

Todd Weiler proposes the following substitute bill:

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;

- 29 ▶ defines terms related to child support;
- 30 ▶ modifies the requirements for child care expenses in a child support order, including the
31 requirements for a minimal child care award;
- 32 ▶ provides that the base child support award is automatically adjusted for the remaining
33 children in the child support order when parental rights to a child are terminated for the
34 parent who is obligated to pay child support;
- 35 ▶ creates a table for the purposes of establishing a minimal child care award for certain
36 child support orders entered or modified on or after January 1, 2027;
- 37 ▶ clarifies the list of offenses requiring notification when a parent is residing with an
38 individual, or providing an individual with access to the parent's minor child, who has
39 been convicted of an offense;
- 40 ▶ provides that a court may not require a parent in a custody and parent-time proceeding to
41 disclose the parent's address if the parent relocated due to domestic violence or family
42 violence by the other parent;
- 43 ▶ addresses the establishment and modification of a parent-time schedule;
- 44 ▶ clarifies the list of offenses related to when a court may order supervised parent-time;
- 45 ▶ clarifies, for purposes of modifying custody due to a substantial and material change, the
46 list of offenses for when a parent is residing with an individual, or providing an
47 individual with access to the parent's minor child, and the parent knows that the
48 individual has been convicted of an offense;
- 49 ▶ addresses a change of custody or parent-time for a minor child who turns five years old;
- 50 ▶ addresses make-up parent-time when a parent has been denied parent-time due to an
51 investigation by the Division of Child and Family Services;
- 52 ▶ modifies the parent-time requirements upon the relocation of a parent;
- 53 ▶ addresses telephone contact and virtual parent-time for a noncustodial parent when a
54 parent relocates;
- 55 ▶ requires the time periods for extended parent-time by a parent for summer break or
56 off-track time to be consecutive;
- 57 ▶ modifies the parent-time schedules to address consistency issues;
- 58 ▶ modifies the parent-time schedules for Mother's Day and Father's Day;
- 59 ▶ removes Columbus Day and Veterans Day as holidays in the parent-time schedules;
- 60 ▶ clarifies the list of offenses regarding when a court cannot grant custody to an individual
61 who is convicted, pleads guilty, or pleads no contest to an offense;

- 62 ▸ makes technical and conforming corrections;
- 63 ▸ includes a coordination clause to modify a term if this bill and H.B. 30, Human
- 64 Trafficking, Exploitation, and Smuggling Amendments, both pass and become law; and
- 65 ▸ includes a coordination clause to address a substantive conflict with the parent-time
- 66 schedule for Juneteenth National Freedom Day if this bill and H.B. 309, Juneteenth
- 67 Observance Amendments, both pass and become law.

68 **Money Appropriated in this Bill:**

69 None

70 **Other Special Clauses:**

71 This bill provides coordination clauses.

72 **Utah Code Sections Affected:**

73 AMENDS:

- 74 **13-76-101**, as enacted by Laws of Utah 2025, Chapter 446
- 75 **26B-3-222**, as last amended by Laws of Utah 2024, Chapter 247
- 76 **26B-8-301**, as renumbered and amended by Laws of Utah 2023, Chapter 306
- 77 **26B-9-104**, as last amended by Laws of Utah 2025, Chapter 426
- 78 **53-29-101**, as enacted by Laws of Utah 2025, Chapter 291
- 79 **53-29-201**, as enacted by Laws of Utah 2025, Chapter 291
- 80 **53-29-202**, as enacted by Laws of Utah 2025, Chapter 291
- 81 **53-29-203**, as enacted by Laws of Utah 2025, Chapter 291
- 82 **53-29-205**, as enacted by Laws of Utah 2025, Chapter 291
- 83 **53-29-307**, as renumbered and amended by Laws of Utah 2025, Chapter 291
- 84 **53-29-405**, as enacted by Laws of Utah 2025, Chapter 291
- 85 **53-30-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
- 86 **53E-1-102**, as last amended by Laws of Utah 2025, Chapter 343
- 87 **53E-3-907**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 88 **53E-3-1204**, as enacted by Laws of Utah 2025, Chapter 438
- 89 **53H-11-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 90 Chapter 8
- 91 **59-10-1005**, as last amended by Laws of Utah 2022, Chapter 456
- 92 **63A-17-806**, as last amended by Laws of Utah 2025, Chapter 494
- 93 **75-2-114**, as last amended by Laws of Utah 2025, Chapter 426
- 94 **75-2-705**, as enacted by Laws of Utah 1998, Chapter 39
- 95 **76-2-409**, as enacted by Laws of Utah 2020, Chapter 411

96 **76-5-301.2**, as last amended by Laws of Utah 2025, Chapter 426
97 **76-5-404.1**, as last amended by Laws of Utah 2025, Chapters 223, 320
98 **78A-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 3
99 **78A-6-104**, as last amended by Laws of Utah 2025, Chapter 426
100 **78B-7-102**, as last amended by Laws of Utah 2025, Chapters 212, 332
101 **80-1-102**, as last amended by Laws of Utah 2025, Chapter 426
102 **81-1-101**, as last amended by Laws of Utah 2025, Chapter 426
103 **81-2-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366
104 **81-2-303**, as renumbered and amended by Laws of Utah 2024, Chapter 366
105 **81-2-403**, as renumbered and amended by Laws of Utah 2024, Chapter 366
106 **81-4-104**, as renumbered and amended by Laws of Utah 2024, Chapter 366
107 **81-5-102**, as renumbered and amended by Laws of Utah 2025, Chapter 426
108 **81-5-204**, as renumbered and amended by Laws of Utah 2025, Chapter 426
109 **81-5-608**, as renumbered and amended by Laws of Utah 2025, Chapter 426
110 **81-5-609**, as renumbered and amended by Laws of Utah 2025, Chapter 426
111 **81-5-705**, as renumbered and amended by Laws of Utah 2025, Chapter 426
112 **81-6-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 11
113 **81-6-202**, as renumbered and amended by Laws of Utah 2024, Chapter 366
114 **81-6-213**, as enacted by Laws of Utah 2024, Chapter 366
115 **81-9-202**, as last amended by Laws of Utah 2025, Chapter 426
116 **81-9-204**, as last amended by Laws of Utah 2025, Chapter 426
117 **81-9-206**, as renumbered and amended by Laws of Utah 2024, Chapter 366
118 **81-9-207**, as last amended by Laws of Utah 2025, Chapter 284
119 **81-9-208**, as last amended by Laws of Utah 2025, Chapter 426
120 **81-9-209**, as last amended by Laws of Utah 2025, Chapter 426
121 **81-9-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366
122 **81-9-303**, as last amended by Laws of Utah 2025, Chapter 426
123 **81-9-304**, as renumbered and amended by Laws of Utah 2024, Chapter 366
124 **81-9-402**, as last amended by Laws of Utah 2025, Chapter 426
125 **81-13-204**, as enacted by Laws of Utah 2025, Chapter 426
126 **81-13-205**, as renumbered and amended by Laws of Utah 2025, Chapter 426
127 **81-13-207**, as renumbered and amended by Laws of Utah 2025, Chapter 426
128 **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426
129 **81-13-213**, as renumbered and amended by Laws of Utah 2025, Chapter 426

130 ENACTS:

131 **81-6-306**, Utah Code Annotated 1953

132 REPEALS AND REENACTS:

133 **81-6-209**, as last amended by Laws of Utah 2025, Chapter 479

134 REPEALS:

135 **81-6-209.5**, as enacted by Laws of Utah 2025, Chapter 479

136 **Utah Code Sections affected by Coordination Clause:**

137 **53-29-202 (05/06/26)**, as enacted by Laws of Utah 2025, Chapter 291

138 **53-29-203 (05/06/26)**, as enacted by Laws of Utah 2025, Chapter 291

139 **81-9-302 (01/01/27)**, as as renumbered and amended by Laws of Utah 2024, Chapter 366

140 **81-9-303 (01/01/27)**, as as last amended by Laws of Utah 2025, Chapter 426

141 **81-9-304 (01/01/27)**, as as renumbered and amended by Laws of Utah 2024, Chapter 366

142

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

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

145 **13-76-101 . Definitions.**

146 As used in this chapter:

- 147 (1) "Age category" means one of the following categories of individuals based on age:
- 148 (a) "child" which means an individual who is under 13 years old;
- 149 (b) "younger teenager" which means an individual who is at least 13 years old and under
- 150 16 years old;
- 151 (c) "older teenager" which means an individual who is at least 16 years old and under 18
- 152 years old; or
- 153 (d) "adult" which means an individual who is at least 18 years old.
- 154 (2) "Age category data" means information about a user's age category that is:
- 155 (a) collected by an app store provider; and
- 156 (b) shared with a developer.
- 157 (3) "Age rating" means a classification that provides an assessment of the suitability of an
- 158 app's content for different age groups.
- 159 (4) "App" means a software application or electronic service that a user may run or direct
- 160 on a mobile device.
- 161 (5) "App store" means a publicly available website, software application, or electronic
- 162 service that allows users to download apps from third-party developers onto a mobile
- 163 device.

- 164 (6) "App store provider" means a person that owns, operates, or controls an app store that
165 allows users in the state to download apps onto a mobile device.
- 166 (7) "Content description" means a description of the specific content elements that informed
167 an app's age rating.
- 168 (8) "Developer" means a person that owns or controls an app made available through an
169 app store in the state.
- 170 (9) "Division" means the Division of Consumer Protection, established in Section 13-2-1.
- 171 (10) "Knowingly" means to act with actual knowledge or to act with knowledge fairly
172 inferred based on objective circumstances.
- 173 (11) "Minor" means an individual under 18 years old.
- 174 (12) "Minor account" means an account with an app store provider that:
175 (a) is established by an individual who the app store provider has determined is under 18
176 years old through the app store provider's age verification methods; and
177 (b) requires affiliation with a parent account.
- 178 (13) "Mobile device" means a phone or general purpose tablet that:
179 (a) provides cellular or wireless connectivity;
180 (b) is capable of connecting to the [~~Internet~~] internet;
181 (c) runs a mobile operating system; and
182 (d) is capable of running apps through the mobile operating system.
- 183 (14) "Mobile operating system" means software that:
184 (a) manages mobile device hardware resources;
185 (b) provides common services for mobile device programs;
186 (c) controls memory allocation; and
187 (d) provides interfaces for applications to access device functionality.
- 188 (15) "Parent" means, with respect to a minor, any of the following individuals who have
189 legal authority to make decisions on behalf of the minor:
190 [~~(a) an individual with a parent-child relationship under Section 78B-15-201;~~]
191 (a) an individual who has a parent-child relationship, as defined in Section 81-5-102,
192 with the minor;
193 (b) a legal guardian; or
194 (c) an individual with legal custody.
- 195 (16) "Parent account" means an account with an app store provider that:
196 (a) is verified to be established by an individual who the app store provider has
197 determined is at least 18 years old through the app store provider's age verification

- 198 methods; and
- 199 (b) may be affiliated with one or more minor accounts.
- 200 (17) "Parental consent disclosure" means the following information that an app store
- 201 provider is required to provide to a parent before obtaining parental consent:
- 202 (a) if the app store provider has an age rating for the app or in-app purchase, the app's or
- 203 in-app purchase's age rating;
- 204 (b) if the app store provider has a content description for the app or in-app purchase, the
- 205 app's or in-app purchase's content description;
- 206 (c) a description of:
- 207 (i) the personal data collected by the app from a user; and
- 208 (ii) the personal data shared by the app with a third party; and
- 209 (d) if personal data is collected by the app, the methods implemented by the developer to
- 210 protect the personal data.
- 211 (18) "Significant change" means a material modification to an app's terms of service or
- 212 privacy policy that:
- 213 (a) changes the categories of data collected, stored, or shared;
- 214 (b) alters the app's age rating or content descriptions;
- 215 (c) adds new monetization features, including:
- 216 (i) in-app purchases; or
- 217 (ii) advertisements; or
- 218 (d) materially changes the app's:
- 219 (i) functionality; or
- 220 (ii) user experience.
- 221 (19) "Verifiable parental consent" means authorization that:
- 222 (a) is provided by an individual who the app store provider has verified is an adult;
- 223 (b) is given after the app store provider has clearly and conspicuously provided the
- 224 parental consent disclosure to the individual; and
- 225 (c) requires the parent to make an affirmative choice to:
- 226 (i) grant consent; or
- 227 (ii) decline consent.
- 228 Section 2. Section **26B-3-222** is amended to read:
- 229 **26B-3-222 . Medicaid waiver expansion for extraordinary care reimbursement.**
- 230 (1) As used in this section:
- 231 (a) "Existing home and community-based services waiver" means an existing home and

- 232 community-based services waiver in the state that serves an individual:
- 233 (i) with an acquired brain injury;
- 234 (ii) with an intellectual or physical disability; or
- 235 (iii) who is 65 years old or older.
- 236 (b) "Guardian" means a person appointed by a court to manage the affairs of a living
- 237 individual.
- 238 (c) "Parent" means~~[a biological parent, adoptive parent, or step-parent of an individual]~~ :
- 239 (i) an individual who has a parent-child relationship, as defined in Section 81-5-102,
- 240 with the other individual; or
- 241 (ii) a step-parent of the individual.
- 242 (d) "Personal care services" means a service that:
- 243 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,
- 244 nursing facility, intermediate care facility, or institution for mental diseases;
- 245 (ii) is authorized for an individual described in Subsection (1)(d)(i) in accordance
- 246 with a plan of treatment;
- 247 (iii) is provided by an individual who is qualified to provide the services; and
- 248 (iv) is furnished in a home or another community-based setting.
- 249 (e) "Waiver enrollee" means an individual who is enrolled in an existing home and
- 250 community-based services waiver.
- 251 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an
- 252 existing home and community-based services waiver to implement a program to offer
- 253 reimbursement to an individual who provides personal care services that constitute
- 254 extraordinary care to a waiver enrollee who is the individual's spouse.
- 255 (3) If CMS approves the amendment described in Subsection (2), the department shall
- 256 implement the program described in Subsection (2).
- 257 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
- 258 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection
- 259 (2).
- 260 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an
- 261 existing home and community-based services waiver to implement a program to offer
- 262 reimbursement to an individual who provides personal care services that constitute
- 263 extraordinary care to a waiver enrollee to whom the individual is a parent or guardian.
- 264 (6) If CMS approves the amendment described in Subsection (5), the department shall
- 265 implement the program described in Subsection (5).

266 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
267 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection
268 (5).

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

270 **26B-8-301 . Definitions.**

271 As used in this part:

272 (1) "Adult" means an individual who is at least 18 years old.

273 (2) "Agent" means an individual:

274 (a) authorized to make health care decisions on the principal's behalf by a power of
275 attorney for health care; or

276 (b) expressly authorized to make an anatomical gift on the principal's behalf by any
277 other record signed by the principal.

278 (3) "Anatomical gift" means a donation of all or part of a human body to take effect after
279 the donor's death for the purpose of transplantation, therapy, research, or education.

280 (4) "Decedent" means:

281 (a) a deceased individual whose body or part is or may be the source of an anatomical
282 gift; and

283 (b) includes:

284 (i) a stillborn infant; and

285 (ii) subject to restrictions imposed by law other than this part, a fetus.

286 (5)(a) "Disinterested witness" means:

287 (i) a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or
288 guardian of the individual who makes, amends, revokes, or refuses to make an
289 anatomical gift; or

290 (ii) another adult who exhibited special care and concern for the individual.

291 (b) "Disinterested witness" does not include a person to which an anatomical gift could
292 pass under Section 26B-8-310.

293 (6)(a) "Document of gift" means a donor card or other record used to make an
294 anatomical gift. [~~The term~~]

295 (b) "Document of gift" includes a statement or symbol on a driver license, identification
296 card, or donor registry.

297 (7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

298 (8) "Donor registry" means a database that contains records of anatomical gifts and
299 amendments to or revocations of anatomical gifts.

- 300 (9) "Driver license" means a license or permit issued by the Driver License Division of the
301 Department of Public Safety, to operate a vehicle, whether ~~[or not]~~ conditions are
302 attached to the license or permit.
- 303 (10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or
304 state law to engage in the recovery, screening, testing, processing, storage, or
305 distribution of human eyes or portions of human eyes.
- 306 (11) "Guardian":
- 307 (a) means a person appointed by a court to make decisions regarding the support, care,
308 education, health, or welfare of an individual; and
- 309 (b) does not include a guardian ad litem.
- 310 (12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility
311 operated as a hospital by the United States, a state, or a subdivision of a state.
- 312 (13) "Identification card" means an identification card issued by the Driver License
313 Division of the Department of Public Safety.
- 314 (14) "Know" means to have actual knowledge.
- 315 (15) "Minor" means an individual who is under 18 years~~[of age]~~ old.
- 316 (16) "Organ procurement organization" means a person designated by the Secretary of the
317 United States Department of Health and Human Services as an organ procurement
318 organization.
- 319 (17) "Parent" means~~[a parent whose parental rights have not been terminated.]~~ , with
320 respect to a minor, an individual:
- 321 (a) who has a parent-child relationship, as defined in Section 81-5-102, with the minor;
322 and
- 323 (b) whose parental rights have not been terminated.
- 324 (18)(a) "Part" means an organ, an eye, or tissue of a human being. [~~The term~~]
- 325 (b) "Part" does not include the whole body.
- 326 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
327 limited liability company, association, joint venture, public corporation, government or
328 governmental subdivision, agency, or instrumentality, or any other legal or commercial
329 entity.
- 330 (20) "Physician" means an individual authorized to practice medicine or osteopathy under
331 the law of any state.
- 332 (21) "Procurement organization" means an eye bank, organ procurement organization, or
333 tissue bank.

- 334 (22) "Prospective donor":
335 (a) means an individual who is dead or near death and has been determined by a
336 procurement organization to have a part that could be medically suitable for
337 transplantation, therapy, research, or education; and
338 (b) does not include an individual who has made a refusal.
- 339 (23) "Reasonably available" means able to be contacted by a procurement organization
340 without undue effort and willing and able to act in a timely manner consistent with
341 existing medical criteria necessary for the making of an anatomical gift.
- 342 (24) "Recipient" means an individual into whose body a decedent's part has been or is
343 intended to be transplanted.
- 344 (25) "Record" means information that is inscribed on a tangible medium or that is stored in
345 an electronic or other medium and is retrievable in perceivable form.
- 346 (26) "Refusal" means a record created under Section 26B-8-306 that expressly states an
347 intent to bar other persons from making an anatomical gift of an individual's body or
348 part.
- 349 (27) "Sign" means, with the present intent to authenticate or adopt a record:
350 (a) to execute or adopt a tangible symbol; or
351 (b) to attach to or logically associate with the record an electronic symbol, sound, or
352 process.
- 353 (28) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
354 United States Virgin Islands, or any territory or insular possession subject to the
355 jurisdiction of the United States.
- 356 (29) "Technician":
357 (a) means an individual determined to be qualified to remove or process parts by an
358 appropriate organization that is licensed, accredited, or regulated under federal or
359 state law; and
360 (b) includes an enucleator.
- 361 (30)(a) "Tissue" means a portion of the human body other than an organ or an eye.
362 (b) [~~The term~~] "Tissue" does not include blood unless the blood is donated for the
363 purpose of research or education.
- 364 (31) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or
365 state law to engage in the recovery, screening, testing, processing, storage, or
366 distribution of tissue.
- 367 (32) "Transplant hospital" means a hospital that furnishes organ transplants and other

368 medical and surgical specialty services required for the care of transplant patients.

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

370 **26B-9-104 . Duties of the Office of Recovery Services.**

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

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

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

374 (ii) the state has provided public assistance; or

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

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

379 (i) this chapter;

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

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

382 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and

383 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;

384 (c) [~~t~~o]collect money due the department which could act to offset expenditures by the
385 state;

386 (d) [~~t~~o]cooperate with the federal government in programs designed to recover health
387 and social service funds;

388 (e) [~~t~~o]collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
389 and reimbursable expenses owed to the state or any of [~~its~~] the state's political
390 subdivisions, if the office has contracted to provide collection services;

391 (f) [~~t~~o]implement income withholding for collection of child support in accordance with
392 Part 3, Income Withholding in IV-D Cases;

393 (g) [~~t~~o]enter into agreements with financial institutions doing business in the state to
394 develop and operate, in coordination with such financial institutions, a data match
395 system in the manner provided for in Section 26B-9-208;

396 (h) [~~t~~o]establish and maintain the state case registry in the manner required by the
397 Social Security Act, 42 U.S.C. Sec. 654a, [~~which shall include~~] that includes a record
398 in each case of:

399 (i) the amount of monthly or other periodic support owed under the order, and other
400 amounts, including arrearages, interest, late payment penalties, or fees, due or
401 overdue under the order;

- 402 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 403 (iii) the distribution of collected amounts;
- 404 (iv) the birth date of any child for whom the order requires the provision of support;
- 405 and
- 406 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 407 (i) ~~[to]~~ contract with the Department of Workforce Services to establish and maintain the
- 408 new hire registry created under Section 35A-7-103;
- 409 (j) ~~[to]~~ determine whether an individual who has applied for or is receiving cash
- 410 assistance or Medicaid is cooperating in good faith with the office as required by
- 411 Section 26B-9-213;
- 412 (k) ~~[to]~~ finance any costs incurred from collections, fees, General Fund appropriation,
- 413 contracts, and federal financial participation;
- 414 (l) ~~[to]~~ provide notice to a noncustodial parent in accordance with Section 26B-9-207 of
- 415 the opportunity to contest the accuracy of allegations by a custodial parent of
- 416 nonpayment of past-due child support, ~~[prior to]~~ before taking action against a
- 417 noncustodial parent to collect the alleged past-due support;
- 418 (m) ~~[to]~~ review the child support guidelines, as that term is defined in Section 81-6-101,
- 419 to ensure the application of the guidelines results in the determination of appropriate
- 420 child support award amounts; ~~and]~~
- 421 (n) review the requirements for calculating a minimal child care award under Title 81,
- 422 Chapter 6, Child Support, to ensure the application of the requirements results in the
- 423 determination of appropriate minimal child care awards; and
- 424 ~~[(n)]~~ (o) ~~[to]~~ submit to the Judiciary Interim Committee, in accordance with Section
- 425 68-3-14, a summary of the ~~[review described in Subsection (1)(m) on or before~~
- 426 ~~October 1, 2025]~~ reviews described in Subsections (1)(m) and (n) on or before
- 427 October 1, 2029, and every four years thereafter on or before October 1.
- 428 (2) The office may not provide child support services to the Division of Child and Family
- 429 Services for a calendar month when the child to whom the child support services relate
- 430 is:
- 431 (a) in the custody of the Division of Child and Family Services; and
- 432 (b) lives in the home of a custodial parent of the child for more than seven consecutive
- 433 days, regardless of whether:
- 434 (i) the greater than seven consecutive day period starts during one month and ends in
- 435 the next month; and

- 436 (ii) the child is living in the home on a trial basis.
- 437 (3) The Division of Child and Family Services is not entitled to child support, for a child to
438 whom the child support relates, for a calendar month when child support services may
439 not be provided under Subsection (2).
- 440 (4) To conduct the review described in Subsection (1)(m) or (1)(n), the office may consider
441 input from the Judicial Council, members of the Utah State Bar [~~Association~~]
442 representing attorneys who practice family law, individuals with economic expertise,
443 and other interested parties.

