedule for weekday or weekend parent-time.

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

(11) 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.

(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.

(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.

(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.

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

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
Dr. Martin Luther King Jr. Day	(1) Holiday begins: Friday at (a) 9 a.m. if school is not in session and the parent can be with the minor child;	Odd years	Even years

		<p>(b) the time that school is regularly dismissed; or</p> <p><u>] (a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</u></p> <p>[(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.</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.] upon delivering of the minor child to school on the day that school resumes.</p>		
3956	<p>[President's</p> <p>] <u>Presidents' Day</u></p>	<p>(1) Holiday begins: [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>[(b) the time that school is regularly dismissed; or</p> <p>(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.</p> <p>(2) Holiday ends[:</p>	Even years	Odd years

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

		(a) upon delivering the minor child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.		
3959	Mother's Day	(1) Holiday begins [on Mother's Day at 9 a.m.] <u>at 5:30 p.m. on the day before Mother's Day.</u> (2) Holiday ends on Mother's Day at [7] <u>8:30</u> p.m.	All years if non-custodial 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	(1) Holiday begins [on Father's Day at 9 a.m.] <u>at 5:30 p.m. on the day before Father's Day.</u> (2) Holiday ends on Father's Day at [7] <u>8:30</u> p.m.	All years if non-custodial 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.
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.	Even years	Odd years

		(2) Holiday ends on July 25th at [6] 8:30 p.m.		
3964	Labor Day	<p>(1) Holiday begins[Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday.] : <u>(a) at the time that school is dismissed for Labor Day; or</u> <u>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[: (a) upon delivering the minor child to school on the day following Labor Day; or (b) at 8 a.m. on the day following Labor Day if there is no school.] upon deliver- <u>ing the minor child to school on the day that school resumes.</u></p>	Odd years	Even years
3965	[Columbus Day	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</p> <p>(2) Holiday ends at 7 p.m. on Columbus Day.</p>	Even years	Odd years]
3966	Fall Break	<p>(1) Holiday begins at[6 p.m. on the day school is dismissed for fall break.] : <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[:</p>	Odd years	Even years

		(a) upon delivering the minor child to school on the day following the end of fall break; or (b) at 8 a.m. on the day following the end of fall break if there is no school.] upon delivering the minor child to school on the day that school resumes.		
3967	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
3968	[Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years]
3969	Thanksgiving	(1) Holiday begins [on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.] at: <u>(a) the time that school is dismissed for Thanksgiving; or</u> <u>(b) 5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted that holiday.</u> (2) Holiday ends[: (a) upon delivering the minor child to school on the Monday following Thanksgiving; or	Even years	Odd years

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

3974 Section 51. Section **81-9-304** is amended to read:

3975 **81-9-304 . Minimum schedule for parent-time for a minor child under five years**
 3976 **old.**

3977 (1) The parent-time schedule in this section applies ~~[to]~~ when establishing a parent-time
 3978 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)
 3980 through (8) are considered the minimum parent-time to which the noncustodial parent is
 3981 entitled to the minor child.

3982 (3) For a minor child who is younger than five months old, the noncustodial parent is
 3983 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
3986 under Subsection (15).
- 3987 (4) For a minor child who is at least five months old but younger than nine months old, the
3988 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
3991 under Subsection (15).
- 3992 (5) For a minor child who is at least nine months old but younger than 12 months old, the
3993 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
3997 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
3999 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~~
4002 ~~parent or court;]~~
4003 ~~[(c)] (b) [an overnight visit on opposite weekends from Subsection (6)(b)] beginning on~~
4004 ~~the first weekend after the entry of the decree, alternating weekends beginning at [6]~~
4005 ~~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~~
4007 ~~schedule under Subsection (15).~~
- 4008 (7) For a minor child who is at least 18 months old but younger than three years old, the
4009 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
4013 regular place of residence and with advance notice to the custodial parent,
4014 beginning at the time that the minor child is picked up from the caregiver and
4015 ending at ~~[8:30]~~ 7:30 p.m.;
4016 (b) beginning on the first weekend after the entry of the decree, alternating weekends
4017 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
4019 schedule described in Subsection (15); and
- 4020 (d) extended parent-time for two one-week periods, separated by at least four weeks, at
4021 the option of the noncustodial parent, as follows:
- 4022 (i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8
4023 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
4025 ending at 7:30 p.m. on the last day, where the custodial parent may have an equal
4026 amount of weekday parent-time as the noncustodial parent on the same day on
4027 which the noncustodial parent is granted weekday parent-time under Subsection
4028 (7)(a).
- 4029 (8) For a minor child who is at least three years old but younger than five years old, the
4030 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
4034 regular place of residence and with advance notice to the custodial parent,
4035 beginning at the time that the minor child is picked up from the caregiver and
4036 ending at ~~[8:30]~~ 7:30 p.m.;
- 4037 (b) beginning on the first weekend after the entry of the decree, alternating weekends
4038 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
4040 schedule described in Subsection (15); and
- 4041 (d) extended parent-time for two two-week periods, separated by at least four weeks, at
4042 the option of the noncustodial parent, as follows:
- 4043 (i) two weeks of uninterrupted parent-time, ~~[which may be consecutive,]~~ for the
4044 noncustodial parent, beginning at 8 a.m. on the first day and ending at 7:30 p.m.
4045 on the last day; and
- 4046 (ii) two weeks of interrupted parent-time, ~~[which may be consecutive,]~~ beginning at 8
4047 a.m. on the first day and ending at 7:30 p.m. on the last day, where the custodial
4048 parent may have an equal amount of weekday parent-time as the noncustodial
4049 parent on the same day on which the noncustodial parent is granted weekday
4050 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.