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

445 **53-29-101 . Definitions.**

446 As used in this chapter:

- 447 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
448 Safety established in Section 53-10-201.
- 449 (2) "Certificate of eligibility" means the certificate issued by the bureau described in
450 Section 53-29-207.
- 451 (3) "Child" means an individual who is younger than 18 years old.
- 452 [~~(3)~~] (4) "Child abuse offender" means an individual who meets the requirements under
453 Subsection 53-29-202(2)(a).
- 454 [~~(4)~~] (5)(a) "Convicted" means a plea or conviction of:
- 455 (i) guilty;
- 456 (ii) guilty with a mental illness; or
- 457 (iii) no contest.
- 458 (b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a
459 plea is held in abeyance pursuant to a plea in abeyance agreement as defined in
460 Section 77-2a-1.
- 461 (c) "Convicted" does not include:
- 462 (i) a withdrawn or dismissed plea in abeyance;
- 463 (ii) a diversion agreement; or
- 464 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 465 [~~(5)~~] (6) "Division" means the Division of Juvenile Justice and Youth Services.
- 466 [~~(6)~~] (7) "Employed" means employment that is full time or part time, whether financially
467 compensated, volunteered, or for the purpose of government or educational benefit.
- 468 [~~(7)~~] (8) "Kidnap offender" means an individual who meets the requirements under
469 Subsection 53-29-202(2)(c).

- 470 ~~[(8)]~~ (9) "Offender" means an individual who qualifies as a sex offender, a kidnap offender,
 471 or a child abuse offender as described in Section 53-29-202.
- 472 ~~[(9)]~~ (10)(a) "Online identifier" means any electronic mail, chat, instant messenger,
 473 social networking, or similar name used for ~~[Internet]~~ internet communication.
- 474 (b) "Online identifier" does not include date of birth, social security number, PIN
 475 number, or ~~[Internet]~~ internet passwords.
- 476 (11)(a) "Parent" means, with respect to a child, an individual who has a parent-child
 477 relationship, as defined in Section 81-5-102, with the child.
- 478 (b) "Parent" includes a noncustodial parent of the child.
- 479 ~~[(10)]~~ (12) "Primary residence" means the location where an offender regularly resides, even
 480 if the offender intends to move to another location or return to another location at a
 481 future date.
- 482 ~~[(11)]~~ (13) "Registrable offense" means an offense described in Subsection 53-29-202(1).
- 483 ~~[(12)]~~ (14) "Registration website" means the Sex, Kidnap, and Child Abuse Offender
 484 Notification and Registration website described in Section 53-29-404.
- 485 ~~[(13)]~~ (15) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry
 486 maintained by the department and created in Section 53-29-102 to monitor and track
 487 offenders.
- 488 ~~[(14)]~~ (16) "Registry office" means the office within the department that manages the Sex,
 489 Kidnap, and Child Abuse Offender Registry.
- 490 ~~[(15)]~~ (17) "Sex offender" means an individual who meets the requirements under
 491 Subsection 53-29-202(2)(b).
- 492 ~~[(16)]~~ (18) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to
 493 registration in any jurisdiction.
- 494 Section 6. Section **53-29-201** is amended to read:
- 495 **53-29-201 . Definitions.**
- 496 As used in this part:
- 497 (1) "Court" means a state, federal, or military court.
- 498 (2) "External jurisdiction" means:
- 499 (a) a state of the United States not including Utah;
- 500 (b) the United States federal government;
- 501 (c) Indian country;
- 502 (d) a United States territory;
- 503 (e) the United States military; or

- 504 (f) Canada, Australia, New Zealand, or the United Kingdom.
- 505 (3) "Indian country" means:
- 506 (a) all land within the limits of an Indian reservation under the jurisdiction of the United
- 507 States government, regardless of the issuance of any patent, and includes
- 508 rights-of-way running through the reservation;
- 509 (b) all dependent Indian communities within the borders of the United States whether
- 510 within the original or subsequently acquired territory, and whether [~~or not~~] within
- 511 the limits of a state; and
- 512 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
- 513 not been extinguished, including rights-of-way running through the allotments.

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

515 ~~noncustodial parent.]~~

516 [~~(5)~~ (4) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,

517 Driving Under the Influence and Reckless Driving.

518 *The following section is affected by a coordination clause at the end of this bill.*

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

520 **53-29-202 . Registrable offenses -- Status as a sex offender, kidnap offender, and**

521 **child abuse offender established.**

522 (1) An individual is an offender described in Subsection (2) and subject to the requirements,

523 restrictions, and penalties described in this chapter if the individual:

524 (a) has been convicted in this state of:

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

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

527 (iii) a felony or class A misdemeanor violation of enticing a minor under Section

528 76-5-417;

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

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

531 (vi) human trafficking of a child for sexual exploitation under Subsection

532 76-5-308.5(4)(b);

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

534 (viii) human trafficking of a vulnerable adult for sexual exploitation under Section

535 76-5-311;

536 (ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided

537 in Subsection 76-5-401(3)(b) or (c);

- 538 (x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense
539 unless the individual was younger than 21 years old at the time of the offense then
540 on the individual's second offense;
- 541 (xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 542 (xii) rape under Section 76-5-402;
- 543 (xiii) rape of a child under Section 76-5-402.1;
- 544 (xiv) object rape under Section 76-5-402.2;
- 545 (xv) object rape of a child under Section 76-5-402.3;
- 546 (xvi) a felony violation of forcible sodomy under Section 76-5-403;
- 547 (xvii) sodomy on a child under Section 76-5-403.1;
- 548 (xviii) forcible sexual abuse under Section 76-5-404;
- 549 (xix) sexual abuse of a child under Section 76-5-404.1;
- 550 (xx) aggravated sexual abuse of a child under Section 76-5-404.3;
- 551 (xxi) aggravated sexual assault under Section 76-5-405;
- 552 (xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is
553 younger than 18 years old and the offense is committed on or after May 10, 2011;
- 554 (xxiii) sexual exploitation of a minor under Section 76-5b-201;
- 555 (xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 556 (xxv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- 557 (xxvi) incest under Section 76-7-102;
- 558 (xxvii) lewdness under Section 76-5-419, if the individual has been convicted of the
559 offense four or more times;
- 560 (xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of
561 the offense four or more times;
- 562 (xxix) any combination of convictions of lewdness under Section 76-5-419, and of
563 sexual battery under Section 76-5-418, that total four or more convictions;
- 564 (xxx) lewdness involving a child under Section 76-5-420;
- 565 (xxxi) a felony or class A misdemeanor violation of:
- 566 (A) voyeurism under Section 76-12-306;
- 567 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 568 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 569 (xxxii) aggravated exploitation of prostitution under Section 76-5d-208;
- 570 (xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not
571 the [natural]parent of the child victim;

- 572 (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the [
573 ~~natural~~]parent of the child victim;
- 574 (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the [
575 ~~natural~~]parent of the child victim;
- 576 (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not
577 the [~~natural~~]parent of the child victim;
- 578 (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the [
579 ~~natural~~]parent of the child victim;
- 580 (xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if
581 the offender was not the [~~natural~~]parent of the child victim;
- 582 (xxxix) aggravated human trafficking for labor under Section 76-5-310, if the
583 offender was not the [~~natural~~]parent of the child victim;
- 584 (xl) aggravated human smuggling under Section 76-5-310.1, if the offender was not
585 the [~~natural~~]parent of the child victim;
- 586 (xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the
587 offender was not the [~~natural~~]parent of the child victim; or
- 588 (xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense
589 listed in Subsections (1)(a)(i) through (xl);
- 590 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or
591 conspiracy to commit a criminal offense in an external jurisdiction that is
592 substantially equivalent to the offense listed in Subsection (1)(a); and
- 593 (ii)(A) is a Utah resident; or
- 594 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month
595 period, regardless of whether the individual intends to permanently reside in
596 this state;
- 597 (c)(i)(A) is required to register on a registry in an external jurisdiction for
598 individuals who have committed an offense listed in Subsection (1)(a) or a
599 substantially equivalent offense;
- 600 (B) is ordered by a court to register on a registry for individuals who have
601 committed an offense listed in Subsection (1)(a) or a substantially equivalent
602 offense; or
- 603 (C) would be required to register on a registry in an external jurisdiction for
604 individuals who have committed an offense listed in Subsection (1)(a), or a
605 substantially equivalent offense, if residing in the external jurisdiction of the

- 606 conviction regardless of the date of the conviction or a previous registration
 607 requirement; and
- 608 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether
 609 the individual intends to permanently reside in this state;
- 610 (d)(i)(A) is a nonresident regularly employed or working in this state; or
 611 (B) [~~who~~]is a student in this state; and
- 612 (ii)(A) is convicted of an offense listed in Subsection (1)(a) or a substantially
 613 equivalent offense in an external jurisdiction; or
 614 (B) is required to register on a sex, kidnap, and child abuse registry, or an
 615 equivalent registry, in the individual's state of residence based on a conviction
 616 for an offense that is not substantially equivalent to an offense listed in
 617 Subsection (1)(a);
- 618 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of
 619 an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 620 (f)(i) is adjudicated under Section 80-6-701 for one or more offenses listed in
 621 Subsection (1)(a); and
- 622 (ii) has been committed to the division for secure care, as defined in Section 80-1-102,
 623 for that offense if:
- 624 (A) the individual remains in the division's custody until 30 days before the
 625 individual's 21st birthday;
- 626 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
 627 under Section 80-6-605 and the individual remains in the division's custody
 628 until 30 days before the individual's 25th birthday; or
- 629 (C) the individual is moved from the division's custody to the custody of the
 630 department before expiration of the division's jurisdiction over the individual.
- 631 (2) Subject to Subsection (3), an individual is:
- 632 (a) a child abuse offender if the individual:
- 633 (i) has committed, attempted, solicited, or conspired to commit an offense described
 634 in Subsection (1)(a)(i) through (ii); or
- 635 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
 636 described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
- 637 (b) a sex offender if the individual:
- 638 (i) has committed, attempted, solicited, or conspired to commit an offense described
 639 in Subsections (1)(a)(iii) through (xxxii); or

- 640 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
 641 described in Subsections (1)(a)(iii) through (xxxii) or a substantially equivalent
 642 offense; or
- 643 (c) a kidnap offender if the individual:
- 644 (i) has committed, attempted, solicited, or conspired to commit an offense described
 645 in Subsections (1)(a)(xxxiii) through (xli); or
- 646 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
 647 described in Subsections (1)(a)(xxxiii) through (xli) or a substantially equivalent
 648 offense.
- 649 (3) An individual who has committed a registrable offense described in Subsection
 650 (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense
 651 described in Subsection (1)(a) and is required to register on a sex, kidnap, and child
 652 abuse registry, or an equivalent registry, in the individual's state of residence is a child
 653 abuse offender, sex offender, or kidnap offender based on the individual's status on the
 654 registry in the individual's state of residence.
- 655 (4) Notwithstanding Subsection [~~53-29-101(4)(a)~~] 53-29-101(5)(a), a plea of guilty or nolo
 656 contendere to a charge of sexual battery or lewdness that is held in abeyance under Title
 657 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction even if the charge is
 658 subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

659 *The following section is affected by a coordination clause at the end of this bill.*

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

661 **53-29-203 . Registration lengths -- 10 years -- Lifetime.**

- 662 (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a
 663 registrable offense is required to register on the registry for:
- 664 (a) 10 years after the day on which the offender's sentence for the offense has been
 665 terminated if the registrable offense is for:
- 666 (i) a felony or class A misdemeanor violation of enticing a minor under Section
 667 76-5-417, if the offender enticed the minor to engage in sexual activity that is one
 668 of the offenses described in Subsections (1)(a)(ii) through (xxiv);
- 669 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 670 (iii) child torture under Section 76-5-109.4;
- 671 (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the [
 672 ~~natural~~]parent of the child victim;
- 673 (v) human trafficking for labor under Section 76-5-308, if the offender was not the [

- 674 ~~natural~~]parent of the child victim;
- 675 (vi) human smuggling under Section 76-5-308.3, if the offender was not the [~~natural~~]
- 676 parent of the child victim;
- 677 (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the
- 678 offender was not the [~~natural~~]parent of the child victim;
- 679 (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender
- 680 was not the [~~natural~~]parent of the child victim;
- 681 (ix) aggravated human smuggling under Section 76-5-310.1;
- 682 (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 683 (xi) a felony violation of unlawful sexual activity with a minor under Section
- 684 76-5-401;
- 685 (xii) sexual abuse of a minor under Section 76-5-401.1;
- 686 (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 687 (xiv) forcible sexual abuse under Section 76-5-404;
- 688 (xv) custodial sexual relations under Section 76-5-412;
- 689 (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 690 (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- 691 (xviii) incest under Section 76-7-102;
- 692 (xix) four to seven convictions of lewdness under Section 76-5-419;
- 693 (xx) four to seven convictions of sexual battery under Section 76-5-418;
- 694 (xxi) any combination of convictions of lewdness under Section 76-5-419, and of
- 695 sexual battery under Section 76-5-418, that total four to seven convictions;
- 696 (xxii) lewdness involving a child under Section 76-5-420;
- 697 (xxiii) a felony or class A misdemeanor violation of:
- 698 (A) voyeurism under Section 76-12-306;
- 699 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 700 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 701 (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on
- 702 or before May 9, 2011;
- 703 (xxv) attempting, soliciting, or conspiring to commit an offense listed in
- 704 Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a
- 705 registrable offense; or
- 706 (xxvi) attempting, soliciting, or conspiring to commit:
- 707 (A) aggravated kidnapping under Section 76-5-302, if the offender was not the [

- 708 ~~natural~~]parent of the child victim;
- 709 (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the
- 710 offender was not the [~~natural~~]parent of the child victim;
- 711 (C) human trafficking of a child for sexual exploitation under Subsection
- 712 76-5-308.5(4)(b), if the offender was not the [~~natural~~]parent of the child victim;
- 713 (D) aggravated human trafficking for sexual exploitation under Section 76-5-310,
- 714 if the offender was not the [~~natural~~]parent of the child victim;
- 715 (E) human trafficking of a vulnerable adult for sexual exploitation under Section
- 716 76-5-311, if the offender was not the [~~natural~~]parent of the child victim;
- 717 (F) forcible sodomy under Section 76-5-403;
- 718 (G) sexual abuse of a child under Section 76-5-404.1;
- 719 (H) sexual exploitation of a minor under Section 76-5b-201;
- 720 (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 721 (J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 722 (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after
- 723 May 10, 2011; or
- 724 (b) the offender's lifetime if the registrable offense is:
- 725 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at
- 726 the time of conviction for the offense:
- 727 (A) previously been convicted of an offense described in Subsection (1)(a), or a
- 728 substantially equivalent offense in an external jurisdiction; or
- 729 (B) previously been required to register as an offender for an offense described in
- 730 Subsection (1)(a) committed as a juvenile;
- 731 (ii) a following offense, including attempting, soliciting, or conspiring to commit a
- 732 felony violation of:
- 733 (A) child kidnapping under Section 76-5-301.1, if the offender was not the [~~natural~~]
- 734 parent of the child victim;
- 735 (B) rape under Section 76-5-402;
- 736 (C) rape of a child under Section 76-5-402.1;
- 737 (D) object rape under Section 76-5-402.2;
- 738 (E) object rape of a child under Section 76-5-402.3;
- 739 (F) sodomy on a child under Section 76-5-403.1;
- 740 (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 741 (H) aggravated sexual assault under Section 76-5-405;

- 742 (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the [
743 ~~natural~~]parent of the child victim;
- 744 (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the
745 offender was not the [~~natural~~]parent of the child victim;
- 746 (v) human trafficking of a child for sexual exploitation under Subsection
747 76-5-308.5(4)(b), if the offender was not the [~~natural~~]parent of the child victim;
- 748 (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if
749 the offender was not the [~~natural~~]parent of the child victim;
- 750 (vii) human trafficking of a vulnerable adult for sexual exploitation under Section
751 76-5-311, if the offender was not the [~~natural~~]parent of the child victim;
- 752 (viii) forcible sodomy under Section 76-5-403;
- 753 (ix) sexual abuse of a child under Section 76-5-404.1;
- 754 (x) sexual exploitation of a minor under Section 76-5b-201;
- 755 (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 756 (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
- 757 (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after
758 May 10, 2011; or
- 759 (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender
760 enticed the minor to engage in sexual activity that is one of the offenses described
761 in Subsections (1)(b)(ii) through (xiii).
- 762 (2) An individual who qualifies as an offender based on a conviction in an external
763 jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an
764 external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is
765 required to register on the registry for the time period required by the external
766 jurisdiction.
- 767 (3)(a) If the sentencing court at any time after an offender is convicted of an offense
768 requiring lifetime registration described in Subsection (1)(b), and after considering
769 the factors described in Subsection (3)(b), determines that the offender was under 21
770 years old at the time the offense was committed and the offense did not involve force
771 or coercion, the requirement that the offender register for the offender's lifetime does
772 not apply and the offender shall register for 10 years after the day on which the
773 offender's sentence for the offense has been terminated.
- 774 (b) In determining whether an offense committed by an offender involves force or
775 coercion under Subsection (3)(a), the sentencing court shall consider:

- 776 (i) the age of the victim;
- 777 (ii) the vulnerability of the victim;
- 778 (iii) the physical, mental, psychological, or emotional harm the victim suffered from
- 779 the offense;
- 780 (iv) whether the offender used fraud or deception to commit the offense;
- 781 (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103,
- 782 was:
- 783 (A) distributed to the victim by the offender; or
- 784 (B) distributed, produced, or possessed by the offender at the time of the offense,
- 785 that involved force or coercion against a victim depicted in the child sexual
- 786 abuse material; and
- 787 (vi) any other factor the sentencing court determines is relevant.
- 788 (4) Except for an individual who is adjudicated for a registrable offense and is an offender
- 789 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is
- 790 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to
- 791 registration requirements under this chapter unless the offender:
- 792 (a) is charged by criminal information in juvenile court under Section 80-6-503;
- 793 (b) is bound over to district court in accordance with Section 80-6-504; and
- 794 (c) is convicted of a registrable offense.
- 795 (5) An offender subject to the 10-year or lifetime registration requirements under
- 796 Subsection (1) may petition the court for an order of removal from the registry in
- 797 accordance with Section 53-29-204, 53-29-205, or 53-29-206.
- 798 Section 9. Section **53-29-205** is amended to read:
- 799 **53-29-205 . Ten-year petition for removal from registry -- Eligibility.**
- 800 (1) An offender who is required to register on the registry for a registrable offense
- 801 described in Subsection (3) subject to a 10-year registration period as described in
- 802 Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order
- 803 of removal from the registry at a 10-year after entrance into the community period
- 804 described in Subsection (2) if:
- 805 (a) the offender has not been convicted of another offense that is a class A misdemeanor,
- 806 felony, or capital felony within the most recent 10-year period after the date
- 807 described in Subsection (2), as evidenced by a certificate of eligibility issued by the
- 808 bureau;
- 809 (b) the offender successfully completed all treatment ordered by the court or the Board

- 810 of Pardons and Parole relating to the offense; and
- 811 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and
812 Parole relating to the offense.
- 813 (2) An offender who qualifies under Subsection (1) may petition the court under Section
814 53-29-207 for an order of removal from the registry if 10 years have passed after the
815 later of the following events in which the offender entered into the community:
- 816 (a) the day on which the offender was placed on probation;
- 817 (b) the day on which the offender was released from incarceration to parole;
- 818 (c) the day on which the offender's sentence was terminated without parole;
- 819 (d) the day on which the offender entered a community-based residential program; or
- 820 (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody
821 of the offender was terminated.
- 822 (3) The offenses that qualify for a 10-year petition for an order of removal from the registry
823 referenced in Subsection (1) are:
- 824 (a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed
825 the minor to engage in sexual activity that is one of the offenses described in
826 Subsections (3)(b) through (v);
- 827 (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 828 (c) child torture under Section 76-5-109.4;
- 829 (d) human trafficking for labor under Section 76-5-308;
- 830 (e) human smuggling under Section 76-5-308.3;
- 831 (f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
- 832 (g) aggravated human trafficking for labor under Section 76-5-310;
- 833 (h) aggravated human smuggling under Section 76-5-310.1;
- 834 (i) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 835 (j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if,
836 at the time of the offense, the offender is more than 10 years older than the victim;
- 837 (k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the
838 offender is more than 10 years older than the victim;
- 839 (l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the
840 time of the offense, the offender is more than 15 years older than the victim;
- 841 (m) forcible sexual abuse under Section 76-5-404;
- 842 (n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger
843 than 18 years old and the offense is committed on or after May 10, 2011;

- 844 (o) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 845 (p) sexual extortion under Subsection 76-5b-204(2)(a);
- 846 (q) incest under Section 76-7-102;
- 847 (r) four or more convictions of lewdness under Section 76-5-419;
- 848 (s) four or more convictions of sexual battery under Section 76-5-418;
- 849 (t) any combination of convictions of lewdness under Section 76-5-419, and of sexual
- 850 battery under Section 76-5-418, that total four or more convictions;
- 851 (u) lewdness involving a child under Section 76-5-420;
- 852 (v) a felony violation of:
- 853 (i) recorded or photographed voyeurism under Section 76-12-307; or
- 854 (ii) distribution of images obtained through voyeurism under Section 76-12-308;
- 855 (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or
- 856 before May 9, 2011;
- 857 (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a)
- 858 through (v) if the attempt, solicitation, or conspiracy is a registrable offense;
- 859 (y) attempting, soliciting, or conspiring to commit:
- 860 (i) human trafficking for sexual exploitation under Section 76-5-308.1;
- 861 (ii) human trafficking of a child for sexual exploitation under Subsection
- 862 76-5-308.5(4)(b);
- 863 (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 864 (iv) human trafficking of a vulnerable adult for sexual exploitation under Section
- 865 76-5-311;
- 866 (v) aggravated kidnapping under Section 76-5-302, except if the offender is a [~~natural~~]
- 867 parent of the victim;
- 868 (vi) forcible sodomy under Section 76-5-403;
- 869 (vii) sexual abuse of a child under Section 76-5-404.1;
- 870 (viii) sexual exploitation of a minor under Section 76-5b-201;
- 871 (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 872 (x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 873 (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May
- 874 10, 2011; or
- 875 (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject
- 876 to a 20-year petition for removal as described in Section 53-29-206, if:
- 877 (i) the sentencing court determines that the offender was under 21 years old at the

- 878 time the offense was committed; and
- 879 (ii) the offense did not involve force or coercion as described in Subsection
- 880 53-29-203(3).
- 881 (4) An individual who is as an offender under Section 53-29-202 based on a conviction in
- 882 an external jurisdiction for a registrable offense, or a substantially equivalent offense,
- 883 and is required to register on the external jurisdiction's sex, kidnap, or child abuse
- 884 offender registry, or an equivalent registry, may petition for removal from the registry in
- 885 accordance with the requirements of this section if the individual:
- 886 (a) does not have a lifetime registration requirement on the external jurisdiction's sex,
- 887 kidnap, or child abuse offender registry, or an equivalent registry;
- 888 (b) meets the requirements described in Subsections (1)(a) through (c);
- 889 (c) has resided in this state for at least 183 days in a year for two consecutive years;
- 890 (d) intends to primarily reside in this state; and
- 891 (e) has received an order from a court in the external jurisdiction where the offender was
- 892 initially required to register on a sex, kidnap, and child abuse registry, or an
- 893 equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap,
- 894 and Child Abuse Offender Registry.