(10)(a) For a minor child who is nine months old or older, the noncustodial parent shall have at least two times a week:

- (i) brief telephone contact at reasonable hours and for a reasonable duration; and
- (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.

(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:

- (i) the best interests of the minor child;
- (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- (iii) any other factors the court considers material.

(c) Virtual parent-time supplements, but does not replace, in-person parent-time.

(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.

(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:

- (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- (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;
- (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;
- (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
- (v) the schedule for weekday or weekend parent-time.

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

(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.

(14) A parent shall notify the other parent at least 30 days in advance of the parent's plans

4086 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] <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 Dr. Martin Luther King Jr. Day.	Odd years	Even years
4091		[Presidents'] Presidents' 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] <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 [President's] Presidents' Day.	Even years	Odd years
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] 8 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 [on Mother's Day at 9 a.m.] <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 non-custodial 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 [on Father's Day at 9 a.m.] <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 non-custodial 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.
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	Odd years	Even years

		(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.		
4100	[Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years]
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	[Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years]
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.	Odd years	Even years

		(2) Holiday ends on December 27th at [7] 7:30 p.m.		
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

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

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

- (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.
- (b) There is a rebuttable presumption that a parent's decisions are in the minor child's best interests.
- (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:
- (a) the individual has intentionally assumed the role and obligations of a parent;
 - (b) the individual and the minor child have formed a substantial emotional bond and created a parent-child type relationship;
 - (c) the individual substantially contributed emotionally or financially to the minor child's well being;
 - (d) the assumption of the parental role is not the result of a financially compensated surrogate care arrangement;
 - (e) the continuation of the relationship between the individual and the minor child is in the minor child's best interest;
 - (f) the loss or cessation of the relationship between the individual and the minor child would substantially harm the minor child; and

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
4134 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
4136 parent has abused or neglected the minor child.

4137 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,
4138 an individual shall file a verified petition, or a petition supported by an affidavit, for
4139 custodial or visitation rights to the minor child in the juvenile court if a matter is pending
4140 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
4143 six months before the commencement of the action.

4144 (4) An individual may file a petition under this section in a pending divorce, parentage
4145 action, or other proceeding, including a proceeding in the juvenile court involving
4146 custody of or visitation with a minor child.

4147 (5) The petition shall include detailed facts supporting the petitioner's right to file the
4148 petition including the criteria set forth in Subsection (2) and residency information
4149 described in Section 81-11-209.

4150 (6) An individual may not file a petition under this section against a parent who is actively
4151 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
4153 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
4159 have custody or visitation rights; and

4160 (f) any other individual or agency that has previously appeared in any action regarding
4161 custody of or visitation with the minor child.

4162 (8) The court may order a custody evaluation to be conducted in any proceeding brought
4163 under this section.

4164 (9) The court may enter temporary orders in a proceeding brought under this section

pending the entry of final orders.