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

896 **53-29-307 . Sex offender in presence of a child -- Definitions -- Penalties.**

- 897 (1) As used in this section:
- 898 (a) "Accompany" means:
- 899 (i) to be in the presence of an individual; and
- 900 (ii) to move or travel with that individual from one location to another, whether
- 901 outdoors, indoors, or in or on any type of vehicle.
- 902 (b) "Child" means an individual younger than 14 years old.
- 903 (2) A sex offender subject to registration in accordance with this chapter, for a registrable
- 904 offense committed or attempted to be committed against a child younger than 14 years
- 905 old is guilty of a class A misdemeanor if the sex offender requests, invites, or solicits a
- 906 child to accompany the sex offender, under circumstances that do not constitute an
- 907 attempt to violate Section 76-5-301.1, child kidnapping, unless:
- 908 (a)(i) the sex offender, [~~prior to~~] before accompanying the child:
- 909 (A) verbally advises the child's parent or legal guardian that the sex offender is on
- 910 the state sex offender registry and is required by state law to obtain written
- 911 permission in order for the sex offender to accompany the child; and

912 (B) requests that the child's parent or legal guardian provide written authorization
913 for the sex offender to accompany the child, including the specific dates and
914 locations;

915 (ii) the child's parent or legal guardian has provided to the sex offender written
916 authorization, including the specific dates and locations, for the sex offender to
917 accompany the child; and

918 (iii) the sex offender has possession of the written authorization and is accompanying
919 the child only at the dates and locations specified in the authorization;

920 (b) the child's parent or guardian has verbally authorized the sex offender to accompany
921 the child either in the child's residence or on property appurtenant to the child's
922 residence, but in no other locations; or

923 (c) the child is the ~~natural~~ child of the sex offender, and the offender is not prohibited
924 by any court order, or probation or parole provision, from contact with the child.

925 (3)(a) A sex offender convicted of a violation of Subsection (2) is subject to registration
926 in accordance with this chapter, for an additional five years ~~[subsequent to]~~ after the
927 required registration described in Section 53-29-203.

928 (b) The period of additional registration imposed under Subsection (3)(a) is also in
929 addition to any period of registration imposed under Subsection 53-29-305(3) for
930 failure to comply with registration requirements.

931 (4) It is not a defense to a prosecution under this section that the defendant mistakenly
932 believed the individual to be 14 years old or older at the time of the offense or was
933 unaware of the individual's true age.

934 (5) This section does not apply if a sex offender is acting to rescue a child who is in an
935 emergency and life-threatening situation.

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

937 **53-29-405 . Removal for offenses or convictions for which registration is no**
938 **longer required.**

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

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

943 (b) the department receives a formal notification or order from the court or the Board of
944 Pardons and Parole that the conviction for the registrable offense for which the
945 individual is on the registry has been reversed, vacated, or pardoned.

- 946 (2) The offenses described in Subsection (1)(a) are:
- 947 (a) a class B or class C misdemeanor for enticing a minor under Section 76-5-417;
- 948 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);
- 949 (c) child kidnapping under Section 76-5-301.1, if the offender was the ~~natural~~ parent of
- 950 the child victim;
- 951 (d) unlawful detention under Section 76-5-304;
- 952 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
- 953 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or
- 954 (f) sodomy, but not forcible sodomy, under Section 76-5-403.
- 955 (3) The department shall notify an individual who has been removed from the registry in
- 956 accordance with Subsection (1) and inform the individual in the notice that the
- 957 individual is no longer required to register as an offender.
- 958 (4) An individual who is currently on the registry may submit a request to the department to
- 959 be removed from the registry if the individual believes that the individual qualifies for
- 960 removal under Subsection (1).
- 961 (5) The department, upon receipt of a request for removal from the registry in accordance
- 962 with this section, shall:
- 963 (a) check the registry for the individual's current status;
- 964 (b) determine whether the individual qualifies for removal based upon this section; and
- 965 (c) notify the individual in writing of the department's determination and whether the
- 966 individual:
- 967 (i) qualifies for removal from the registry; or
- 968 (ii) does not qualify for removal.
- 969 (6) If the department determines that the individual qualifies for removal from the registry,
- 970 the department shall remove the offender from the registry.
- 971 (7)(a) If the department determines that the individual does not qualify for removal from
- 972 the registry, the department shall provide an explanation in writing for the
- 973 department's determination.
- 974 (b) The department's determination under Subsection (7)(a) is final and not subject to
- 975 administrative review.
- 976 (8) The department or an employee of the department is not civilly liable for a
- 977 determination made in good faith in accordance with this section.
- 978 (9)(a) The department shall provide a response to a request for removal within 30 days
- 979 after the day on which the department receives the request.

980 (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the
981 day on which the department receives the request, the department shall notify the
982 individual that the response may be delayed up to 30 additional days.

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

984 **53-30-101 . Definitions.**

985 As used in this chapter:

986 (1) "Applicant" means an individual who submits an application for certification.

987 (2) "Application for certification" means an application described in Subsection [
988 ~~53-29-201(1)~~] 53-30-201(1).

989 (3) "Certifying officer" means the commissioner or an individual the commissioner
990 designates to certify an application for certification.

991 (4) "Credible threat" means a threat to cause death or serious bodily injury that a state or
992 federal law enforcement agency has confirmed to be authentic.

993 (5) "Easement holder" means the same as that term is defined in Section 57-13c-101.

994 (6) "Improvement" means the same as that term is defined in Section 78B-2-225.

995 (7) "Land use authority" means:

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

998 (b) with respect to protected property located within an unincorporated area of a county,
999 the same as that term is defined in Section 17-79-102.

1000 (8) "Protected person" means an individual who:

1001 (a) within the four years preceding the day on which the individual submits an
1002 application for certification:

1003 (i) received a credible threat; or

1004 (ii) was physically harmed; and

1005 (b) is at risk of serious bodily injury or death caused by:

1006 (i) the individual who made the credible threat described in Subsection (8)(a)(i) or
1007 caused the physical harm described in Subsection (8)(a)(ii); or

1008 (ii) an individual affiliated with the individual who made the credible threat described
1009 in Subsection (8)(a)(i) or caused the physical harm described in Subsection
1010 (8)(a)(ii).

1011 (9) "Protected property" means real property that is owned or occupied by a protected
1012 person.

1013 (10) "Protection certificate" means a written determination described in Subsection [

1014 ~~53-29-201(4)]~~ 53-30-201(4).

1015 (11)(a) "Security improvement" means an improvement that:

1016 (i) is intended to provide protection for a protected person, or a protected person's
1017 immediate family member living at the same residence as the protected person,
1018 from the risk of death or serious bodily injury caused by an individual who made a
1019 credible threat or caused physical harm to the protected person;

1020 (ii) is constructed within the boundaries of protected property; and

1021 (iii) does not interfere with another property owner's property right.

1022 (b) "Security improvement" includes an improvement described in Subsection (11)(a)
1023 that provides safe egress from, or safety within, the protected property, including an
1024 underground improvement or an improvement that runs below an easement if the
1025 improvement does not damage or interfere with the purpose or use of the easement.

1026 Section 13. Section **53E-1-102** is amended to read:

1027 **53E-1-102 . Public education code definitions.**

1028 Unless otherwise indicated, as used in this title, Title 53F, Public Education System --
1029 Funding, and Title 53G, Public Education System -- Local Administration:

1030 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.

1031 (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303
1032 that authorizes the operation of a charter school.

1033 (3) "Charter school governing board" means the board that governs a charter school.

1034 (4) "Custodial parent" means the same as that term is defined in Section 81-1-101.

1035 [~~4~~] (5) "District school" means a public school under the control of a local school board.

1036 [~~5~~] (6) "Individualized education program" or "IEP" means a written statement for a
1037 student with a disability that is developed, reviewed, and revised in accordance with the
1038 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

1039 [~~6~~] (7) "LEA governing board" means:

1040 (a) for a school district, the local school board;

1041 (b) for a charter school, the charter school governing board; or

1042 (c) for the Utah Schools for the Deaf and the Blind, the state board.

1043 [~~7~~] (8) "Local education agency" or "LEA" means:

1044 (a) a school district;

1045 (b) a charter school; or

1046 (c) the Utah Schools for the Deaf and the Blind.

1047 [~~8~~] (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,

- 1048 Election of Members of Local Boards of Education.
- 1049 [(9)] (10) "Minimum School Program" means the same as that term is defined in Section
 1050 53F-2-102.
- 1051 [(10) "Parent" means a parent or legal guardian.]
- 1052 (11) "Noncustodial parent" means the same as that term is defined in Section 81-1-101.
- 1053 (12) "Parent" means:
- 1054 (a) an individual who has a parent-child relationship as defined in Section 81-5-102; or
 1055 (b) a legal guardian.
- 1056 [(11)] (13) "Public education code" means:
- 1057 (a) this title;
 1058 (b) Title 53F, Public Education System -- Funding; and
 1059 (c) Title 53G, Public Education System -- Local Administration.
- 1060 [(12)] (14) "Section 504 accommodation plan" means a plan developed in accordance with
 1061 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
 1062 with a disability, to meet the student's educational needs and ensure equitable access to a
 1063 free appropriate public education.
- 1064 [(13)] (15) "School nurse" means a registered nurse:
- 1065 (a) who holds:
 1066 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or
 1067 (ii) a multistate license as that term is defined in Section 58-31e-102; and
 1068 (b) whose primary role is the care of a defined group of students enrolled in the public
 1069 school system.
- 1070 [(14)] (16) "State board" means the State Board of Education.
- 1071 [(15)] (17) "State superintendent" means the state superintendent of public instruction
 1072 appointed under Section 53E-3-301.
- 1073 Section 14. Section **53E-3-907** is amended to read:
- 1074 **53E-3-907 . Article VI -- Eligibility -- Enrollment -- Extracurricular activities.**
- 1075 (1) Special power of attorney, relative to the guardianship of a child of a military family
 1076 and executed under applicable law, shall be sufficient for the purposes of enrollment and
 1077 all other actions requiring parental participation and consent.
- 1078 (2) A local education agency shall be prohibited from charging local tuition to a
 1079 transitioning military child placed in the care of a [~~non-custodial~~] noncustodial parent or
 1080 other person standing in loco parentis who lives in a jurisdiction other than that of the
 1081 custodial parent.

1082 (3) A transitioning military child, placed in the care of a [~~non-custodial~~] noncustodial parent
 1083 or other person standing in loco parentis who lives in a jurisdiction other than that of the
 1084 custodial parent, may continue to attend the school in which the student was enrolled
 1085 while residing with the custodial parent.

1086 (4) State and local education agencies shall facilitate the opportunity for transitioning
 1087 military children's inclusion in extracurricular activities, regardless of application
 1088 deadlines, to the extent they are otherwise qualified.

1089 Section 15. Section **53E-3-1204** is amended to read:

1090 **53E-3-1204 . Parental consent -- Tuition.**

1091 (1) Power of attorney lawfully executed under [~~Title 75, Chapter 9, Uniform Power of~~
 1092 ~~Attorney Act~~] Title 75A, Chapter 2, Uniform Power of Attorney Act, is sufficient for the
 1093 purposes of enrollment and other actions requiring parental participation or consent.

1094 (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
 1095 in a jurisdiction other than that of the custodial parent.
 1096

1097 (3) A transferring student, placed in the care of a [~~non-custodial~~] noncustodial parent or
 1098 other individual standing in loco parentis who lives in a jurisdiction other than that of
 1099 the custodial parent, may continue to attend the school in which the student was enrolled
 1100 while residing with the custodial parent.

1101 Section 16. Section **53H-11-202** is amended to read:

1102 **53H-11-202 . Resident student status -- Definitions -- Exceptions.**

1103 (1) As used in this section:

1104 (a) "DOD civilian" means an employee of the United States Department of Defense who
 1105 is assigned to perform the employee's duties at a military organization based in Utah.

1106 (b) "Eligible person" means an individual who is entitled to post-secondary educational
 1107 benefits under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec.
 1108 101 et seq.

1109 (c) "Immediate family member" means an individual's spouse or dependent child.

1110 (d) "Inmate" means the same as that term is defined in Section 64-13-1.

1111 (e) "Military service member" means an individual who:

1112 (i) is serving on active duty in the United States Armed Forces;

1113 (ii) is a member of a reserve component of the United States Armed Forces; or

1114 (iii) is a member of the National Guard.

1115 (f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.

- 1116 (g) "National Guard" means the same as that term is defined in Section 39A-1-102.
- 1117 (h) "Parent" means~~[a student's biological or adoptive parent]~~ , with respect to a student,
- 1118 an individual who has a parent-child relationship, as defined in Section 81-5-102,
- 1119 with the student.
- 1120 (2) The meaning of "resident student" is determined by reference to the general law on the
- 1121 subject of domicile, except as provided in this section.
- 1122 (3)(a) Institutions may grant resident student status to any student who has come to Utah
- 1123 and established residency for the purpose of attending an institution of higher
- 1124 education, and who, prior to registration as a resident student:
- 1125 (i) has maintained continuous Utah residency status for one full year;
- 1126 (ii) has signed a written declaration that the student has relinquished residency in any
- 1127 other state; and
- 1128 (iii) has submitted objective evidence that the student has taken overt steps to
- 1129 establish permanent residency in Utah and that the student does not maintain a
- 1130 residence elsewhere.
- 1131 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 1132 (i) a Utah high school transcript issued in the past year confirming attendance at a
- 1133 Utah high school in the past 12 months;
- 1134 (ii) a Utah voter registration dated a reasonable period prior to application;
- 1135 (iii) a Utah driver license or identification card with an original date of issue or a
- 1136 renewal date several months prior to application;
- 1137 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 1138 (v) evidence of employment in Utah for a reasonable period prior to application;
- 1139 (vi) proof of payment of Utah resident income taxes for the previous year;
- 1140 (vii) a rental agreement showing the student's name and Utah address for at least 12
- 1141 months prior to application; and
- 1142 (viii) utility bills showing the student's name and Utah address for at least 12 months
- 1143 prior to application.
- 1144 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
- 1145 resident of Utah is not eligible to apply for resident student status.
- 1146 (4) Except as provided in Subsection (8), an institution within the state system of higher
- 1147 education may establish stricter criteria for determining resident student status.
- 1148 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
- 1149 honor the decision of another institution within the state system of higher education to

- 1150 grant a student resident student status, unless:
- 1151 (a) the student obtained resident student status under false pretenses; or
- 1152 (b) the facts existing at the time of the granting of resident student status have changed.
- 1153 (6) Within the limits established in this chapter, each institution within the state system of
1154 higher education may, regardless of its policy on obtaining resident student status, waive
1155 nonresident tuition either in whole or in part, but not other fees.
- 1156 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
1157 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
1158 maximum number allowed by the appropriate athletic conference as recommended by
1159 the president of each institution.
- 1160 (8) Notwithstanding Subsection (3), an institution shall grant resident student status for
1161 tuition purposes to:
- 1162 (a) a military service member, if the military service member provides:
- 1163 (i) the military service member's current United States military identification card;
- 1164 (ii) a leave and earning statement of the military service member;
- 1165 (iii) the military service member's military orders;
- 1166 (iv) documentation of enlistment by the military service member; or
- 1167 (v) a statement from the military service member's current commander stating that
1168 the military service member is currently serving in the military;
- 1169 (b) a military service member's immediate family member, if the military service
1170 member's immediate family member provides:
- 1171 (i) any of the documentation described in Subsection (8)(a); or
- 1172 (ii) the immediate family member's current United States military identification card;
- 1173 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
1174 military veteran provides evidence of an honorable or general discharge;
- 1175 (d) a military veteran's immediate family member, regardless of whether the military
1176 veteran served in Utah, if the military veteran's immediate family member provides
1177 evidence of the military veteran's honorable or general discharge;
- 1178 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
1179 is either:
- 1180 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1181 state due to an assignment; or
- 1182 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1183 (A) evidence of the foreign service member's status;

- 1184 (B) a statement from the foreign service member's current commander, or
1185 equivalent, stating that the foreign service member is assigned in Utah; or
1186 (C) evidence that the foreign service member is domiciled in Utah;
- 1187 (f) a foreign service member's immediate family member if the foreign service member
1188 is either:
- 1189 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1190 state due to an assignment; or
- 1191 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1192 (A) evidence of the foreign service member's status;
- 1193 (B) a statement from the foreign service member's current commander, or
1194 equivalent, stating that the foreign service member is assigned in Utah; or
1195 (C) evidence that the foreign service member is domiciled in Utah;
- 1196 (g) an eligible person who provides:
- 1197 (i) evidence of eligibility under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans'
1198 Benefits, 38 U.S.C. Sec. 101 et seq; and
- 1199 (ii) a signed written declaration that the eligible person will use the veteran benefits
1200 under [~~Title 38 U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec. 101 et seq;
- 1201 (h) an alien who provides:
- 1202 (i) evidence that the alien is a special immigrant visa recipient;
- 1203 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
1204 temporary protected status, or asylum; or
- 1205 (iii) evidence that the alien has submitted in good faith an application for refugee
1206 status, humanitarian parole, temporary protected status, or asylum under United
1207 States immigration law;
- 1208 (i) an inmate:
- 1209 (i) during the time the inmate is enrolled in the course; and
- 1210 (ii) for one year after the day on which the inmate is released from a correctional
1211 facility as defined in Section 64-13-1;
- 1212 (j) a DOD civilian, if the DOD civilian provides:
- 1213 (i) the DOD civilian's current United States Department of Defense identification
1214 card; and
- 1215 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
1216 stating that the DOD civilian is assigned in Utah; or
1217 (B) evidence that the DOD civilian is domiciled in Utah, as described in

- 1218 Subsection (9)(a); or
- 1219 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family
- 1220 member provides:
- 1221 (i) the DOD civilian's current United States Department of Defense identification
- 1222 card; and
- 1223 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 1224 stating that the DOD civilian is assigned in Utah; or
- 1225 (B) evidence that the DOD civilian is domiciled in Utah, as described in
- 1226 Subsection (9)(a).
- 1227 (9)(a) The evidence described in Subsection (8)(j)(ii)(B) or (8)(k)(ii)(B) includes:
- 1228 (i) a current Utah voter registration card;
- 1229 (ii) a valid Utah driver license or identification card;
- 1230 (iii) a current Utah vehicle registration;
- 1231 (iv) a copy of a Utah income tax return, in the name of the DOD civilian or DOD
- 1232 civilian's spouse, filed as a resident in accordance with Section 59-10-502; or
- 1233 (v) proof that the DOD civilian or DOD civilian's spouse owns a home in Utah,
- 1234 including a property tax notice for property owned in Utah.
- 1235 (b) Aliens who are present in the United States on visitor, student, or other visas not
- 1236 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
- 1237 country, do not have the capacity to intend to reside in Utah for an indefinite period
- 1238 and therefore are classified as nonresidents.
- 1239 (c) Aliens who have been granted or have applied for permanent resident status in the
- 1240 United States are classified for purposes of resident student status according to the
- 1241 same criteria applicable to citizens.
- 1242 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
- 1243 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
- 1244 with the border of Utah, and any American Indian who is a member of a federally
- 1245 recognized or known Utah tribe and who has graduated from a high school in Utah, is
- 1246 entitled to resident student status.
- 1247 (11) A Job Corps student is entitled to resident student status if the student:
- 1248 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 1249 leading to a degree or certificate; and
- 1250 (b) submits verification that the student is a current Job Corps student.
- 1251 (12) A person is entitled to resident student status and may immediately apply for resident

- 1252 student status if the person:
- 1253 (a) marries a Utah resident eligible to be a resident student under this section; and
- 1254 (b) establishes [~~his or her~~] the person's domicile in Utah as demonstrated by objective
- 1255 evidence as provided in Subsection (3).
- 1256 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
- 1257 who has been domiciled in Utah for at least 12 months prior to the student's application
- 1258 is entitled to resident student status.
- 1259 (14)(a) A person who has established domicile in Utah for full-time permanent
- 1260 employment may rebut the presumption of a nonresident classification by providing
- 1261 substantial evidence that the reason for the individual's move to Utah was, in good
- 1262 faith, based on an employer requested transfer to Utah, recruitment by a Utah
- 1263 employer, or a comparable work-related move for full-time permanent employment
- 1264 in Utah.
- 1265 (b) All relevant evidence concerning the motivation for the move shall be considered,
- 1266 including:
- 1267 (i) the person's employment and educational history;
- 1268 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 1269 (iii) when the person moved to Utah;
- 1270 (iv) the dates when the person applied for admission, was admitted, and was enrolled
- 1271 as a postsecondary student;
- 1272 (v) whether the person applied for admission to an institution of higher education
- 1273 sooner than four months from the date of moving to Utah;
- 1274 (vi) evidence that the person is an independent person who is:
- 1275 (A) at least 24 years old; or
- 1276 (B) not claimed as a dependent on someone else's tax returns; and
- 1277 (vii) any other factors related to abandonment of a former domicile and establishment
- 1278 of a new domicile in Utah for purposes other than to attend an institution of higher
- 1279 education.
- 1280 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
- 1281 athlete training program, at a facility in Utah, approved by the governing body for the
- 1282 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- 1283 (b) Upon the termination of the athlete's participation in the training program, the athlete
- 1284 shall be subject to the same residency standards applicable to other persons under this
- 1285 section.

1286 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
1287 counts for Utah residency for tuition purposes upon termination of the athlete's
1288 participation in a Utah Olympic athlete training program.

1289 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
1290 death of a spouse, or long-term health care responsibilities for an immediate family
1291 member, including the person's spouse, parent, sibling, or child, may rebut the
1292 presumption of a nonresident classification by providing substantial evidence that the
1293 reason for the individual's move to Utah was, in good faith, based on the long-term
1294 health care responsibilities.

1295 (b) All relevant evidence concerning the motivation for the move shall be considered,
1296 including:

1297 (i) the person's employment and educational history;

1298 (ii) the dates when the long-term health care responsibilities in Utah were first
1299 considered, offered, and accepted;

1300 (iii) when the person moved to Utah;

1301 (iv) the dates when the person applied for admission, was admitted, and was enrolled
1302 as a postsecondary student;

1303 (v) whether the person applied for admission to an institution of higher education
1304 sooner than four months from the date of moving to Utah;

1305 (vi) evidence that the person is an independent person who is:

1306 (A) at least 24 years old; or

1307 (B) not claimed as a dependent on someone else's tax returns; and

1308 (vii) any other factors related to abandonment of a former domicile and establishment
1309 of a new domicile in Utah for purposes other than to attend an institution of higher
1310 education.

1311 (17) A foreign service member or the foreign service member's immediate family member
1312 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the
1313 eligibility for resident student status if the foreign service member or immediate family
1314 member maintains continuous enrollment even in the case of a change in domicile or
1315 duty station.

1316 (18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for
1317 resident student status under Subsection (8)(j) or (k) shall retain the eligibility for
1318 resident student status if the DOD civilian or the DOD civilian's immediate family
1319 member maintains continuous enrollment even in the case of a change in domicile or

1320 duty station.

1321 (19) The board, after consultation with the institutions, shall make rules not inconsistent
1322 with this section:

- 1323 (a) concerning the definition of resident and nonresident students;
- 1324 (b) establishing procedures for classifying and reclassifying students;
- 1325 (c) establishing criteria for determining and judging claims of residency or domicile;
- 1326 (d) establishing appeals procedures; and
- 1327 (e) other matters related to this section.

1328 (20) A student shall be exempt from paying the nonresident portion of total tuition if the
1329 student:

- 1330 (a) is a foreign national legally admitted to the United States;
- 1331 (b) attended high school in this state for three or more years; and
- 1332 (c) graduated from a high school in this state or received the equivalent of a high school
1333 diploma in this state.

1334 Section 17. Section **59-10-1005** is amended to read:

1335 **59-10-1005 . Tax credit for at-home parent.**

1336 (1) As used in this section:

- 1337 (a) "At-home parent" means a parent:
 - 1338 (i) who provides full-time care at the parent's residence for one or more of the
1339 parent's own qualifying children;
 - 1340 (ii) who claims the qualifying child as a dependent on the parent's individual income
1341 tax return for the taxable year for which the parent claims the credit; and
 - 1342 (iii) if the sum of the following amounts are \$3,000 or less for the taxable year for
1343 which the parent claims the credit:
 - 1344 (A) the total wages, tips, and other compensation listed on all of the parent's
1345 federal Forms W-2; and
 - 1346 (B) the gross income listed on the parent's federal Form 1040 Schedule C, Profit
1347 or Loss From Business.
- 1348 (b) "Parent" means an individual who:
 - 1349 [~~(i) is the biological mother or father of a qualifying child;~~]
 - 1350 (i) has a parent-child relationship, as defined in Section 81-5-102, with a qualifying
1351 child;
 - 1352 (ii) is the stepfather or stepmother of a qualifying child;
 - 1353 (iii)[~~(A) legally adopts a qualifying child; or]~~

- 1354 ~~[(B)]~~ has a qualifying child placed in the individual's home:
- 1355 ~~[(H)]~~ (A) by a child-placing agency, as defined in Section 26B-2-101; and
- 1356 ~~[(H)]~~ (B) for the purpose of legally adopting the child;
- 1357 (iv) is a foster parent of a qualifying child; or
- 1358 (v) is a legal guardian of a qualifying child.
- 1359 (c) "Qualifying child" means a child who is no more than 12 months of age on the last
- 1360 day of the taxable year for which the tax credit is claimed.
- 1361 (2) For a taxable year beginning on or after January 1, 2000, a claimant may claim on the
- 1362 claimant's individual income tax return a nonrefundable tax credit of \$100 for each
- 1363 qualifying child if:
- 1364 (a) the claimant or another claimant filing a joint individual income tax return with the
- 1365 claimant is an at-home parent; and
- 1366 (b) the adjusted gross income of all of the claimants filing the individual income tax
- 1367 return is less than or equal to \$50,000.
- 1368 (3) A claimant may not carry forward or carry back a tax credit authorized by this section.
- 1369 (4)(a) In accordance with any rules prescribed by the commission under Subsection
- 1370 (4)(b), the Division of Finance shall transfer at least annually from the General Fund
- 1371 into the Income Tax Fund the aggregate amount of all tax credits claimed under this
- 1372 section.
- 1373 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1374 commission may make rules for making a transfer from the General Fund into the
- 1375 Income Tax Fund as required by Subsection (4)(a).
- 1376 Section 18. Section **63A-17-806** is amended to read:
- 1377 **63A-17-806 . Definitions -- Infant at Work Pilot Program -- Administration.**
- 1378 (1) As used in this section:
- 1379 (a) "Eligible employee" means an employee who has been employed by the Department
- 1380 of Health and Human Services for a minimum of:
- 1381 (i) 12 consecutive months; and
- 1382 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately
- 1383 preceding the day on which the employee applies for participation in the program.
- 1384 (b) "Infant" means a baby that is at least six weeks of age and no more than six months
- 1385 of age.
- 1386 (c) "Parent" means:
- 1387 ~~[(i) a biological or adoptive parent of an infant; or]~~

- 1388 (i) an individual who has a parent-child relationship, as defined in Section 81-5-102,
 1389 with an infant; or
 1390 (ii) an individual who has an infant placed in the individual's foster care by the
 1391 Division of Child and Family Services.
- 1392 (d) "Program" means the Infant at Work Pilot Program established in this section.
- 1393 (2) There is created the Infant at Work Pilot Program for eligible employees.
- 1394 (3) The program shall:
- 1395 (a) allow an eligible employee to bring the eligible employee's infant to work subject to
 1396 the provisions of this section;
- 1397 (b) be administered by the division; and
- 1398 (c) be implemented for a minimum of one year.
- 1399 (4) The division shall establish an application process for eligible employees of the
 1400 Department of Health and Human Services to apply to the program that includes:
- 1401 (a) a process for evaluating whether an eligible employee's work environment is
 1402 appropriate for an infant;
- 1403 (b) guidelines for infant health and safety; and
- 1404 (c) guidelines regarding an eligible employee's initial and ongoing participation in the
 1405 program.
- 1406 (5) If the division approves the eligible employee for participation in the program, the
 1407 eligible employee shall have the sole responsibility for the care and safety of the infant
 1408 at the workplace.
- 1409 (6) The division may not require the Department of Health and Human Services to
 1410 designate or set aside space for an eligible employee's infant other than the eligible
 1411 employee's existing work space.
- 1412 (7) The division, in consultation with the Department of Health and Human Services, shall
 1413 make rules that the department determines necessary to establish the program in
 1414 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1415 Section 19. Section **75-2-114** is amended to read:

1416 **75-2-114 . Parent and child relationship.**

- 1417 (1) As used in this section, "pre-existing parent" means the same as that term is defined in
 1418 Section 81-13-101.
- 1419 [(+) (2)(a) Except as provided in Subsections [(2)-and-(3)] (3) and (4), for purposes of
 1420 intestate succession by, through, or from a person, an individual is the child of the
 1421 individual's [natural]parents, regardless of [their] the individual's parent's marital

1422 status.

1423 (b) The parent and child relationship may be established as provided in Title 81, Chapter
1424 5, Uniform Parentage Act.

1425 [(2)] (3) An adopted individual is the child of the adopting parent or parents and not of the [
1426 ~~natural parents, but~~] adopted individual's pre-existing parent, except that the adoption of
1427 a child by the spouse of [~~either natural parent~~] a child's pre-existing parent has no effect
1428 on the relationship between the child and that [~~natural~~] pre-existing parent.

1429 [(3)] (4) Inheritance from or through a child by [~~either natural~~] the child's parent or the
1430 child's kindred is precluded unless that [~~natural~~]parent has openly treated the child as
1431 the [~~natural~~]parent's[;] and has not refused to support the child.

1432 Section 20. Section **75-2-705** is amended to read:

1433 **75-2-705 . Class gifts construed to accord with intestate succession.**

1434 (1)(a) Adopted individuals and individuals born out of wedlock, and their respective
1435 descendants if appropriate to the class, are included in class gifts and other terms of
1436 relationship in accordance with the rules for intestate succession.

1437 (b) Terms of relationship that do not differentiate relationships by blood from those by
1438 affinity, such as "uncles," "aunts," "nieces," or "nephews," are construed to exclude
1439 relatives by affinity.

1440 (c) Terms of relationship that do not differentiate relationships by the half blood from
1441 those by the whole blood, such as "brothers," "sisters," "nieces," or "nephews," are
1442 construed to include both types of relationships.

1443 (2) In addition to the requirements of Subsection (1), in construing a dispositive provision
1444 of a transferor who is not the [~~natural~~]parent, an individual born to the [~~natural~~]parent
1445 is not considered the child of that parent unless the individual lived while a minor as a
1446 regular member of the household of that [~~natural~~]parent or of that parent's parent,
1447 brother, sister, spouse, or surviving spouse.

1448 (3) In addition to the requirements of Subsection (1), in construing a dispositive provision
1449 of a transferor who is not the adopting parent, an adopted individual is not considered
1450 the child of the adopting parent unless the adopted individual lived while a minor, either
1451 before or after the adoption, as a regular member of the household of the adopting parent.

1452 Section 21. Section **76-2-409** is amended to read:

1453 **76-2-409 . Battered person mitigation.**

1454 (1) As used in this section:

1455 (a) "Abuse" means the same as that term is defined in Section 78B-7-102.

- 1456 (b) "Cohabitant" means:
- 1457 (i) the same as that term is defined in Section 78B-7-102; or
- 1458 (ii) the relationship of a minor and a [~~natural parent, an adoptive~~]parent, a stepparent,
- 1459 or an individual living with the minor's [~~natural~~]parent as if a stepparent to the
- 1460 minor.
- 1461 (2)(a) An individual is entitled to battered person mitigation if:
- 1462 (i) the individual committed a criminal offense that was not legally justified;
- 1463 (ii) the individual committed the criminal offense against a cohabitant who
- 1464 demonstrated a pattern of abuse against the individual or another cohabitant of the
- 1465 individual; and
- 1466 (iii) the individual reasonably believed that the criminal offense was necessary to end
- 1467 the pattern of abuse.
- 1468 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a
- 1469 reasonable person in the individual's circumstances, as the individual's circumstances
- 1470 are perceived by the individual.
- 1471 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by
- 1472 clear and convincing evidence, each element that would entitle the individual to
- 1473 mitigation under Subsection (2)(a).
- 1474 (4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense
- 1475 of which the individual is convicted.
- 1476 (5)(a) If the trier of fact is a jury, an individual is not entitled to mitigation under
- 1477 Subsection (2)(a) unless the jury:
- 1478 (i) finds the individual proved, in accordance with Subsection (3), that the individual
- 1479 is entitled to mitigation by unanimous vote; and
- 1480 (ii) returns a special verdict for the reduced charge at the same time the jury returns
- 1481 the general verdict.
- 1482 (b) A nonunanimous vote by the jury on the question of mitigation under Subsection
- 1483 (2)(a) does not result in a hung jury.
- 1484 (6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's
- 1485 trial shall give notice of the individual's intent to claim mitigation under Subsection
- 1486 (2)(a) to the prosecuting agency at least 30 days before the individual's trial.
- 1487 Section 22. Section **76-5-301.2** is amended to read:
- 1488 **76-5-301.2 . Parental kidnapping.**
- 1489 (1)(a) As used in this section:

- 1490 (i) "Child" means an individual under 18 years old.
- 1491 (ii) "Custody" means court-ordered physical custody of a child entered by a court.
- 1492 [~~(iii) "Parent" means an individual:~~]
- 1493 [~~(A) recognized as a biological parent or adoptive parent; or]~~
- 1494 [~~(B) that has established a parent-child relationship under Section 81-5-201.]~~
- 1495 (iii) "Parent" means an individual who has a parent-child relationship, as defined in
- 1496 Section 81-5-102, with the child.
- 1497 (iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.
- 1498 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1499 (2) A parent commits parental kidnapping of the parent's child if the parent:
- 1500 (a) takes, entices, conceals, detains, or withholds the child from an individual entitled to
- 1501 custody of the child;
- 1502 (b) intends to interfere with the custody of the child; and
- 1503 (c)(i) has never had a right to physical custody of the child;
- 1504 (ii) has never been granted parent-time with the child;
- 1505 (iii) has had all rights to physical custody of the child terminated by a court; or
- 1506 (iv) at the time of the parent's action under Subsection (2)(a), had parent-time with
- 1507 the child terminated or suspended by a court.
- 1508 (3)(a) A violation of Subsection (2) is a third degree felony.
- 1509 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
- 1510 felony if, during the course of parental kidnapping, the parent removes, causes the
- 1511 removal, or directs the removal of the child from the state.
- 1512 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative
- 1513 defense to the crime of parental kidnapping that:
- 1514 (a) the parent acted under a reasonable belief that the action described in Subsection
- 1515 (2)(a) was:
- 1516 (i) necessary to protect the child from imminent serious bodily injury, or death;
- 1517 (ii) authorized by law; or
- 1518 (iii) taken with the consent of:
- 1519 (A) the individual entitled to custody of the child; or
- 1520 (B) a custodian, guardian, caretaker, or other individual lawfully acting in place of
- 1521 the individual entitled to custody of the child; or
- 1522 (b)(i) the parent acted under a reasonable belief that the action described in
- 1523 Subsection (2)(a) was necessary to protect the child from abuse, including sexual

1524 abuse; and
1525 (ii) before taking the action described in Subsection (2)(a), the parent reports to law
1526 enforcement the parent's intention to engage in the action and the basis for the
1527 parent's belief described in Subsection (4)(b)(i).

1528 Section 23. Section **76-5-404.1** is amended to read:

1529 **76-5-404.1 . Sexual abuse of a child -- Penalties -- Limitations.**

1530 (1)(a) As used in this section:

- 1531 (i) "Adult" means an individual 18 years old or older.
1532 (ii) "Child" means an individual younger than 14 years old.
1533 (iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.
1534 (iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
1535 (v) "Position of special trust" means:
1536 (A) an adoptive parent;
1537 (B) an athletic manager who is an adult;
1538 (C) an aunt;
1539 (D) a babysitter;
1540 (E) a coach;
1541 (F) a cohabitant of a parent if the cohabitant is an adult;
1542 (G) a counselor;
1543 (H) a doctor or physician;
1544 (I) an employer;
1545 (J) a foster parent;
1546 (K) a grandparent;
1547 (L) a legal guardian;
1548 (M) a [~~natural~~]parent;
1549 (N) a recreational leader who is an adult;
1550 (O) a religious leader;
1551 (P) a sibling or a stepsibling who is an adult;
1552 (Q) a scout leader who is an adult;
1553 (R) a stepparent;
1554 (S) a teacher or any other individual employed by or volunteering at a public or
1555 private elementary school or secondary school, and who is 18 years old or
1556 older;
1557 (T) an instructor, professor, or teaching assistant at a public or private institution

1558 of higher education;
 1559 (U) an uncle;
 1560 (V) a youth leader who is an adult; or
 1561 (W) any individual in a position of authority, other than those individuals listed in
 1562 Subsections (1)(a)(v)(A) through (V), which enables the individual to exercise
 1563 undue influence over the child.

1564 (b) Terms defined in Section 76-1-101.5 apply to this section.

1565 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor
 1566 commits sexual abuse of a child if the actor:

1567 (i)(A) touches, whether over or under the clothing, the buttocks or pubic area of a
 1568 child;

1569 (B) touches, whether over or under the clothing, the female breast of a child;

1570 (C) touches the anus or genitals of a child over the clothing; or

1571 (D) otherwise takes indecent liberties with a child whether over or under the
 1572 clothing; and

1573 (ii) the actor's conduct is with intent to:

1574 (A) cause substantial emotional or bodily pain to any individual; or

1575 (B) arouse or gratify the sexual desire of any individual.

1576 (b) Any touching, however slight, is sufficient to constitute the relevant element of a
 1577 violation of Subsection (2)(a).

1578 (3) A violation of Subsection (2) is a second degree felony.

1579 (4) The offenses referred to in Subsection (2)(a) are:

1580 (a) rape of a child, in violation of Section 76-5-402.1;

1581 (b) object rape of a child, in violation of Section 76-5-402.3;

1582 (c) sodomy on a child, in violation of Section 76-5-403.1; or

1583 (d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

1584 Section 24. Section **78A-5-103** is amended to read:

1585 **78A-5-103 . District court case management.**

1586 (1) The district court of each district shall develop systems of case management.

1587 (2) The case management systems developed by a district court shall:

1588 (a) ensure judicial accountability for the just and timely disposition of cases; and

1589 (b) provide for each judge a full judicial work load that accommodates differences in the
 1590 subject matter or complexity of cases assigned to different judges.

1591 (3)(a) A district court may establish divisions within the court for the efficient

1592 management of different types of cases.

1593 (b) The existence of divisions within the court may not:

1594 [~~(a)~~] (i) affect the jurisdiction of the court nor the validity of court orders; or

1595 [~~(b)~~] (ii) impede public access to the courts.

1596 (4) To the extent possible, the district court of each district shall assign any case or
 1597 proceeding involving the same child or family to a single judge.

1598 Section 25. Section **78A-6-104** is amended to read:

1599 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**
 1600 **protective order.**

1601 (1)(a) The juvenile court has jurisdiction, concurrent with the district court:

1602 (i) to establish parentage, or to order testing for purposes of establishing parentage,

1603 for a child in accordance with Title 81, Chapter 5, Uniform Parentage Act, when a

1604 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency

1605 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental

1606 Rights, that involves the child;

1607 (ii) over a petition to modify a minor's birth certificate if the juvenile court has

1608 jurisdiction over the minor's case under Section 78A-6-103; and

1609 (iii) over questions of custody, support, and parent-time of a minor if the juvenile

1610 court has jurisdiction over the minor's case under Section 78A-6-103.

1611 (b) If the juvenile court obtains jurisdiction over a parentage action under Subsection

1612 (1)(a)(i), the juvenile court may:

1613 (i) retain jurisdiction over the parentage action until parentage of the child is

1614 adjudicated; or

1615 (ii) transfer jurisdiction over the parentage action to the district court.