(10) Except as provided in Subsection (11), a court may not grant custody of a minor child under this section to an individual:

(a) who is not the parent of the minor child; and

(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:

(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;

(ii) aggravated child abuse, as described in Section 76-5-109.2;

(iii) child abandonment, as described in Section 76-5-109.3;

(iv) child torture, as described in Section 76-5-109.4;

(v) commission of domestic violence in the presence of a child, as described in Section 76-5-114;

~~[(ii)]~~ (vi) child abuse homicide, as described in Section 76-5-208;

~~[(iii)]~~ (vii) child kidnapping, as described in Section 76-5-301.1;

~~[(iv)]~~ (viii) human trafficking of a child, as described in Section 76-5-308.5;

~~[(v)]~~ (ix) sexual abuse of a minor, as described in Section 76-5-401.1;

~~[(vi)]~~ (x) rape of a child, as described in Section 76-5-402.1;

~~[(vii)]~~ (xi) object rape of a child, as described in Section 76-5-402.3;

~~[(viii)]~~ (xii) sodomy on a child, as described in Section 76-5-403.1;

~~[(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;

~~[(x)]~~ (xiv) sexual exploitation of a minor, as described in Section 76-5b-201;

~~[(xi)]~~ (xv) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or

~~[(xii)]~~ (xvi) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (10).

(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).

(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:

(i) the individual is a relative, as defined in Section 80-3-102, of the minor child;

- (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;
- (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;
- (iv) the individual can provide evidence of successful treatment or rehabilitation directly related to the disqualifying offense;
- (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:
- (A) the minor child's age;
 - (B) the minor child's gender;
 - (C) the minor child's development;
 - (D) the nature and seriousness of the disqualifying offense;
 - (E) the preferences of a minor child who is 12 years old or older;
 - (F) any available assessments, including custody evaluations, parenting assessments, psychological or mental health assessments, and bonding assessments; and
 - (G) any other relevant information;
- (vi) the individual can provide evidence of the following:
- (A) the relationship with the minor child is of long duration;
 - (B) that an emotional bond exists with the minor child; and
 - (C) that custody by the individual who has committed the disqualifying offense ensures the best interests of the minor child are met;
- (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
- (B) if there is a responsible relative known to the court that does not have a disqualifying offense, Subsection (11)(d) applies; and
- (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).

(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.

(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:

(i) preference for custody is given to a relative who does not have a disqualifying offense; and

(ii) before the court may place custody with the individual who has the disqualifying offense over another responsible, willing, and able relative:

(A) an impartial custody evaluation shall be completed; and

(B) a guardian ad litem shall be assigned.

(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.

Section 53. Section **81-13-204** is amended to read:

81-13-204 . Petition for adoption of a minor child.

(1) A person may bring a petition for adoption of a minor child:

(a) before the birth of the minor child; or

(b) before or after the minor child is placed in the home of the adoptive parent for the purpose of adoption.

(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.

(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.

(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.

(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.

Section 54. Section **81-13-205** is amended to read:

81-13-205 . Petition to terminate parental rights of a minor child.

(1) A party may bring a petition seeking to terminate parental rights ~~[of]~~ 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.

(2) A petition to terminate parental rights under this section may be:

(a) joined with a proceeding on an adoption petition; or

(b) filed as a separate proceeding before or after a petition to adopt the minor child is filed.

(3) A court may enter a final order terminating parental rights before a final decree of adoption is entered.

(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.

(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.

(5) The court may terminate an individual's parental rights [øf] to a minor child if:

(a) the individual executes a voluntary consent to adoption, or relinquishment for adoption, of the minor child, in accordance with:

(i) the requirements of this chapter; or

(ii) the laws of another state or country, if the consent is valid and irrevocable;

(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;

(c) the individual:

(i) received notice of the adoption proceeding relating to the minor child under Section 81-13-207; and

(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;

(d) the court finds, under Section 81-5-607, that the individual is not a parent of the minor child; or

(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.

(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.

(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.

(8) A petition filed under this section is subject to the procedural requirements of this chapter.

Section 55. Section **81-13-207** is amended to read:

81-13-207 . Notice of an adoption proceeding for a minor child.

(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:

(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:

(i) waiver;

(ii) relinquishment;

(iii) actual or implied consent; or

(iv) judicial action;

(b) any person who has initiated a parentage proceeding and filed notice of that action with the the office in accordance with Subsection (3);

(c) any legally appointed custodian or guardian of the child adoptee;

(d) the petitioner's spouse if the petitioner is married and the petitioner's spouse has not joined in the petition;

(e) the child adoptee's spouse if the child adoptee is married;

(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;

(g) any individual who is:

(i) openly living in the same household with the child adoptee at the time the consent is executed or relinquishment made; and

(ii) holding the individual out to be the child adoptee's parent; and

(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.

(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.

(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.