1616 (2)(a) The juvenile court has jurisdiction, concurrent with the district court or the justice

1617 court otherwise having jurisdiction, over a criminal information filed under Part 4a,

1618 Adult Criminal Proceedings, for an adult alleged to have committed:

1619 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to

1620 a minor;

1621 (ii) an offense under Section 53G-6-202, failure to comply with compulsory

1622 education requirements;

1623 (iii) an offense under Section 80-2-609, failure to report;

1624 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;

1625 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or

- 1626 (vi) an offense under Section 80-5-601, harboring a runaway.
- 1627 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law
- 1628 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
- 1629 Subsection (2)(a).
- 1630 (3)(a) When a support, custody, or parent-time award has been made by a district court
- 1631 in a divorce action or other proceeding, and the jurisdiction of the district court in the
- 1632 case is continuing, the juvenile court may acquire jurisdiction in a case involving the
- 1633 same child if the child comes within the jurisdiction of the juvenile court under
- 1634 Section 78A-6-103.
- 1635 (b)(i) The juvenile court may, by order, change the custody subject to Subsection
- 1636 81-9-204(4), support, parent-time, and visitation rights previously ordered in the
- 1637 district court as necessary to implement the order of the juvenile court for the
- 1638 safety and welfare of the child.
- 1639 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
- 1640 long as the juvenile court continues to exercise jurisdiction.
- 1641 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are
- 1642 filed with the district court, the findings and order of the juvenile court are binding on
- 1643 the parties to the divorce action as though entered in the district court.
- 1644 (4) This section does not deprive the district court of jurisdiction to:
- 1645 (a) appoint a guardian for a child;
- 1646 (b) determine the support, custody, and parent-time of a child upon writ of habeas
- 1647 corpus; or
- 1648 (c) determine a question of support, custody, and parent-time that is incidental to the
- 1649 determination of an action in the district court.
- 1650 (5) A juvenile court may transfer a petition for a protective order for a child to the district
- 1651 court if the juvenile court has entered an ex parte protective order and finds that:
- 1652 (a) the petitioner and the respondent are the [~~natural parent, adoptive parent,~~] parent or
- 1653 step parent of the child who is the object of the petition;
- 1654 (b) the district court has a petition pending or an order related to custody or parent-time
- 1655 entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, Title
- 1656 81, Chapter 4, Part 4, Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in
- 1657 which the petitioner and the respondent are parties; and
- 1658 (c) the best interests of the child will be better served in the district court.
- 1659 Section 26. Section **78B-7-102** is amended to read:

1660 **78B-7-102 . Definitions.**

1661 As used in this chapter:

- 1662 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
1663 causing or attempting to cause another individual physical harm or intentionally or
1664 knowingly placing another individual in reasonable fear of imminent physical harm.
- 1665 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 1666 (3) "Canadian domestic violence protection order" means the same as that term is defined in
1667 Section 78B-7-1201.
- 1668 (4) "Child" means an individual who is younger than 18 years old.
- 1669 (5) "Civil protective order" means an order issued, [~~subsequent to~~] after a hearing on the
1670 petition, of which the petitioner and respondent have been given notice, under:
- 1671 (a) Part 2, Child Protective Orders;
- 1672 (b) Part 4, Dating Violence Protective Orders;
- 1673 (c) Part 5, Sexual Violence Protective Orders;
- 1674 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1675 (e) Part 11, Workplace Violence Protective Orders.
- 1676 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil
1677 Stalking Injunctions.
- 1678 (7)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an
1679 individual who is 16 years old or older who:
- 1680 (i) is or was a spouse of the other party;
- 1681 (ii) is or was living as if a spouse of the other party;
- 1682 (iii) is related by blood or marriage to the other party as the individual's parent,
1683 grandparent, sibling, or any other individual related to the individual by
1684 consanguinity or affinity to the second degree;
- 1685 (iv) has or had one or more children in common with the other party;
- 1686 (v) is the biological parent of the other party's unborn minor child;
- 1687 (vi) resides or has resided in the same residence as the other party; or
- 1688 (vii) is or was in a consensual sexual relationship with the other party.
- 1689 (b) "Cohabitant" does not include:
- 1690 (i) the relationship of [~~natural parent, adoptive parent, or~~] parent or step-parent to a
1691 minor child; or
- 1692 (ii) the relationship between [~~natural, adoptive, step, or foster siblings~~] siblings,
1693 stepsiblings, or foster siblings who are under 18 years old.

- 1694 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 1695 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective
1696 Orders.
- 1697 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
1698 Criminal Stalking Injunctions.
- 1699 (11) "Court clerk" means a district court clerk.
- 1700 (12)(a) "Dating partner" means an individual who:
- 1701 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,
1702 Emancipation; or
- 1703 (B) is 18 years old or older; and
- 1704 (ii) is, or has been, in a dating relationship with the other party.
- 1705 (b) "Dating partner" does not include an intimate partner.
- 1706 (13)(a) "Dating relationship" means a social relationship of a romantic or intimate
1707 nature, or a relationship which has romance or intimacy as a goal by one or both
1708 parties, regardless of whether the relationship involves sexual intimacy.
- 1709 (b) "Dating relationship" does not include casual fraternization in a business,
1710 educational, or social context.
- 1711 (c) In determining, based on a totality of the circumstances, whether a dating
1712 relationship exists:
- 1713 (i) all relevant factors shall be considered, including:
- 1714 (A) whether the parties developed interpersonal bonding above a mere casual
1715 fraternization;
- 1716 (B) the length of the parties' relationship;
- 1717 (C) the nature and the frequency of the parties' interactions, including
1718 communications indicating that the parties intended to begin a dating
1719 relationship;
- 1720 (D) the ongoing expectations of the parties, individual or jointly, with respect to
1721 the relationship;
- 1722 (E) whether, by statement or conduct, the parties demonstrated an affirmation of
1723 their relationship to others; and
- 1724 (F) whether other reasons exist that support or detract from a finding that a dating
1725 relationship exists; and
- 1726 (ii) it is not necessary that all, or a particular number, of the factors described in
1727 Subsection (13)(c)(i) are found to support the existence of a dating relationship.

- 1728 (14) "Dating violence" means:
- 1729 (a) a criminal offense involving violence or physical harm, or threat of violence or
- 1730 physical harm, when committed by an individual against a dating partner; or
- 1731 (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal
- 1732 offense involving violence or physical harm against a dating partner of the individual.
- 1733 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 1734 (16) "Ex parte civil protective order" means an order issued without notice to the
- 1735 respondent under:
- 1736 (a) Part 2, Child Protective Orders;
- 1737 (b) Part 4, Dating Violence Protective Orders;
- 1738 (c) Part 5, Sexual Violence Protective Orders;
- 1739 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1740 (e) Part 11, Workplace Violence Protective Orders.
- 1741 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to
- 1742 the respondent under Part 7, Civil Stalking Injunctions.
- 1743 (18) "Foreign protection order" means:
- 1744 (a) the same as that term is defined in Section 78B-7-302; or
- 1745 (b) a Canadian domestic violence protection order.
- 1746 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 1747 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 1748 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having
- 1749 general police power and charged with making arrests in connection with enforcement
- 1750 of the criminal statutes and ordinances of this state or any political subdivision.
- 1751 (22) "Minor child" means the same as that term is defined in Section 81-1-101.
- 1752 (23) "Peace officer" means those individuals specified in Title 53, Chapter 13, Peace
- 1753 Officer Classifications.
- 1754 (24) "Qualifying domestic violence offense" means the same as that term is defined in
- 1755 Section 77-36-1.1.
- 1756 (25) "Respondent" means the individual against whom enforcement of a protective order is
- 1757 sought.
- 1758 (26) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 1759 Section 27. Section **80-1-102** is amended to read:
- 1760 **80-1-102 . Juvenile Code definitions.**
- 1761 Except as provided in Section 80-6-1103, as used in this title:

- 1762 (1)(a) "Abuse" means:
- 1763 (i)(A) nonaccidental harm of a child;
- 1764 (B) threatened harm of a child;
- 1765 (C) sexual exploitation;
- 1766 (D) sexual abuse; or
- 1767 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 1768 (ii) that a child's parent:
- 1769 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 1770 the child;
- 1771 (B) is identified by a law enforcement agency as the primary suspect in an
- 1772 investigation for intentionally, knowingly, or recklessly causing the death of
- 1773 another parent of the child; or
- 1774 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 1775 recklessly causing the death of another parent of the child.
- 1776 (b) "Abuse" does not include:
- 1777 (i) reasonable discipline or management of a child, including withholding privileges;
- 1778 (ii) conduct described in Section 76-2-401; or
- 1779 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 1780 (A) in self-defense;
- 1781 (B) in defense of others;
- 1782 (C) to protect the child; or
- 1783 (D) to remove a weapon in the possession of a child for any of the reasons
- 1784 described in Subsections (1)(b)(iii)(A) through (C).
- 1785 (2) "Abused child" means a child who has been subjected to abuse.
- 1786 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 1787 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
- 1788 Justice:
- 1789 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
- 1790 or criminal information alleging that a minor committed an offense have been
- 1791 proved;
- 1792 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 1793 or
- 1794 (C) a plea of no contest by minor in the juvenile court; or
- 1795 (ii) for all other proceedings under this title, a finding by the juvenile court that the

- 1796 facts alleged in the petition have been proved.
- 1797 (b) "Adjudication" does not include:
- 1798 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 1799 enters the minor's admission; or
- 1800 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 1801 (4)(a) "Adult" means an individual who is 18 years old or older.
- 1802 (b) "Adult" does not include an individual:
- 1803 (i) who is 18 years old or older; and
- 1804 (ii) who is a minor.
- 1805 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 1806 78A-2-801.
- 1807 (6) "Board" means the Board of Juvenile Court Judges.
- 1808 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 1809 years old.
- 1810 (8) "Child and family plan" means a written agreement between a child's parents or
- 1811 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 1812 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 1813 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 1814 (11) "Child protection team" means a team consisting of:
- 1815 (a) the child welfare caseworker assigned to the case;
- 1816 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 1817 child;
- 1818 (c) a representative of the school or school district where the child attends school;
- 1819 (d) if applicable, the law enforcement officer who removed the child from the home;
- 1820 (e) a representative of the appropriate Children's Justice Center, if one is established
- 1821 within the county where the child resides;
- 1822 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 1823 with the child's circumstances;
- 1824 (g) if appropriate, a representative of law enforcement selected by the chief of police or
- 1825 sheriff in the city or county where the child resides; and
- 1826 (h) any other individuals determined appropriate and necessary by the team coordinator
- 1827 and chair.
- 1828 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 1829 (b) "Chronic abuse" does not mean an isolated incident of abuse.

- 1830 (13)(a) "Chronic neglect" means repeated or patterned neglect.
1831 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 1832 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
1833 58-37d-3.
- 1834 (15) "Commit" or "committed" means, unless specified otherwise:
1835 (a) with respect to a child, to transfer legal custody; and
1836 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 1837 (16) "Community-based program" means a nonsecure residential or nonresidential program,
1838 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
1839 restrictive setting, consistent with public safety, and operated by or under contract with
1840 the Division of Juvenile Justice and Youth Services.
- 1841 (17) "Community placement" means placement of a minor in a community-based program
1842 described in Section 80-5-402.
- 1843 (18) "Correctional facility" means:
1844 (a) a county jail; or
1845 (b) a secure correctional facility as defined in Section 64-13-1.
- 1846 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
1847 minor's likelihood of reoffending.
- 1848 (20) "Department" means the Department of Health and Human Services created in Section
1849 26B-1-201.
- 1850 (21) "Dependent child" or "dependency" means a child who is without proper care through
1851 no fault of the child's parent, guardian, or custodian.
- 1852 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
1853 parent or a previous custodian to another person, agency, or institution.
- 1854 (23) "Detention" means home detention or secure detention.
- 1855 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
1856 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 1857 (25) "Detention risk assessment tool" means an evidence-based tool established under
1858 Section 80-5-203 that:
1859 (a) assesses a minor's risk of failing to appear in court or reoffending before
1860 adjudication; and
1861 (b) is designed to assist in making a determination of whether a minor shall be held in
1862 detention.
- 1863 (26) "Developmental immaturity" means incomplete development in one or more domains

- 1864 that manifests as a functional limitation in the minor's present ability to:
- 1865 (a) consult with counsel with a reasonable degree of rational understanding; and
- 1866 (b) have a rational as well as factual understanding of the proceedings.
- 1867 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
- 1868 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 1869 (28) "Educational neglect" means that, after receiving a notice of compulsory education
- 1870 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
- 1871 effort to ensure that the child receives an appropriate education.
- 1872 (29) "Educational series" means an evidence-based instructional series:
- 1873 (a) obtained at a substance abuse program that is approved by the Division of Integrated
- 1874 Healthcare in accordance with Section 26B-5-104; and
- 1875 (b) designed to prevent substance use or the onset of a mental health disorder.
- 1876 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 1877 (31) "Evidence-based" means a program or practice that has had multiple randomized
- 1878 control studies or a meta-analysis demonstrating that the program or practice is effective
- 1879 for a specific population or has been rated as effective by a standardized program
- 1880 evaluation tool.
- 1881 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 1882 (33) "Formal probation" means a minor is:
- 1883 (a) supervised in the community by, and reports to, a juvenile probation officer or an
- 1884 agency designated by the juvenile court; and
- 1885 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1886 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 1887 (35) "Group rehabilitation therapy" means psychological and social counseling of one or
- 1888 more individuals in the group, depending upon the recommendation of the therapist.
- 1889 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor,
- 1890 including the authority to consent to:
- 1891 (a) marriage;
- 1892 (b) enlistment in the armed forces;
- 1893 (c) major medical, surgical, or psychiatric treatment; or
- 1894 (d) legal custody, if legal custody is not vested in another individual, agency, or
- 1895 institution.
- 1896 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 1897 (38) "Harm" means:

- 1898 (a) physical or developmental injury or damage;
- 1899 (b) emotional damage that results in a serious impairment in the child's growth,
- 1900 development, behavior, or psychological functioning;
- 1901 (c) sexual abuse; or
- 1902 (d) sexual exploitation.
- 1903 (39) "Home detention" means placement of a minor:
- 1904 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 1905 of the minor's parent, guardian, or custodian, under terms and conditions established
- 1906 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 1907 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 1908 minor's home, or in a surrogate home with the consent of the minor's parent,
- 1909 guardian, or custodian, under terms and conditions established by the Division of
- 1910 Juvenile Justice and Youth Services or the juvenile court.
- 1911 (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
- 1912 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
- 1913 aunt, nephew, niece, or first cousin.
- 1914 (b) "Incest" includes:
- 1915 (i) blood relationships of the whole or half blood, regardless of whether the
- 1916 relationship is legally recognized;
- 1917 (ii) relationships of parent and child by adoption; and
- 1918 (iii) relationships of stepparent and stepchild while the marriage creating the
- 1919 relationship of a stepparent and stepchild exists.
- 1920 (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1921 (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1922 (43) "Indigent defense service provider" means the same as that term is defined in Section
- 1923 78B-22-102.
- 1924 (44) "Indigent defense services" means the same as that term is defined in Section
- 1925 78B-22-102.
- 1926 (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 1927 (46)(a) "Intake probation" means a minor is:
- 1928 (i) monitored by a juvenile probation officer; and
- 1929 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1930 (b) "Intake probation" does not include formal probation.
- 1931 (47) "Intellectual disability" means a significant subaverage general intellectual functioning

- 1932 existing concurrently with deficits in adaptive behavior that constitutes a substantial
1933 limitation to the individual's ability to function in society.
- 1934 (48) "Juvenile offender" means:
- 1935 (a) a serious youth offender; or
1936 (b) a youth offender.
- 1937 (49) "Juvenile probation officer" means a probation officer appointed under Section
1938 78A-6-205.
- 1939 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by
1940 the Division of Juvenile Justice and Youth Services, or under contract with the Division
1941 of Juvenile Justice and Youth Services, that is responsible for minors taken into
1942 temporary custody under Section 80-6-201.
- 1943 (51) "Legal custody" means a relationship embodying:
- 1944 (a) the right to physical custody of the minor;
1945 (b) the right and duty to protect, train, and discipline the minor;
1946 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
1947 medical care;
1948 (d) the right to determine where and with whom the minor shall live; and
1949 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 1950 (52) "Licensing Information System" means the Licensing Information System maintained
1951 by the Division of Child and Family Services under Section 80-2-1002.
- 1952 (53) "Management Information System" means the Management Information System
1953 developed by the Division of Child and Family Services under Section 80-2-1001.
- 1954 (54) "Mental illness" means:
- 1955 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
1956 behavioral, or related functioning; or
1957 (b) the same as that term is defined in:
- 1958 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
1959 published by the American Psychiatric Association; or
1960 (ii) the current edition of the International Statistical Classification of Diseases and
1961 Related Health Problems.
- 1962 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 1963 (a) a child; or
1964 (b) an individual:
1965 (i)(A) who is at least 18 years old and younger than 21 years old; and

1966 (B) for whom the Division of Child and Family Services has been specifically
1967 ordered by the juvenile court to provide services because the individual was an
1968 abused, neglected, or dependent child or because the individual was
1969 adjudicated for an offense;

1970 (ii)(A) who is at least 18 years old and younger than 25 years old; and

1971 (B) whose case is under the jurisdiction of the juvenile court in accordance with
1972 Subsection 78A-6-103(1)(b); or

1973 (iii)(A) who is at least 18 years old and younger than 21 years old; and

1974 (B) whose case is under the jurisdiction of the juvenile court in accordance with
1975 Subsection 78A-6-103(1)(c).

1976 (56) "Mobile crisis outreach team" means the same as that term is defined in Section
1977 26B-5-101.

1978 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
1979 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
1980 or the breast of a female child, or takes indecent liberties with a child as defined in
1981 Section 76-5-401.1.

1982 (58)(a) "Neglect" means action or inaction causing:

1983 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
1984 Relinquishment of a Newborn Child;

1985 (ii) lack of proper parental care of a child by reason of the fault or habits of the
1986 parent, guardian, or custodian;

1987 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
1988 necessary subsistence or medical care, or any other care necessary for the child's
1989 health, safety, morals, or well-being;

1990 (iv) a child to be at risk of being neglected or abused because another child in the
1991 same home is neglected or abused;

1992 (v) abandonment of a child through an unregulated child custody transfer under
1993 Section 81-14-203; or

1994 (vi) educational neglect.

1995 (b) "Neglect" does not include:

1996 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
1997 reason, does not provide specified medical treatment for a child;

1998 (ii) a health care decision made for a child by the child's parent or guardian, unless
1999 the state or other party to a proceeding shows, by clear and convincing evidence,

- 2000 that the health care decision is not reasonable and informed;
- 2001 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 2002 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
- 2003 maturity to avoid harm or unreasonable risk of harm, to engage in independent
- 2004 activities, including:
- 2005 (A) traveling to and from school, including by walking, running, or bicycling;
- 2006 (B) traveling to and from nearby commercial or recreational facilities;
- 2007 (C) engaging in outdoor play;
- 2008 (D) remaining in a vehicle unattended, except under the conditions described in
- 2009 Subsection 76-5-115(2);
- 2010 (E) remaining at home unattended; or
- 2011 (F) engaging in a similar independent activity.
- 2012 (59) "Neglected child" means a child who has been subjected to neglect.
- 2013 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
- 2014 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
- 2015 consent in writing of:
- 2016 (a) the assigned juvenile probation officer; and
- 2017 (b)(i) the minor; or
- 2018 (ii) the minor and the minor's parent, guardian, or custodian.
- 2019 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
- 2020 disability or related condition, or developmental immaturity, lacks the ability to:
- 2021 (a) understand the nature of the proceedings against the minor or of the potential
- 2022 disposition for the offense charged; or
- 2023 (b) consult with counsel and participate in the proceedings against the minor with a
- 2024 reasonable degree of rational understanding.
- 2025 (62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
- 2026 parent-child relationship, as defined in Section 81-5-102, to a minor[~~under Section~~
- 2027 ~~81-5-201~~].
- 2028 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 2029 (63) "Parole" means a conditional release of a juvenile offender from residency in secure
- 2030 care to live outside of secure care under the supervision of the Division of Juvenile
- 2031 Justice and Youth Services, or another person designated by the Division of Juvenile
- 2032 Justice and Youth Services.
- 2033 (64) "Physical abuse" means abuse that results in physical injury or damage to a child.

- 2034 (65)(a) "Probation" means a legal status created by court order, following an
2035 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
2036 minor's home under prescribed conditions.
- 2037 (b) "Probation" includes intake probation or formal probation.
- 2038 (66) "Prosecuting attorney" means:
- 2039 (a) the attorney general and any assistant attorney general;
- 2040 (b) any district attorney or deputy district attorney;
- 2041 (c) any county attorney or assistant county attorney; and
- 2042 (d) any other attorney authorized to commence an action on behalf of the state.
- 2043 (67) "Protective custody" means the shelter of a child by the Division of Child and Family
2044 Services from the time the child is removed from the home until the earlier of:
- 2045 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 2046 (b) the day on which the child is returned home.
- 2047 (68) "Protective services" means expedited services that are provided:
- 2048 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 2049 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 2050 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
2051 causes of neglect or abuse; and
- 2052 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 2053 (c) in cases where the child's welfare is endangered:
- 2054 (i) to bring the situation to the attention of the appropriate juvenile court and law
2055 enforcement agency;
- 2056 (ii) to cause a protective order to be issued for the protection of the child, when
2057 appropriate; and
- 2058 (iii) to protect the child from the circumstances that endanger the child's welfare
2059 including, when appropriate:
- 2060 (A) removal from the child's home;
- 2061 (B) placement in substitute care; and
- 2062 (C) petitioning the court for termination of parental rights.
- 2063 (69) "Protective supervision" means a legal status created by court order, following an
2064 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 2065 (a) the minor is permitted to remain in the minor's home; and
- 2066 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
2067 by an agency designated by the juvenile court.

- 2068 (70)(a) "Related condition" means a condition that:
- 2069 (i) is found to be closely related to intellectual disability;
- 2070 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 2071 similar to that of an intellectually disabled individual;
- 2072 (iii) is likely to continue indefinitely; and
- 2073 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 2074 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 2075 serious emotional or behavioral disturbance.
- 2076 (71)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 2077 a parent after legal custody or guardianship, or both, have been vested in another
- 2078 person or agency, including:
- 2079 (i) the responsibility for support;
- 2080 (ii) the right to consent to adoption;
- 2081 (iii) the right to determine the child's religious affiliation; and
- 2082 (iv) the right to reasonable parent-time unless restricted by the court.
- 2083 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 2084 right to consent to:
- 2085 (i) marriage;
- 2086 (ii) enlistment; and
- 2087 (iii) major medical, surgical, or psychiatric treatment.
- 2088 (72) "Runaway" means a child, other than an emancipated child, who willfully leaves the
- 2089 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
- 2090 without permission.
- 2091 (73) "Secure care" means placement of a minor, who is committed to the Division of
- 2092 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
- 2093 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
- 2094 supervision and confinement of the minor.
- 2095 (74) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
- 2096 for juvenile offenders in secure care.
- 2097 (75) "Secure detention" means temporary care of a minor who requires secure custody in a
- 2098 physically restricting facility operated by, or under contract with, the Division of
- 2099 Juvenile Justice and Youth Services:
- 2100 (a) before disposition of an offense that is alleged to have been committed by the minor;
- 2101 or

- 2102 (b) under Section 80-6-704.
- 2103 (76) "Serious youth offender" means an individual who:
- 2104 (a) is at least 14 years old, but under 25 years old;
- 2105 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
- 2106 of the juvenile court was extended over the individual's case until the individual was
- 2107 25 years old in accordance with Section 80-6-605; and
- 2108 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
- 2109 Services for secure care under Sections 80-6-703 and 80-6-705.
- 2110 (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 2111 (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
- 2112 child.
- 2113 (79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
- 2114 (79)(b):
- 2115 (i) if committed by an individual who is 18 years old or older:
- 2116 (A) chronic abuse;
- 2117 (B) severe abuse;
- 2118 (C) sexual abuse;
- 2119 (D) sexual exploitation;
- 2120 (E) abandonment;
- 2121 (F) chronic neglect; or
- 2122 (G) severe neglect; or
- 2123 (ii) if committed by an individual who is under 18 years old:
- 2124 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child
- 2125 that indicates a significant risk to other children; or
- 2126 (B) sexual behavior with or upon another child that indicates a significant risk to
- 2127 other children.
- 2128 (b) "Severe type of child abuse or neglect" does not include:
- 2129 (i) the use of reasonable and necessary physical restraint by an educator in
- 2130 accordance with Section 53G-8-301 or Section 76-2-401;
- 2131 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 2132 use of reasonable and necessary physical restraint or force in self-defense or
- 2133 otherwise appropriate to the circumstances to obtain possession of a weapon or
- 2134 other dangerous object in the possession or under the control of a child or to
- 2135 protect the child or another individual from physical injury; or

- 2136 (iii) a health care decision made for a child by a child's parent or guardian, unless,
2137 subject to Subsection (79)(c), the state or other party to the proceeding shows, by
2138 clear and convincing evidence, that the health care decision is not reasonable and
2139 informed.
- 2140 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the
2141 right to obtain a second health care opinion.
- 2142 (80)(a) "Sexual abuse" means:
- 2143 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
2144 adult directed towards a child;
- 2145 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
2146 committed by a child towards another child if:
- 2147 (A) there is an indication of force or coercion;
- 2148 (B) the children are related, as described in Subsection (40), including siblings by
2149 marriage while the marriage exists or by adoption; or
- 2150 (C) the act or attempted act constitutes unlawful sexual activity as described in
2151 Section 76-5-401.3.
- 2152 (iii) engaging in any conduct with a child that would constitute an offense under any
2153 of the following, regardless of whether the individual who engages in the conduct
2154 is actually charged with, or convicted of, the offense:
- 2155 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 2156 (B) child bigamy, Section 76-7-101.5;
- 2157 (C) incest, Section 76-7-102;
- 2158 (D) voyeurism, Section 76-12-306;
- 2159 (E) recorded or photographed voyeurism, Section 76-12-307; or
- 2160 (F) distribution of images obtained through voyeurism, Section 76-12-308; or
- 2161 (iv) subjecting a child to participate in or threatening to subject a child to participate
2162 in a sexual relationship, regardless of whether that sexual relationship is part of a
2163 legal or cultural marriage.
- 2164 (b) "Sexual abuse" does not include engaging in any conduct with a child that would
2165 constitute an offense described in:
- 2166 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator
2167 of the offense is a minor; or
- 2168 (ii) Section 76-5-417, enticing a minor.
- 2169 (81) "Sexual exploitation" means knowingly:

- 2170 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 2171 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 2172 (ii) engage in any sexual or simulated sexual conduct for the purpose of
- 2173 photographing, filming, recording, or displaying in any way the sexual or
- 2174 simulated sexual conduct;
- 2175 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
- 2176 depicting a child:
- 2177 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 2178 (ii) engaging in sexual or simulated sexual conduct; or
- 2179 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
- 2180 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
- 2181 exploitation of a minor, regardless of whether the individual who engages in the
- 2182 conduct is actually charged with, or convicted of, the offense.
- 2183 (82) "Shelter" means the temporary care of a child in a physically unrestricted facility
- 2184 pending a disposition or transfer to another jurisdiction.
- 2185 (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 2186 (84) "Significant risk" means a risk of harm that is determined to be significant in
- 2187 accordance with risk assessment tools and rules established by the Division of Child and
- 2188 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
- 2189 Rulemaking Act, that focus on:
- 2190 (a) age;
- 2191 (b) social factors;
- 2192 (c) emotional factors;
- 2193 (d) sexual factors;
- 2194 (e) intellectual factors;
- 2195 (f) family risk factors; and
- 2196 (g) other related considerations.
- 2197 (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 2198 (86) "Status offense" means an offense that would not be an offense but for the age of the
- 2199 offender.
- 2200 (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
- 2201 excessive use of alcohol or other drugs or substances.
- 2202 (88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance
- 2203 of the evidence, and separate consideration of each allegation made or identified in the

- 2204 case, that abuse, neglect, or dependency occurred.
- 2205 (89) "Substitute care" means:
- 2206 (a) the placement of a minor in a family home, group care facility, or other placement
- 2207 outside the minor's own home, either at the request of a parent or other responsible
- 2208 relative, or upon court order, when it is determined that continuation of care in the
- 2209 minor's own home would be contrary to the minor's welfare;
- 2210 (b) services provided for a minor in the protective custody of the Division of Child and
- 2211 Family Services, or a minor in the temporary custody or custody of the Division of
- 2212 Child and Family Services, as those terms are defined in Section 80-2-102; or
- 2213 (c) the licensing and supervision of a substitute care facility.
- 2214 (90) "Supported" means a finding by the Division of Child and Family Services based on
- 2215 the evidence available at the completion of an investigation, and separate consideration
- 2216 of each allegation made or identified during the investigation, that there is a reasonable
- 2217 basis to conclude that abuse, neglect, or dependency occurred.
- 2218 (91) "Termination of parental rights" means the permanent elimination of all parental rights
- 2219 and duties, including residual parental rights and duties, by court order.
- 2220 (92) "Therapist" means:
- 2221 (a) an individual employed by a state division or agency for the purpose of conducting
- 2222 psychological treatment and counseling of a minor in the division's or agency's
- 2223 custody; or
- 2224 (b) any other individual licensed or approved by the state for the purpose of conducting
- 2225 psychological treatment and counseling.
- 2226 (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
- 2227 the child is at an unreasonable risk of harm or neglect.
- 2228 (94) "Torture" means:
- 2229 (a) the infliction of a serious injury upon a child in an exceptionally cruel or
- 2230 exceptionally depraved manner that causes the child to experience extreme physical
- 2231 or psychological pain or anguish; or
- 2232 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part
- 2233 of a course of conduct or over a prolonged period of time.
- 2234 (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 2235 (a) results in behavior that is beyond the control or ability of the child, or the parent or
- 2236 guardian, to manage effectively;
- 2237 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or

- 2238 (c) results in the situations described in Subsections (95)(a) and (b).
- 2239 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
2240 conclude that abuse, neglect, or dependency occurred.
- 2241 (97) "Unsupported" means a finding by the Division of Child and Family Services at the
2242 completion of an investigation, after the day on which the Division of Child and Family
2243 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
2244 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 2245 (98) "Validated risk and needs assessment" means an evidence-based tool that assesses a
2246 minor's risk of reoffending and a minor's criminogenic needs.
- 2247 (99) "Without merit" means a finding at the completion of an investigation by the Division
2248 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
2249 dependency did not occur, or that the alleged perpetrator was not responsible for the
2250 abuse, neglect, or dependency.
- 2251 (100) "Youth offender" means an individual who is:
- 2252 (a) at least 12 years old, but under 21 years old; and
- 2253 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
2254 Services for secure care under Sections 80-6-703 and 80-6-705.
- 2255 Section 28. Section **81-1-101** is amended to read:
- 2256 **81-1-101 . Definitions for title.**
- 2257 As used in this title:
- 2258 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and
2259 81-10-101, a son or daughter of any age.
- 2260 (2) "Court" means:
- 2261 (a) a judge; or
- 2262 (b) a court commissioner if the court commissioner has authority to hear the matter
2263 under Section 78A-5-107 or the Utah Rules of Judicial Administration.
- 2264 (3) "Custodial parent" means:
- 2265 (a) a parent awarded primary physical custody of a minor child by a court order;
- 2266 (b) if both parents have joint physical custody:
- 2267 (i) the parent awarded more overnights each year by a court order; or
- 2268 (ii) the parent designated as the custodial parent by a court order; or
- 2269 (c) if there is no court order, the parent with whom the minor child resides more than
2270 one-half of the calendar year without regard to any temporary parent-time.
- 2271 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger

2272 than 18 years old and is not emancipated.

2273 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of
2274 any designation of joint legal custody.

2275 (6) "Parent" means, except as provided in Section 81-13-211, an individual with an
2276 established parent-child relationship as [~~described in Section 81-5-201~~] defined in
2277 Section 81-5-102.

2278 Section 29. Section **81-2-302** is amended to read:

2279 **81-2-302 . Marriage licenses -- Use within state -- Expiration.**

2280 (1) A marriage may not be solemnized in this state without a license issued by the county
2281 clerk of any county of this state.

2282 (2)(a) A license issued within this state by a county clerk may only be used within this
2283 state.

2284 (b) A license is considered used within this state if the officiant is physically present in
2285 the state at the time of solemnization of the marriage.

2286 (c) A license is not considered used within this state when the parties to the marriage are
2287 not physically present in the state in the same location as the officiant, unless:

2288 (i) the county issuing the marriage license posts on the county's website, in writing, a
2289 sufficient warning that an online marriage solemnized in this state may be invalid
2290 in the country where the parties to the marriage reside; and

2291 (ii) the officiant reiterates the warning described in Subsection (2)(c)(i) verbatim
2292 immediately before solemnizing the marriage.

2293 (3) A warning described in Subsection (2)(c)(i) is considered sufficient if the warning:

2294 (a) appears prominently on the county's website and in the same location on the website
2295 as an application for a marriage license;

2296 (b) is in bold type of the same or larger font size as the text of the instructions for
2297 applying for a marriage license; and

2298 (c) is stated in full in at least English, Spanish, Portuguese, Tagalog, French, and
2299 Mandarin Chinese on the website.

2300 [(3)] (4) A marriage is considered solemnized if:

2301 (a) the parties to the marriage have a valid marriage license;

2302 (b) each party to the marriage willingly, and without duress, declares their intent to enter
2303 into the marriage;

2304 (c) each party to the marriage has filed all required affidavits with the county clerk that
2305 issued the marriage license as required under Subsection [81-2-303(4)(a)]

2306 81-2-303(5)(a);
 2307 (d) an officiant pronounces the parties as married; and
 2308 (e) at least two individuals 18 years old or older witness the declarations of intent and
 2309 the pronouncement.
 2310 ~~[(4)]~~ (5) A license that is not used within 32 days after the day on which the license is issued
 2311 is invalid.

2312 Section 30. Section **81-2-303** is amended to read:

2313 **81-2-303 . Application for marriage license -- Contents.**

- 2314 (1) A county clerk may issue a marriage license only after[:]
 2315 ~~[(a)]~~ an application is filed with the county clerk's office, requiring the following
 2316 information:
 2317 ~~[(i)]~~ (a) the full names of the applicants, including the maiden or bachelor name of each
 2318 applicant;
 2319 ~~[(ii)]~~ (b) the social security numbers of the applicants, unless an applicant has not been
 2320 assigned a number;
 2321 ~~[(iii)]~~ (c) the current address of each applicant;
 2322 ~~[(iv)]~~ (d) the date and place of birth, including the town or city, county, state or country,
 2323 if possible;
 2324 ~~[(v)]~~ (e) the names of the applicants' respective parents, including the maiden name of a
 2325 mother;
 2326 ~~[(vi)]~~ (f) the birthplaces of the applicants' respective parents, including the town or city,
 2327 county, state or country, if possible; and
 2328 ~~[(vii)]~~ (g) the age, legal name, and identity of each applicant is verified.
- 2329 (2) A power of attorney may not be used to secure a marriage license on behalf of a party to
 2330 a marriage.
- 2331 (3)(a) If one or both of the applicants is a minor, the county clerk shall provide each
 2332 minor with a standard petition on a form provided by the Judicial Council to be
 2333 presented to the juvenile court to obtain the authorization required by Section
 2334 81-2-304.
- 2335 (b) The form described in Subsection (3)(a) shall include:
 2336 (i) all information described in Subsection (1);
 2337 (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's
 2338 relationship to the minor in accordance with Subsection 81-2-304(1)(a);
 2339 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described

- 2340 in Section 81-2-304 signed under penalty of perjury;
- 2341 (iv) an affidavit for each applicant regarding the accuracy of the information
- 2342 contained in the marriage application signed under penalty of perjury; and
- 2343 (v) a place for the clerk to sign that indicates that the following have provided
- 2344 documentation to support the information contained in the form:
- 2345 (A) each applicant; and
- 2346 (B) the minor's parent or legal guardian.
- 2347 (4)(a) The social security numbers obtained under the authority of this section may not
- 2348 be recorded on the marriage license and are not open to inspection as a part of the
- 2349 vital statistics files.
- 2350 (b) The [~~Department of Health and Human Services,~~]Office of Vital [~~Record~~] Records
- 2351 and Statistics shall, upon request, supply the social security numbers to the [~~Department of Health and Human Services,~~]Office of Recovery Services.
- 2352
- 2353 (c) The Office of Recovery Services may not use a social security number obtained
- 2354 under the authority of this section for any reason other than the administration of
- 2355 child support services.
- 2356 (5)(a) A county clerk may not issue a marriage license until the county clerk receives:
- 2357 (i) an affidavit from each party applying for the marriage license, stating that there is
- 2358 no lawful reason preventing the marriage; and
- 2359 (ii) if one of the parties will not be physically present in the state at the time of
- 2360 solemnization of the marriage, an affidavit from each party applying for the
- 2361 marriage license, stating that the party consents to personal jurisdiction of the
- 2362 state, and of the county issuing the marriage license, for the purposes of filing a
- 2363 divorce or annulment of the marriage.
- 2364 (b) A county clerk shall file and preserve each affidavit provided under this section.
- 2365 (c) A party who makes an affidavit described in Subsection [~~(4)(a)~~] (5)(a), or a
- 2366 subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of
- 2367 perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part
- 2368 5, Falsification in Official Matters.
- 2369 (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is
- 2370 guilty of a class A misdemeanor.
- 2371 Section 31. Section **81-2-403** is amended to read:
- 2372 **81-2-403 . Marriages prohibited and void.**
- 2373 (1) [~~The following marriages are prohibited and declared void:]~~ A marriage is prohibited

- 2374 and void if:
- 2375 (a) [~~when~~]there is a spouse living from whom the individual marrying has not been
- 2376 divorced;
- 2377 (b) except as provided in Subsection (2), the individual marrying is under 18 years old;
- 2378 or
- 2379 (c) between a divorced individual and any individual other than the one from whom the
- 2380 divorce was secured until:
- 2381 (i) the divorce decree becomes absolute; and
- 2382 (ii) if an appeal is taken, until after the affirmance of the divorce decree.
- 2383 (2) A marriage of an individual under 18 years old is not void if the individual:
- 2384 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court
- 2385 authorization in accordance with Section 81-2-304; or
- 2386 (b) lawfully marries before May 14, 2019.
- 2387 Section 32. Section **81-4-104** is amended to read:
- 2388 **81-4-104 . Temporary separation order.**
- 2389 (1) An individual may file an action for a temporary separation order, without filing a
- 2390 petition for divorce, by filing a petition for temporary separation and motion for
- 2391 temporary orders if:
- 2392 (a) the individual is lawfully married to the individual from whom the separation is
- 2393 sought; and
- 2394 (b)(i) both parties are residents of the state for at least 90 days before the day on
- 2395 which the action is filed; or
- 2396 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or
- 2397 annulment under Subsection [~~81-2-303(4)(a)(ii)~~] 81-2-303(5)(a)(ii).
- 2398 (2) The temporary orders are valid for one year after the day on which the hearing for the
- 2399 order is held or until one of the following occurs:
- 2400 (a) a petition for divorce is filed and consolidated with the petition for temporary
- 2401 separation; or
- 2402 (b) the case is dismissed.
- 2403 (3) If a petition for divorce is filed and consolidated with the petition for temporary
- 2404 separation, orders entered in the temporary separation shall continue in the consolidated
- 2405 case.
- 2406 (4)(a) If the parties to the temporary separation action have a minor child, the parties
- 2407 shall attend the divorce orientation course described in Section 81-4-105:

- 2408 (i) for the petitioner, within 60 days after the day on which the petition is filed; and
2409 (ii) for the respondent, within 30 days after the day on which the respondent is served.
- 2410 (b) If the parties to the temporary separation action do not have a minor child, the parties
2411 may choose to attend the divorce orientation course described in Section 81-4-105.
- 2412 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation
2413 course requirement.
- 2414 (d) A petition shall include information regarding the divorce orientation course
2415 requirement when the petition is served on the respondent.
- 2416 (5) For a party that is unable to pay the costs of the divorce orientation course, and before
2417 the court enters a decree of divorce in the action, the court shall:
- 2418 (a) make a final determination of indigency; and
2419 (b) order the party to pay the costs of the divorce orientation course if the court
2420 determines the party is not indigent.
- 2421 (6)(a) Except for a temporary restraining order under [~~Rule 65A of the~~]Utah Rules of
2422 Civil Procedure, Rule 65A, a party may file, but the court may not hear, a motion for
2423 an order related to the temporary separation petition until the moving party completes
2424 the divorce orientation course.
- 2425 (b) It is an affirmative defense in a temporary separation action that a party has not
2426 completed the divorce orientation course and the action may not continue until a
2427 party has complied with the divorce orientation course.
- 2428 (7)(a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement
2429 that the parties attend the divorce orientation course, on the court's own motion or on
2430 the motion of one of the parties, if the court determines course attendance and
2431 completion are not necessary, appropriate, feasible, or in the best interest of the
2432 parties.
- 2433 (b) If the requirement is waived, the court may permit the temporary separation action to
2434 proceed.
- 2435 (8) The petitioner shall serve the petition for a temporary separation order in accordance
2436 with the Utah Rules of Civil Procedure.
- 2437 (9) If a party files for divorce within one year after the day on which the petition for
2438 temporary separation is filed, the filing fee for a petition for temporary separation shall
2439 be credited towards the filing fee for a divorce.
- 2440 Section 33. Section **81-5-102** is amended to read:
2441 **81-5-102 . Definitions for chapter.**

2442 As used in this chapter:

- 2443 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the
2444 father of a child.
- 2445 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic
2446 father or a possible genetic father of a child, but whose paternity has not been
2447 determined.
- 2448 (3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual
2449 intercourse.
- 2450 (b) "Assisted reproduction" includes:
- 2451 (i) intrauterine insemination;
- 2452 (ii) donation of eggs;
- 2453 (iii) donation of embryos;
- 2454 (iv) in vitro fertilization and transfer of embryos; or
- 2455 (v) intracytoplasmic sperm injection.
- 2456 (4)(a) "Birth mother" means the woman [~~that~~] who gives birth to the child.
- 2457 (b) "Birth mother" does not include a gestational mother.
- 2458 (5) "Child" means an individual of any age whose parentage may be determined under this
2459 chapter.
- 2460 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 2461 (7) "Child support services agency" means a public official or agency authorized under
2462 Title IV-D of the Social Security Act that has the authority to seek:
- 2463 (a) enforcement of support orders or laws relating to the duty of support;
- 2464 (b) establishment or modification of child support;
- 2465 (c) determination of parentage; or
- 2466 (d) location of child-support obligors and their income and assets.
- 2467 (8) "Commence" means to file the initial pleading seeking an adjudication of parentage in
2468 the appropriate tribunal of this state.
- 2469 (9) "Declarant father" means a male who:
- 2470 (a) along with the birth mother, claims to be the genetic father of a child; and
- 2471 (b) signs a voluntary declaration of paternity to establish the man's parentage.
- 2472 (10) "Determination of parentage" means the establishment of the parent-child relationship
2473 by:
- 2474 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of
2475 Paternity; or

- 2476 (b) adjudication by a tribunal.
- 2477 (11)(a) "Donor" means an individual who produces eggs or sperm used for assisted
2478 reproduction, whether or not for consideration.
- 2479 (b) "Donor" does not include:
- 2480 (i) a husband who provides sperm, or a wife who provides eggs, to be used for
2481 assisted reproduction by the wife;
- 2482 (ii) a woman who gives birth to a child by means of assisted reproduction, except as
2483 otherwise provided in Part 8, Gestational Agreement;
- 2484 (iii) a parent under Part 7, Assisted Reproduction; or
- 2485 (iv) an intended parent under Part 8, Gestational Agreement.
- 2486 (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that
2487 an individual identifies as all or part of the individual's ancestry or that is so identified
2488 by other information.
- 2489 (13) "Financial support" means:
- 2490 (a) a base child support award as defined in Section 81-6-101;
- 2491 (b) all past-due support that accrues under an order for current periodic payments; and
- 2492 (c) sum certain judgments for past-due support.
- 2493 (14)(a) "Genetic testing" means an analysis of genetic markers to exclude or identify a
2494 man as the father or a woman as the mother of a child.
- 2495 (b) "Genetic testing" includes an analysis of one or a combination of the following:
- 2496 (i) deoxyribonucleic acid; or
- 2497 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum
2498 enzymes, serum proteins, or red-cell enzymes.
- 2499 (15) "Gestational mother" means a woman who:
- 2500 (a) is 18 years old or older; and
- 2501 (b) gives birth to a child under a gestational agreement.
- 2502 (16) "Man" means a male individual of any age.
- 2503 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 2504 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 2505 (19) "Parentage" means a parent-child relationship.
- 2506 (20)(a) "Parent-child relationship" means the legal relationship between a child and a
2507 parent of the child as described in Section 81-5-201.
- 2508 (b) "Parent-child relationship" includes:
- 2509 (i) the mother-child relationship; or

- 2510 (ii) the father-child relationship.
- 2511 (21) "Parentage index" means the likelihood of paternity calculated by computing the ratio
2512 between:
- 2513 (a) the likelihood that the tested man is the father, based on the genetic markers of the
2514 tested man and child, conditioned on the hypothesis that the tested man is the father
2515 of the child; and
- 2516 (b) the likelihood that the tested man is not the father, based on the genetic markers of
2517 the tested man and child, conditioned on the hypothesis that the tested man is not the
2518 father of the child and that the father is of the same ethnic or racial group as the
2519 tested man.
- 2520 (22) "Presumed father" means a man who, by operation of law under Section 81-5-204, is
2521 recognized as the father of a child until that status is rebutted or confirmed in accordance
2522 with this chapter.
- 2523 (23) "Probability of parentage" means the measure, for the ethnic or racial group to which
2524 the alleged father belongs, of the probability that the man in question is the father of the
2525 child, compared with a random, unrelated man of the same ethnic or racial group,
2526 expressed as a percentage incorporating the parentage index and a prior probability.
- 2527 (24) "Record" means information that is inscribed on a tangible medium or that is stored in
2528 an electronic or other medium and is retrievable in perceivable form.
- 2529 (25) "Signatory" means an individual who authenticates a record and is bound by the
2530 record's terms.
- 2531 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
2532 United States Virgin Islands, any territory, Native American Tribe, or insular possession
2533 subject to the jurisdiction of the United States.
- 2534 (27) "Support" means the same as that term is defined in Section 81-6-101.
- 2535 (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity
2536 authorized to establish, enforce, or modify support orders or to determine parentage.
- 2537 (29) "Unmarried biological father" means the same as that term is defined in Section
2538 81-13-101.
- 2539 Section 34. Section **81-5-204** is amended to read:
- 2540 **81-5-204 . Presumption of parentage.**
- 2541 (1) A man is presumed to be the father of a child if:
- 2542 (a) the man and the birth mother of the child are married to each other and the child is
2543 born during the marriage;

- 2544 (b) the man and the birth mother of the child were married to each other and the child is
 2545 born within 300 days after the marriage is terminated by death, annulment,
 2546 declaration of invalidity, or divorce, or after a decree of separation;
- 2547 (c) before the birth of the child, the man and the birth mother of the child married each
 2548 other in apparent compliance with law, even if the attempted marriage is or could be
 2549 declared invalid, and the child is born during the invalid marriage or within 300 days
 2550 after the marriage's termination by death, annulment, declaration of invalidity, or
 2551 divorce or after a decree of separation; or
- 2552 (d) after the birth of the child, the man and the birth mother of the child married each
 2553 other in apparent compliance with law, whether ~~[or not]~~ the marriage is, or could be
 2554 declared, invalid, the man voluntarily asserted the man's parentage of the child, and
 2555 there is no other presumptive father of the child, and:
- 2556 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;
- 2557 (ii) the man agreed to be and is named as the child's father on the child's birth
 2558 certificate; or
- 2559 (iii) the man promised in a record to support the child as his own.