(c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior to the final dispositional hearing.

(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:

(i) is considered to be on notice that a pregnancy and an adoption proceeding regarding a minor child may occur; and

(ii) has a duty to protect the unmarried biological father's own rights and interests.

(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.

(c) In order to preserve any right to notice, an unmarried biological father shall, consistent with Subsection (3)(f):

(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

(ii) file a notice of commencement of the proceedings described in Subsection (3)(c)(i) with the office.

(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.

(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
- 4372 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
- 4374 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
- 4376 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
- 4380 entitled to notice of an adoption proceeding in a case where it is shown that the minor
- 4381 child was conceived as a result of conduct that constitutes a sexual offense,
- 4382 regardless of whether the unmarried biological father is formally charged with or
- 4383 convicted of the sexual offense.
- 4384 (4) Notice provided in accordance with this section need not disclose the name of the birth
- 4385 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
- 4388 Subsection (6)(a) within 30 days after the day on which the person receives service if
- 4389 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
- 4391 file a motion for relief within 30 days after the day on which the person is served
- 4392 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
- 4394 for adoption;
- 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
- 4397 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
- 4399 wishes to contest the adoption shall file a motion to intervene in the adoption
- 4400 proceeding:
- 4401 (i) within 30 days after the day on which the person was served with notice of the
- 4402 adoption proceeding;

- 4403 (ii) setting forth specific relief sought; and
4404 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
4405 which the motion is based.
- 4406 (b) A person who fails to fully and strictly comply with all of the requirements described
4407 in Subsection (6)(a) within 30 days after the day on which the person was served with
4408 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
4412 in the adoptee.
- 4413 (7)(a)(i) Subject to Subsection (5)(c), the petitioner shall serve a person whose
4414 consent is necessary under Section 81-13-212 or 81-13-213 in accordance with the
4415 Utah Rules of Civil Procedure.
- 4416 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
4417 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
4419 person seeking to adopt the adoptee.
- 4420 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice
4421 is required under this section, service by certified mail, return receipt requested, is
4422 sufficient.
- 4423 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two
4424 attempts, the court may issue an order providing for service by publication,
4425 posting, or by any other manner of service.
- 4426 (c) Notice to an individual, who has initiated a parentage proceeding and filed notice of
4427 that action with the office in accordance with the requirements of Subsection (3),
4428 shall be served by certified mail, return receipt requested, at the last address filed
4429 with the office.
- 4430 (8) The notice required by this section may be waived in writing by the person entitled to
4431 receive notice.
- 4432 (9) Proof of service of notice on all persons for whom notice is required by this section
4433 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
4435 proceeding nor any process in that proceeding is required to contain the name of the
4436 person or persons seeking to adopt the child adoptee.

(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:

(a) intervene in the adoption; and

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

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

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

(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:

(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;

(b) a man or woman who:

(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:

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

(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

(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

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

(c) the birth mother of the child adoptee;

(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;

(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;

(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

- 4471 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
- 4473 the child adoptee for adoption.
- 4474 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through
- 4475 (f) is not required if the individual's parental rights relating to the child adoptee have
- 4476 been terminated by a court.
- 4477 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
- 4478 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
- 4481 paternity.
- 4482 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may
- 4483 execute a consent or relinquishment at any time, including before the birth of the
- 4484 child adoptee.
- 4485 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
- 4486 control or custody of the child adoptee, until at least 24 hours after the birth of the
- 4487 child adoptee.
- 4488 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
- 4489 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 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
- 4494 same force and effect as a consent or relinquishment executed by a birth parent who
- 4495 is an adult.
- 4496 (c) A birth parent, who is younger than 18 years old and has executed a consent or
- 4497 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
- 4498 old or otherwise becoming emancipated.
- 4499 (6) A consent or relinquishment is effective when the consent or relinquishment is signed
- 4500 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
- 4503 pregnancy, to offer and provide financial and emotional support to the birth
- 4504 mother for a period of 180 days before the day on which the child adoptee is born.

(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.

(b) A consent or relinquishment required by Subsection (1) may be implied by any of the following acts:

(i) abandonment;

(ii) leaving the child adoptee with a third party for 30 consecutive days without providing the third party with the birth parent's identification;

(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

(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.

(c) For purposes of this Subsection (7), a court may not:

(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

(ii) find that the birth parent failed to provide emotional support if the individual's failure was due to impossibility of performance.

(d) Implied consent under this Subsection (7) may not be withdrawn.