2560 (2) A man is not presumed to be the father of a child not named in a divorce decree if:

- 2561 (a) the child was born at the time of entry of the divorce decree; and
- 2562 (b) there are children named in the divorce decree and the children have a mother-child
 2563 relationship described in Section 81-5-201 with the same mother as the child.

2564 ~~[(2)]~~ (3) A presumption of parentage established under this section may only be rebutted in
 2565 accordance with Section 81-5-607.

2566 ~~[(3)]~~ (4) If a child has an adjudicated father, the results of genetic testing are inadmissible to
 2567 challenge parentage except as described in Section 81-5-607.

2568 Section 35. Section **81-5-608** is amended to read:

2569 **81-5-608 . Authority to deny motion for genetic testing or disregard test results.**

2570 ~~[(1) In a proceeding to adjudicate the parentage of a child having a presumed father or to~~
 2571 ~~challenge the parentage of a child having a declarant father, the tribunal may deny a~~
 2572 ~~motion seeking an order for genetic testing of the birth mother, the child, and the~~
 2573 ~~presumed or declarant father, or if testing has been completed, the tribunal may~~
 2574 ~~disregard genetic test results that exclude the presumed or declarant father if the tribunal~~
 2575 ~~determines that:]~~

2576 (1) As used in this section, "possible father" means a man who had a sexual relationship
 2577 with the birth mother of a child that gave rise to a reasonable belief that the man was the

2578 genetic father of the child.

2579 (2) In a proceeding to adjudicate the parentage of a child, the tribunal may:

2580 (a) deny a motion seeking an order for genetic testing; or

2581 (b) disregard the genetic test results that exclude the presumed father, declarant father, or
 2582 possible father if testing has been completed and the tribunal determines that:

2583 [(a)] (i) the conduct of the birth mother or [the presumed or declarant father] the
 2584 presumed father, declarant father, or possible father estops that party from
 2585 denying parentage; and

2586 [(b)] (ii) it would be inequitable to disrupt the parent-child relationship between the
 2587 child and [the presumed or declarant father] the presumed father, declarant father,
 2588 or possible father.

2589 [(2)] (3) In determining whether to deny a motion seeking an order for genetic testing or to
 2590 disregard genetic test results under this section, the tribunal shall consider the best
 2591 interest of the child, including the following factors:

2592 (a) the length of time between the proceeding to adjudicate parentage and the time that [
 2593 the presumed or declarant father] the presumed father, declarant father, or possible
 2594 father was placed on notice that [the presumed or declarant father] the presumed
 2595 father, declarant father, or possible father might not be the genetic father of the child;

2596 (b) the length of time during which [the presumed or declarant father] the presumed
 2597 father, declarant father, or possible father has assumed the role of parent of the child;

2598 (c) the facts surrounding [the presumed or declarant father's] the presumed father's,
 2599 declarant father's, or possible father's discovery of the [father's] their possible
 2600 nonparentage;

2601 (d) the nature of the relationship between the child and [the presumed or declarant father]
 2602 the presumed father, declarant father, or possible father;

2603 (e) the age of the child;

2604 (f) the harm that may result to the child if presumed or declared parentage is
 2605 successfully disestablished;

2606 (g) the nature of the relationship between the child and any alleged father;

2607 (h) the extent to which the passage of time reduces the chances of establishing the
 2608 parentage of another individual and a child-support obligation in favor of the child;
 2609 and

2610 (i) other factors that may affect the equities arising from the disruption of the
 2611 parent-child relationship between the child and [the presumed or declarant father] the

2612 presumed father, declarant father, or possible father or the chance of other harm to
2613 the child.

2614 [(3)] (4) If the tribunal denies a motion seeking an order for genetic testing or disregards
2615 genetic test results that exclude [~~the presumed or declarant father~~] the presumed father,
2616 declarant father, or possible father, the tribunal shall issue an order adjudicating [~~the~~
2617 ~~presumed or declarant father~~] the presumed father, declarant father, or possible father to
2618 be the father of the child.

2619 Section 36. Section **81-5-609** is amended to read:

2620 **81-5-609 . Limitation -- Child having declarant father.**

- 2621 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [
2622 ~~parentage~~] paternity or a child support services agency may commence a proceeding
2623 seeking to rescind the declaration or denial or challenge the parentage of the child only
2624 within the time allowed under Section 81-5-306 or 81-5-307.
- 2625 (2) A proceeding under this section is subject to the application of the principles of estoppel
2626 established in Section 81-5-608.

2627 Section 37. Section **81-5-705** is amended to read:

2628 **81-5-705 . Limitation on husband's dispute of paternity.**

- 2629 (1) Except as otherwise provided in Subsection (2), the husband of a wife who gives birth
2630 to a child by means of assisted reproduction may not challenge the husband's paternity
2631 of the child unless:
- 2632 (a) within two years after learning of the birth of the child the husband commences a
2633 proceeding to adjudicate the husband's paternity; and
- 2634 (b) the tribunal finds that the [~~spouse~~] husband did not consent to the assisted
2635 reproduction, before or after the birth of the child.
- 2636 (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal
2637 determines that:
- 2638 (a) the husband did not provide sperm for, or before or after the birth of the child
2639 consent to, assisted reproduction by the husband's wife;
- 2640 (b) the husband and the birth mother of the child have not cohabited since the probable
2641 time of assisted reproduction; and
- 2642 (c) the husband never openly treated the child as the husband's own.
- 2643 (3) The limitation provided in this section applies to a marriage declared invalid after
2644 assisted reproduction.

2645 Section 38. Section **81-6-101** is amended to read:

2646 **81-6-101 . Definitions for chapter.**

2647 As used in this chapter:

- 2648 (1) "Administrative agency" means the Office of Recovery Services or the Department of
2649 Health and Human Services.
- 2650 (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.
- 2651 (3) "Alimony" means the same as that term is defined in Section 81-4-101.
- 2652 (4) "Base child support award" means the award that may be ordered and is calculated
2653 using the child support guidelines before additions for medical expenses and
2654 work-related child care costs.
- 2655 (5) "Base combined child support obligation" means the presumed amount of child support
2656 that the parents should provide for their child as described in Subsection 81-6-204(1).
- 2657 (6) "Base combined child support obligation table" means the table described in Section
2658 81-6-304.
- 2659 (7) "Child" means:
- 2660 (a) a son or daughter who is under 18 years old and who is not otherwise emancipated,
2661 self-supporting, married, or a member of the armed forces of the United States;
- 2662 (b) a son or daughter who is 18 years old or older while enrolled in high school during
2663 the normal and expected year of graduation and not otherwise emancipated,
2664 self-supporting, married, or a member of the armed forces of the United States; or
- 2665 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to
2666 provide some financial resources to the family, is not able to support self by own
2667 means.
- 2668 (8)(a) "Child support" means a base child support award, or a monthly financial award
2669 for uninsured medical expenses, ordered by a tribunal for the support of a child.
- 2670 (b) "Child support" includes current periodic payments, arrearages that accrue under an
2671 order for current periodic payments, and sum certain judgments awarded for
2672 arrearages, medical expenses, and child care costs.
- 2673 (9) "Child support guidelines" means the calculation and application of child support as
2674 described in Part 2, Calculation and Adjustment of Child Support.
- 2675 (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether
2676 temporary, final, or subject to modification, that:
- 2677 (a) establishes or modifies child support;
- 2678 (b) reduces child support arrearages to judgment; or
- 2679 (c) establishes child support or registers a child support order under Chapter 8, Uniform

- 2680 Interstate Family Support Act.
- 2681 (11) "Child support tables" means the tables described in [~~Part 3, Child Support Tables~~]
2682 Sections 81-6-304 and 81-6-305.
- 2683 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 2684 (13) "Gross income" means the amount of income calculated for a parent as described in
2685 Section 81-6-203.
- 2686 (14) "Health care coverage" means coverage under which medical services are provided to
2687 a child through:
- 2688 (a) fee for service;
- 2689 (b) a health maintenance organization;
- 2690 (c) a preferred provider organization;
- 2691 (d) any other type of private health insurance; or
- 2692 (e) public health care coverage.
- 2693 (15)(a) "Incarceration" means the placement of an obligor who has been ordered to pay
2694 child support into a carceral setting in which the obligor is not permitted to earn
2695 wages from employment outside of the carceral setting.
- 2696 (b) "Incarceration" does not include being placed on probation, parole, or work release.
- 2697 (16)(a) "Income" means earnings, compensation, or other payment due to an individual,
2698 regardless of source, whether denominated as wages, salary, commission, bonus, pay,
2699 allowances, contract payment, or otherwise, including severance pay, sick pay, and
2700 incentive pay.
- 2701 (b) "Income" includes:
- 2702 (i) all gain derived from capital assets, labor, or both, including profit gained through
2703 sale or conversion of capital assets;
- 2704 (ii) interest and dividends;
- 2705 (iii) periodic payments made under pension or retirement programs or insurance
2706 policies of any type;
- 2707 (iv) unemployment compensation benefits;
- 2708 (v) workers' compensation benefits; and
- 2709 (vi) disability benefits.
- 2710 (17) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 2711 (18) "Low income table" means the table described in Section 81-6-305.
- 2712 (19) "Medical expenses" means health and dental expenses and related insurance costs.
- 2713 (20) "Minimal child care award" means a minimum amount that an obligor has to pay each

- 2714 month for the monthly expense of child care.
- 2715 [~~(20)~~] (21) "Minor child" means a child who is younger than 18 years old.
- 2716 [~~(21)~~] (22) "Obligee" means an individual, this state, another state, or another comparable
2717 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
2718 support or public assistance.
- 2719 [~~(22)~~] (23) "Obligor" means a person owing a duty of support.
- 2720 [~~(23)~~] (24) "Office" means the Office of Recovery Services within the Department of Health
2721 and Human Services.
- 2722 [~~(24)~~] (25) "Ongoing expense for child care" means a periodic payment that an
2723 administrative agency or court orders an obligor parent to pay to assist with the child
2724 care expenses of the obligor parent's child.
- 2725 [~~(25)~~] (26) "Pregnancy expenses" means an amount equal to:
- 2726 (a) the sum of a pregnant mother's:
- 2727 (i) health insurance premiums while pregnant that are not paid by an employer or
2728 government program; and
- 2729 (ii) medical costs related to the pregnancy, incurred after the date of conception and
2730 before the pregnancy ends; and
- 2731 (b) minus any portion of the amount described in Subsection [~~(25)~~](a) (26)(a) that a court
2732 determines is equitable based on the totality of the circumstances, not including any
2733 amount paid by the mother or father of the child.
- 2734 [~~(26)~~] (27) "Split custody" means that each parent has physical custody of at least one of the
2735 children.
- 2736 [~~(27)~~] (28) "State" means a state, territory, possession of the United States, the District of
2737 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other
2738 comparable domestic or foreign jurisdiction.
- 2739 [~~(28)~~] (29) "Support" means past-due, present, and future obligations to provide for the
2740 financial support, maintenance, or medical expenses of a child.
- 2741 [~~(29)~~] (30) "Support order" means:
- 2742 (a) a child support order; or
- 2743 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to
2744 modification, for alimony.
- 2745 [~~(30)~~] (31) "Suspension" means adjusting a child support order to zero dollars during the
2746 period of an obligor's incarceration.
- 2747 [~~(31)~~] (32) "Temporary" means a period of time that is projected to be less than 12 months

2748 in duration.

2749 [~~(32)~~] (33) "Third party" means an agency or a person other than a parent or a child who
2750 provides care, maintenance, and support to a child.

2751 [~~(33)~~] (34) "Tribunal" means the district court, the Department of Health and Human
2752 Services, Office of Recovery Services, or court or administrative agency of a state,
2753 territory, possession of the United States, the District of Columbia, the Commonwealth
2754 of Puerto Rico, Native American tribe, or other comparable domestic or foreign
2755 jurisdiction.

2756 [~~(34)~~] (35) "Work-related child care expenses" means reasonable child care costs for up to a
2757 full-time work week or training schedule as necessitated by the employment or training
2758 of a parent.

2759 [~~(35)~~] (36) "Worksheet" means a form used to aid in calculating the base child support
2760 award.

2761 Section 39. Section **81-6-202** is amended to read:

2762 **81-6-202 . Determination of amount of child support -- Application of child**
2763 **support guidelines -- Requirements for child support order.**

2764 (1)(a) If a prior child support order does not exist, a substantial change in circumstances
2765 has occurred, or a petition to modify a child support order as described in Section
2766 81-6-212 is filed, the court determining the amount of prospective child support shall
2767 require each party to file a proposed award of child support using the child support
2768 guidelines before the court enters or modifies a child support order.

2769 (b) When no prior child support order exists, the court or administrative agency shall
2770 determine and assess all arrearages based upon the child support guidelines.

2771 (2)(a) The court or administrative agency shall apply the child support guidelines as a
2772 rebuttable presumption in establishing or modifying the amount of temporary or
2773 permanent child support.

2774 (b) The rebuttable presumption means the provisions and considerations required by the
2775 child support guidelines, the award amounts resulting from the application of the
2776 child support guidelines, and the use of worksheets consistent with the child support
2777 guidelines are presumed to be correct, unless the child support guidelines are rebutted
2778 in accordance with this section.

2779 (3)(a) A written finding or specific finding on the record supporting the conclusion that
2780 complying with a provision of the child support guidelines or ordering an award
2781 amount resulting from use of the child support guidelines would be unjust,

- 2782 inappropriate, or not in the best interest of a child in a particular case is sufficient to
2783 rebut the presumption in that case.
- 2784 (b) If an order rebuts the presumption through findings, the order is considered a
2785 deviated order.
- 2786 (4) The following are considered deviations from the child support guidelines, if:
2787 (a) the order includes a written finding that the order is a deviation from the child
2788 support guidelines;
2789 (b) the worksheet has:
2790 (i) the box checked for a deviation; and
2791 (ii) an explanation as to the reason; or
2792 (c) the deviation is made because there were more children than provided for in the child
2793 support tables.
- 2794 (5) If the amount in the order and the amount on the worksheet differ by \$10 or more:
2795 (a) the order is considered deviated; and
2796 (b) the incomes listed on the worksheet may not be used in adjusting support for
2797 emancipation as described in Section 81-6-213.
- 2798 (6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection
2799 (3), the court shall establish child support after considering all relevant factors, including:
2800 (a) the standard of living and situation of the parties;
2801 (b) the relative wealth and income of the parties;
2802 (c) the ability of the obligor to earn;
2803 (d) the ability of the obligee to earn;
2804 (e) the ability of an incapacitated adult child to earn, or other benefits received by the
2805 adult child or on the adult child's behalf including Supplemental Security Income;
2806 (f) the needs of the obligee, the obligor, and the child;
2807 (g) the ages of the parties; and
2808 (h) the responsibilities of the obligor and the obligee for the support of others.
- 2809 (7)(a) If there are children of either parent who live in the home of that parent and are
2810 not children in common to both parties, the court or administrative agency, at the
2811 option of either party, may take into account the children under the child support
2812 guidelines in setting a base child support award as described in Subsection (8).
2813 (b) Additional worksheets shall be prepared that calculate the base child support award
2814 of the respective parents for the additional children.
2815 (c) The court or administrative agency shall subtract the base child support award

- 2816 calculated under Subsection (7)(b) from the appropriate parent's income before
2817 determining the award in the case described in Subsection (7)(a).
- 2818 (8) In a proceeding to adjust or modify a child support order, the court or administrative
2819 agency may consider children, who are born after the entry of the child support order
2820 and are not in common to both parties, to mitigate an increase in the award, but the court
2821 or administrative agency may not consider the children:
- 2822 (a) for the benefit of the obligee if the credit would increase the support obligation of the
2823 obligor from the most recent child support order; or
- 2824 (b) for the benefit of the obligor if the amount of support received by the obligee would
2825 be decreased from the most recent child support order.
- 2826 (9) A stipulated amount for child support or combined child support and alimony is
2827 adequate under the child support guidelines if the stipulated child support amount or
2828 combined amount equals or exceeds the base child support award required by the child
2829 support guidelines.
- 2830 (10) The court shall include the following provisions in a child support order:
- 2831 (a) a provision establishing the monthly amount of child support obligation for each
2832 parent in accordance with the child support guidelines;
- 2833 (b) a provision assigning responsibility for the payment of reasonable and necessary
2834 medical expenses for the child as described in Section 81-6-208;
- 2835 (c) a provision requiring the purchase and maintenance of appropriate health care
2836 insurance for the medical expenses of the child as described in Section 81-6-208 if
2837 health care insurance is or becomes available at a reasonable cost;
- 2838 (d) a provision regarding the child care expenses [~~and costs~~] as described in Section
2839 81-6-209;
- 2840 (e) a provision regarding each parent's right to claim a child as a tax exemption for
2841 federal and state income tax purposes in accordance with Section 81-6-210;
- 2842 (f) provisions for income withholding as a means of collecting child support, in
2843 accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,
2844 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
- 2845 (g) a provision regarding a parent's opportunity to adjust a child support order as
2846 described in Section 81-6-212.
- 2847 (11) The office shall include the provisions described in Section 26B-9-224 in a child
2848 support order.
- 2849 Section 40. Section **81-6-209** is repealed and reenacted to read:

2850 **81-6-209 . Requirements for a child support order regarding child care expenses**2851 **-- Actual expenses.**2852 (1)(a) Except as otherwise provided in this section, the court or administrative agency2853 shall require in a child support order that:2854 (i) each parent share equally the reasonable work-related child care expenses of the
2855 parents; and2856 (ii) the obligor pay a minimal child care award to the obligee if the court or
2857 administrative agency is entering or modifying the child support order on or after
2858 January 1, 2027.2859 (b) The court or administrative agency may not order a minimal child care award under
2860 Subsection (1)(a)(ii) if the obligor's child support obligation is calculated using the
2861 low income table.2862 (2)(a) The court or administrative agency shall presume under Subsection (1) that
2863 work-related child care expenses should be included in a child support order if a
2864 parent, during extended parent-time, is working and actually incurring expenses for
2865 child care.2866 (b) The presumption under Subsection (2)(a) is rebutted if:2867 (i) the obligor's base child support award, in combination with the award of medical
2868 expenses, exceeds 50% of the obligor's adjusted gross income; or2869 (ii) by adding the child care expenses, the obligor's child support obligation would
2870 exceed 50% of the obligor's adjusted gross income.2871 (3)(a) The court or administrative agency may award child care expenses on a
2872 case-by-case basis if the child care expenses are related to the employment and
2873 occupational training of the custodial parent or the child care expenses would be in
2874 the interest of justice.2875 (b) The court or administrative agency may assign financial responsibility in a child
2876 support order for all or a portion of child care expenses incurred on behalf of a child
2877 due to the employment or occupational training of the custodial parent.2878 (4)(a) The court or administrative agency may impute a monthly obligation for child
2879 care expenses when the court imputes income to a parent who is providing child care
2880 for the child so that the parties are not incurring child care expenses for the child.2881 (b) The court shall apply any monthly obligation imputed under Subsection (4)(a)
2882 towards any actual child care expenses incurred within the same month for the child.2883 (5)(a) The court shall require each party to file a proposed minimal child care award

- 2884 before the court makes a determination under Subsection (1)(a)(ii).
- 2885 (b) To calculate a minimal child care award under Section (1)(a)(ii), the court or
- 2886 administrative agency shall:
- 2887 (i) use the combined adjusted average monthly gross income of the parents as
- 2888 calculated for the base child support award under Section 81-6-204; and
- 2889 (ii) locate the minimum child care award for each child in the minimum child care
- 2890 award table in Section 81-6-306 by finding:
- 2891 (A) the combined adjusted average monthly gross income in the table;
- 2892 (B) the age of the child in the table; and
- 2893 (C) combining the amounts in the table for each child to determine the minimal
- 2894 child care award.
- 2895 (c) The court or administrative agency shall presume that the amount calculated under
- 2896 Subsection (5)(b) for the minimal child care award is the amount that the obligor
- 2897 should pay under Subsection (1)(a)(ii).
- 2898 (d) The presumption described in Subsection (5)(c) is rebuttable upon:
- 2899 (i) an agreement of the parties that is acceptable to the court or administrative agency;
- 2900 (ii) the court or administrative agency determining that the evidence presented favors
- 2901 a different minimum child care award; or
- 2902 (iii) a showing, by a preponderance of the evidence, that a different minimum child
- 2903 care award is in the best interest of the child.
- 2904 (e) Notwithstanding Subsection (5)(b) or (c), the court or administrative agency may set
- 2905 the minimal child care award under Subsection (1)(a)(ii) at zero dollars upon a
- 2906 showing, by a preponderance of the evidence, that child care expenses will not be
- 2907 incurred.
- 2908 (f) If a child is in the custody of the state and placed in a facility that is managed by the
- 2909 state, the obligor does not owe the child's portion of the minimal child care award for
- 2910 any month that the child is in the facility.
- 2911 (g) If a minimal child care award is calculated using the minimal child care award table
- 2912 in Section 81-6-306, the minimal child care award in a child support order shall be
- 2913 automatically adjusted to the appropriate amount in the minimal child care award
- 2914 table as the child ages without the need of the court or administrative agency to
- 2915 modify the order.
- 2916 (h) The minimal child care award for a child shall terminate at the earlier of:
- 2917 (i) the child turning 13 years old; or

- 2918 (ii) the child becoming emancipated as that term is defined in Section 81-6-213.
- 2919 (6) In the absence of a court order to the contrary, a parent who incurs a child care expense
- 2920 shall provide written verification of the expense and identity of a child care provider to
- 2921 the other parent upon initial engagement of a provider and thereafter on the request of
- 2922 the other parent.
- 2923 (7) In the absence of a court order to the contrary, the parent shall notify the other parent of
- 2924 any change of a child care provider, any change in the monthly expense of child care, or
- 2925 the termination of child care within 30 calendar days after the day on which the change
- 2926 occurred.
- 2927 (8) The court may deny a parent incurring work-related child care expenses the right to
- 2928 receive credit for the expenses or to recover the other parent's share of the expenses if
- 2929 the parent incurring the expenses fails to comply with this section.