(e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an unmarried biological father.

Section 57. Section **81-13-213** is amended to read:

81-13-213 . Consent of unmarried biological father.

(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:

(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;

(b) the birth mother intended to give birth to the child adoptee in the state;

(c) the child adoptee was born in the state; or

(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.

- (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:

(a)(i) developed a substantial relationship with the child adoptee by:

(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

(B) engaging in regular communication with the child adoptee or with the person or authorized agency that has lawful custody of the child adoptee;

(ii) took some measure of responsibility for the child adoptee and the child adoptee's future; and

(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

(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 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;

(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

(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).

- (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.

(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).

- (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:
- (a) initiates proceedings in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to establish parentage under Chapter 5, Uniform Parentage Act;
 - (b) files with the court that is presiding over the parentage proceeding a sworn affidavit:
 - (i) stating that the unmarried biological father is fully able and willing to have full custody of the child adoptee;
 - (ii) setting forth the unmarried biological father's plans for care of the child adoptee; and
 - (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;
 - (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
 - (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:
 - (i) the unmarried biological father did not have actual knowledge of the pregnancy;
 - (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
 - (iii) the birth mother refused to accept the unmarried biological father's offer to pay the expenses described in this Subsection (4)(d).
- (5)(a) The notice described in Subsection (4)(c) is considered filed when received by the office.
- (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.

- (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).
- (7) The consent of an unmarried biological father to the adoption of a child adoptee is not required under this section if:
- (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;
 - (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
 - (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
 - (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.
- (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father to the adoption of a child adoptee is required if:
- (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;
 - (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:
 - (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

4641 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
4644 circumstances, a full commitment to the unmarried biological father's parental
4645 responsibilities as described in Subsection (9); or

4646 (b)(i) the unmarried biological father knew, or through the exercise of reasonable
4647 diligence should have known, before the time the birth mother executed a consent
4648 to adoption or relinquishment of the child adoptee for adoption that a qualifying
4649 circumstance existed; and

4650 (ii) the unmarried biological father complied with the requirements of Subsections (2)
4651 through (7) before the later of:

4652 (A) 20 days after the day that the unmarried biological father knew, or through the
4653 exercise of reasonable diligence should have known, that a qualifying
4654 circumstance existed; or

4655 (B) the time that the birth mother executed a consent to adoption or
4656 relinquishment of the child adoptee for adoption.

4657 (9) When determining whether an unmarried biological father has demonstrated a full
4658 commitment to the unmarried biological father's parental responsibilities for purposes of
4659 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,
4660 if applicable:

4661 (a) the efforts the unmarried biological father has taken to discover the location of the
4662 child adoptee or the child adoptee's birth mother;

4663 (b) whether the unmarried biological father has expressed and demonstrated an interest
4664 in taking responsibility for the child adoptee;

4665 (c) whether, and to what extent, the unmarried biological father has developed, or
4666 attempted to develop, a relationship with the child adoptee;

4667 (d) whether the unmarried biological father offered to provide and, unless the offer was
4668 rejected, did provide, financial support for the child adoptee or the child adoptee's
4669 birth mother;

4670 (e) whether, and to what extent, the unmarried biological father has communicated, or
4671 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
4673 establish the unmarried biological father's parentage of, and take responsibility for,
4674 the child adoptee; and

- (g) whether the unmarried biological father has timely filed a notice with a public official or agency relating to:
- (i) the unmarried biological father's parentage of the child adoptee;
 - (ii) legal proceedings to establish the unmarried biological father's parentage of the child adoptee; or
 - (iii) other evidence that shows whether the unmarried biological father has demonstrated a full commitment to the unmarried biological father's parental responsibilities.

(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:

- (a) notice of any judicial proceeding in connection with the adoption of the child adoptee; and
- (b) consent, or refuse to consent, to the adoption of the child adoptee.

(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.

(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:

- (a) that a diligent search has been made of the registry of notices from unmarried biological fathers described in Subsection (4)(c); and
- (b)(i) that no filing has been found pertaining to the unmarried biological father of the child adoptee in question; or
- (ii) if a filing is found, the name of the unmarried biological father and the time and date of filing.

(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:

- (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

4709 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.
4714 Section 58. **Repealer.**
4715 This bill repeals:
4716 Section **81-6-209.5, Costs of child care -- Ongoing expense for child care -- Office of**
4717 **Recovery Services study item and report.**
4718 Section 59. **Effective Date.**
4719 This bill takes effect on May 6, 2026.