2930 Section 41. Section **81-6-213** is amended to read:

2931 **81-6-213 . Automatic adjustment of base child support award.**

- 2932 (1) As used in this section, "emancipated" means:
- 2933 (a) the child becomes 18 years old or graduates from high school during the child's
- 2934 normal and expected year of graduation, whichever occurs later;
- 2935 (b) the child dies, marries, or becomes a member of the armed forces of the United
- 2936 States;
- 2937 (c) the child is emancipated in accordance with Title 80, Chapter 7, Emancipation; or
- 2938 (d) the obligor's parental rights are terminated by a court in accordance with Title 80,
- 2939 Chapter 4, Termination and Restoration of Parental Rights.
- 2940 [(+)] (2) Except as otherwise provided in the child support order, the base child support
- 2941 award is automatically adjusted to the base child support award for the remaining
- 2942 number of children due child support, without the need to modify the most recent child
- 2943 support order by a court, when a child[:] is emancipated.
- 2944 [~~(a) becomes 18 years old or graduates from high school during the child's normal and~~
- 2945 ~~expected year of graduation, whichever occurs later;~~]
- 2946 [~~(b) dies, marries, becomes a member of the armed forces of the United States; or]~~
- 2947 [~~(c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.~~]
- 2948 [(2)] (3) The base child support award is adjusted as described in Subsection [(+)] (2) by
- 2949 using:
- 2950 (a) the child support table that was used to establish the most recent child support order[
- 2951 and by using] ; and

2952 (b) [-]the income of the parties as specified in the most recent child support order or the
 2953 worksheets.

2954 [~~(3)~~] (4) The base child support award may not be reduced by a per child amount derived
 2955 from the base child support award originally ordered.

2956 [~~(4)~~] (5) If the incomes of the parties are not specified in the most recent child support order
 2957 or the worksheets, the information regarding the incomes is not consistent, or the order
 2958 deviates from the child support guidelines, the base child support award is not
 2959 automatically adjusted under Subsection [~~(1)~~] (2) and the child support order will
 2960 continue until modified by the issuing tribunal.

2961 [~~(5)~~] (6) If the child support order is deviated and the parties subsequently obtain a court
 2962 order that adjusts the amount of child support back to the date of the emancipation of the
 2963 child, the office may not be required to repay any difference in the child support
 2964 collected during the interim.

2965 Section 42. Section **81-6-306** is enacted to read:

2966 **81-6-306 . Minimal child care award table -- Child support orders on or after**
 2967 **January 1, 2027.**

2968 The following table is used to:

2969 (1) establish a minimal child care award for a child support order established on or after
 2970 January 1, 2027, if the low income table was not used in the calculation of child support;
 2971 and

2972 (2) modify a minimal child care award for a child support order modified on or after
 2973 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>

2980	<u>\$10,141-</u>	<u>\$14,999</u>	<u>\$420</u>	<u>\$345</u>	<u>\$345</u>	<u>\$325</u>
2981	<u>\$15,000-</u>	<u>More than</u> <u>\$15,000</u>	<u>\$450</u>	<u>\$375</u>	<u>\$375</u>	<u>\$363</u>

2982 Section 43. Section **81-9-202** is amended to read:

2983 **81-9-202 . Advisory guidelines for a custody and parent-time arrangement.**

- 2984 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,
 2985 the following advisory guidelines are suggested to govern a custody and parent-time
 2986 arrangement between parents.
- 2987 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a
 2988 court-imposed solution.
- 2989 (3) A parent-time schedule shall be used to maximize the continuity and stability of the
 2990 minor child's life.
- 2991 (4) Each parent shall give special consideration to make the minor child available to attend
 2992 family functions including funerals, weddings, family reunions, religious holidays,
 2993 important ceremonies, and other significant events in the life of the minor child or in the
 2994 life of either parent which may inadvertently conflict with the parent-time schedule.
- 2995 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return of
 2996 the minor child when the parent-time order is entered.
- 2997 (b) The court may change the responsibility described in Subsection (5)(a) at any time a
 2998 subsequent modification is made to the parent-time order.
- 2999 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
 3000 (i) have the minor child ready for parent-time at the time the minor child is to be
 3001 picked up; and
 3002 (ii) be present at the custodial home or make reasonable alternate arrangements to
 3003 receive the minor child at the time the minor child is returned.
- 3004 (d) If the custodial parent will be transporting the minor child, the noncustodial parent
 3005 shall:
 3006 (i) be at the appointed place at the time the noncustodial parent is to receive the
 3007 minor child; and
 3008 (ii) have the minor child ready to be picked up at the appointed time and place or
 3009 have made reasonable alternate arrangements for the custodial parent to pick up
 3010 the minor child.
- 3011 (6) A parent may not interrupt regular school hours for a school-age minor child for the
 3012 exercise of parent-time.

- 3013 (7) The court may:
- 3014 (a) make alterations in the parent-time schedule to reasonably accommodate the work
- 3015 schedule of both parents; and
- 3016 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
- 3017 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 3018 (8) The court may make alterations in the parent-time schedule to reasonably accommodate
- 3019 the distance between the parties and the expense of exercising parent-time.
- 3020 (9) A parent may not withhold parent-time or child support due to the other parent's failure
- 3021 to comply with a court-ordered parent-time schedule.
- 3022 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of
- 3023 receiving notice of all significant school, social, sports, and community functions in
- 3024 which the minor child is participating or being honored.
- 3025 (b) The noncustodial parent is entitled to attend and participate fully in the functions
- 3026 described in Subsection (10)(a).
- 3027 (c) The noncustodial parent shall have access directly to all school reports including
- 3028 preschool and daycare reports and medical records.
- 3029 (d) A parent shall immediately notify the other parent in the event of a medical
- 3030 emergency.
- 3031 (11) Each parent shall provide the other with the parent's current address and telephone
- 3032 number, email address, and other virtual parent-time access information within 24 hours
- 3033 of any change.
- 3034 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable and
- 3035 uncensored communications with the minor child, in the form of mail privileges and
- 3036 virtual parent-time if the equipment is reasonably available.
- 3037 (b) If the parents cannot agree on whether the equipment is reasonably available, the
- 3038 court shall decide whether the equipment for virtual parent-time is reasonably
- 3039 available by taking into consideration:
- 3040 (i) the best interests of the minor child;
- 3041 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 3042 (iii) any other factors the court considers material.
- 3043 (13)(a) Parental care is presumed to be better care for the minor child than surrogate care.
- 3044 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
- 3045 parent, if willing and able to transport the minor child, to provide the child care.
- 3046 (c) Child care arrangements existing during the marriage are preferred as are child care

3047 arrangements with nominal or no charge.

3048 (14) Each parent shall:

3049 (a) provide all surrogate care providers with the name, current address, and telephone
3050 number of the other parent; and

3051 (b) provide the noncustodial parent with the name, current address, and telephone
3052 number of all surrogate care providers unless the court for good cause orders
3053 otherwise.

3054 (15)(a) Each parent is entitled to an equal division of major religious holidays celebrated
3055 by the parents.

3056 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
3057 shall have the right to be together with the minor child on the religious holiday.

3058 (16) If the minor child is on a different parent-time schedule than a sibling, based on
3059 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
3060 parent-time with all the minor children so that parent-time is uniform between school
3061 aged and nonschool aged children, is appropriate.

3062 (17)(a) When one or both parents are servicemembers or contemplating joining a
3063 uniformed service, the parents should resolve issues of custodial responsibility in the
3064 event of deployment as soon as practicable through reaching a voluntary agreement
3065 pursuant to Section 81-10-201 or through court order obtained pursuant to this part.

3066 (b) Service members shall ensure their family care plan reflects orders and agreements
3067 entered and filed pursuant to Chapter 10, Uniform Deployed Parents Custody, [
3068 Parent-time] Parent-Time, and Visitation Act.

3069 (18) A parent shall immediately notify the other parent if:

3070 (a) the parent resides with an individual or provides an individual with access to the
3071 minor child; and

3072 (b) the parent knows that the individual:

3073 (i) is required to register as a sex offender, a kidnap offender, or a child abuse
3074 offender for an offense committed against a minor child under Title 53, Chapter
3075 29, Sex, Kidnap, and Child Abuse Offender Registry; or

3076 (ii) has been convicted of an offense described in:

3077 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,~~
3078 ~~76-5-109.4, 76-5-114, or 76-5-208;~~]

3079 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4,~~
3080 ~~Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or~~

- 3081 76-5-419;]
- 3082 [(C) an offense for kidnapping or human trafficking of a minor child under Title
- 3083 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;]
- 3084 [(D) a sexual exploitation offense against a minor child under Title 76, Chapter
- 3085 5b, Sexual Exploitation Act; or]
- 3086 (A) Section 76-5-109, child abuse;
- 3087 (B) Section 76-6-109.2, aggravated child abuse;
- 3088 (C) Section 76-5-109.3, child abandonment;
- 3089 (D) Section 76-5-109.4, child torture;
- 3090 (E) Section 76-5-114, commission of domestic violence in the presence of a child;
- 3091 (F) Section 76-5-208, child abuse homicide;
- 3092 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for
- 3093 which the victim was younger than 18 years old;
- 3094 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger
- 3095 than 18 years old; or
- 3096 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was
- 3097 younger than 18 years old; or
- 3098 [(E)] (iii) has been convicted of an offense that is substantially similar to an offense
- 3099 under [Subsections (18)(b)(ii)(A) through (D):] Subsection (18)(b)(ii).

3100 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the

3101 parent shall provide the following information to the other parent:

- 3102 (i) an itinerary of travel dates;
- 3103 (ii) destinations;
- 3104 (iii) places where the minor child or traveling parent can be reached; and
- 3105 (iv) the name and telephone number of an available third person who would be
- 3106 knowledgeable of the minor child's location.

3107 (b) Unchaperoned travel of a minor child under [the age of five years] five years old is

3108 not recommended.

3109 Section 44. Section **81-9-204** is amended to read:

3110 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**

3111 **Preferences.**

3112 (1) In a proceeding between parents in which the custody and parent-time of a minor child

3113 is at issue, the court shall consider the best interests of the minor child in determining

3114 any form of custody and parent-time.

- 3115 (2) The court shall determine whether an order for custody or parent-time is in the best
3116 interests of the minor child by a preponderance of the evidence.
- 3117 (3) In determining any form of custody and parent-time under Subsection (1), the court
3118 shall consider:
- 3119 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
3120 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
3121 household member of the parent;
- 3122 (b) whether the parent has intentionally exposed the minor child to:
- 3123 (i) pornography; or
- 3124 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in
3125 Section 76-5c-101; and
- 3126 (c) whether custody and parent-time would endanger the minor child's health or physical
3127 or psychological safety.
- 3128 (4) In determining the form of custody and parent-time that is in the best interests of the
3129 minor child, the court may consider, among other factors the court finds relevant, the
3130 following for each parent:
- 3131 (a) evidence of psychological maltreatment;
- 3132 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
3133 developmental needs of the minor child, including the minor child's:
- 3134 (i) physical needs;
- 3135 (ii) emotional needs;
- 3136 (iii) educational needs;
- 3137 (iv) medical needs; and
- 3138 (v) any special needs;
- 3139 (c) the parent's capacity and willingness to function as a parent, including:
- 3140 (i) parenting skills;
- 3141 (ii) co-parenting skills, including:
- 3142 (A) ability to appropriately communicate with the other parent;
- 3143 (B) ability to encourage the sharing of love and affection; and
- 3144 (C) willingness to allow frequent and continuous contact between the minor child
3145 and the other parent, except that, if the court determines that the parent is
3146 acting to protect the minor child from domestic violence, neglect, or abuse, the
3147 parent's protective actions may be taken into consideration; and
- 3148 (iii) ability to provide personal care rather than surrogate care;

- 3149 (d) the past conduct and demonstrated moral character of the parent as described in
3150 Subsection (9);
- 3151 (e) the emotional stability of the parent;
- 3152 (f) the parent's inability to function as a parent because of drug abuse, excessive
3153 drinking, or other causes;
- 3154 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 3155 (h) duration and depth of desire for custody or parent-time;
- 3156 (i) the parent's religious compatibility with the minor child;
- 3157 (j) the parent's financial responsibility;
- 3158 (k) the child's interaction and relationship with step-parents, extended family members
3159 of other individuals who may significantly affect the minor child's best interests;
- 3160 (l) who has been the primary caretaker of the minor child;
- 3161 (m) previous parenting arrangements in which the minor child has been happy and
3162 well-adjusted in the home, school, and community;
- 3163 (n) the relative benefit of keeping siblings together;
- 3164 (o) the stated wishes and concerns of the minor child, taking into consideration the
3165 minor child's cognitive ability and emotional maturity;
- 3166 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
3167 quality, and nature of the relationship between the parent and the minor child; and
- 3168 (q) any other factor the court finds relevant.
- 3169 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
3170 determines that extenuating circumstances exist that would necessitate the testimony
3171 of the minor child be heard and there is no other reasonable method to present the
3172 minor child's testimony.
- 3173 (b)(i) The court may inquire and take into consideration the minor child's desires
3174 regarding future custody or parent-time schedules, but the expressed desires are
3175 not controlling and the court may determine the minor child's custody or
3176 parent-time otherwise.
- 3177 (ii) The desires of a minor child who is 14 years old or older shall be given added
3178 weight, but is not the single controlling factor.
- 3179 (c)(i) If an interview with a minor child is conducted by the court in accordance with
3180 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 3181 (ii) The prior consent of the parties may be obtained but is not necessary if the court
3182 finds that an interview with a minor child is the only method to ascertain the

3183 minor child's desires regarding custody.

3184 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
3185 parent due to a disability, as defined in Section 57-21-2, in awarding custody or
3186 determining whether a substantial change has occurred for the purpose of modifying
3187 an award of custody.

3188 (b) The court may not consider the disability of a parent as a factor in awarding custody
3189 or modifying an award of custody based on a determination of a substantial change in
3190 circumstances, unless the court makes specific findings that:

3191 (i) the disability significantly or substantially inhibits the parent's ability to provide
3192 for the physical and emotional needs of the minor child at issue; and

3193 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
3194 available to supplement the parent's ability to provide for the physical and
3195 emotional needs of the minor child at issue.

3196 (c) Nothing in this section may be construed to apply to adoption proceedings under
3197 Chapter 13, Adoption.

3198 (7) This section does not establish:

3199 (a) a preference for either parent solely because of the gender of the parent; or

3200 (b) a preference for or against joint physical custody or sole physical custody, but allows
3201 the court and the family the widest discretion to choose a parenting plan that is in the
3202 best interest of the minor child.

3203 (8) When an issue before the court involves custodial responsibility in the event of a
3204 deployment of a parent who is a service member and the service member has not yet
3205 been notified of deployment, the court shall resolve the issue based on the standards in
3206 Sections 81-10-306 through 81-10-309.

3207 (9) In considering the past conduct and demonstrated moral standards of each party under
3208 Subsection (4)(d) or any other factor a court finds relevant, the court may not:

3209 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
3210 dosage form, a cannabis product in a medicinal dosage form, or a medical
3211 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
3212 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
3213 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently
3214 than the court would consider or treat the lawful possession or use of any
3215 prescribed controlled substance; or

3216 (ii) discriminate against a parent because of the parent's status as a:

- 3217 (A) cannabis production establishment agent, as that term is defined in Section
3218 4-41a-102;
- 3219 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 3220 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
3221 or
- 3222 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
3223 Cannabinoid Research and Medical Cannabis; or
- 3224 (b) discriminate against a parent based upon the parent's agreement or disagreement with
3225 a minor child of the couple's:
- 3226 (i) assertion that the minor child's gender identity is different from the minor child's
3227 biological sex;
- 3228 (ii) practice of having or expressing a different gender identity than the minor child's
3229 biological sex; or
- 3230 (iii) sexual orientation.
- 3231 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
3232 violence is presented.
- 3233 (b) The court shall consider as primary, the safety and well-being of the minor child and
3234 the parent who experiences domestic violence.
- 3235 (c) A court shall consider an order issued by a court in accordance with Title 78B,
3236 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
3237 substantiated potential harm to the minor child.
- 3238 (d) If a parent relocates because of an act of domestic violence or family violence by the
3239 other parent[~~;~~] :
- 3240 (i) the court shall make specific findings and orders with regards to the application of
3241 Section 81-9-209[~~;~~] ; and
- 3242 (ii) the court may not require the parent to disclose the parent's address to the other
3243 parent.
- 3244 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
3245 potential harm to the minor child:
- 3246 (a) it is in the best interest of the minor child to have frequent, meaningful, and
3247 continuing access to each parent following separation or divorce;
- 3248 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
3249 access with the parent's minor child consistent with the minor child's best interests;
3250 and

- 3251 (c) it is in the best interest of the minor child to have both parents actively involved in
3252 parenting the minor child.
- 3253 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
3254 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
3255 Section 77-37-2, that resulted in the conception of the minor child unless:
- 3256 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
3257 to custody or parent-time and the court determines it is in the best interest of the
3258 minor child to award custody or parent-time to the convicted parent; or
- 3259 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
3260 cohabit and establish a mutual custodial environment for the minor child.
- 3261 (13) A denial of custody or parent-time under Subsection (12) does not:
- 3262 (a) terminate the parental rights of the parent denied parent-time or custody; or
3263 (b) affect the obligation of the convicted parent to financially support the minor child.
- 3264 Section 45. Section **81-9-206** is amended to read:
- 3265 **81-9-206 . Determination of parent-time schedule -- Parent-time factors.**
- 3266 (1) If the parties are unable to agree on a parent-time schedule, the court may:
- 3267 (a) establish a parent-time schedule; or
3268 (b) order a parent-time schedule described in Part 3, Parent-time Schedules.
- 3269 (2) There is a presumption that the advisory guidelines described in Section 81-9-202 and
3270 the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum
3271 parent-time to which the noncustodial parent and the minor child are entitled.
- 3272 (3) In accordance with Section 81-9-104, when ordering a parent-time schedule a court
3273 shall consider:
- 3274 (a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor
3275 child, a parent, or a household member of the parent; and
3276 (b) whether parent-time would endanger the minor child's health or physical or
3277 psychological safety.
- 3278 (4) A court may consider the following when ordering a parent-time schedule:
- 3279 (a) evidence of psychological maltreatment;
3280 (b) the distance between the residency of the minor child and the noncustodial parent;
3281 (c) the lack of demonstrated parenting skills without safeguards to ensure the minor
3282 child's well-being during parent-time;
3283 (d) the financial inability of the noncustodial parent to provide adequate food and shelter
3284 for the minor child during periods of parent-time;

- 3285 (e) the preference of the minor child if the court determines the minor child is of
 3286 sufficient maturity;
- 3287 (f) the incarceration of the noncustodial parent in a county jail, secure youth corrections
 3288 facility, or an adult corrections facility;
- 3289 (g) shared interests between the minor child and the noncustodial parent;
- 3290 (h) the involvement or lack of involvement of the noncustodial parent in the school,
 3291 community, religious, or other related activities of the minor child;
- 3292 (i) the availability of the noncustodial parent to care for the minor child when the
 3293 custodial parent is unavailable to do so because of work or other circumstances;
- 3294 (j) a substantial and chronic pattern of missing, canceling, or denying regularly
 3295 scheduled parent-time;
- 3296 (k) the minimal duration of and lack of significant bonding in the parents' relationship
 3297 before the conception of the minor child;
- 3298 (l) the parent-time schedule of siblings;
- 3299 (m) the lack of reasonable alternatives to the needs of a nursing minor child; and
 3300 ~~[(nn)]~~ (n) any other criteria the court determines relevant to the best interests of the minor
 3301 child.
- 3302 (5) The court shall enter the reasons underlying the court's order for parent-time that:
 3303 (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or
 3304 (b) provides more or less parent-time than a parent-time schedule described in Section
 3305 81-9-302 or 81-9-304.
- 3306 (6) A court may not order a parent-time schedule unless the court determines by a
 3307 preponderance of the evidence that the parent-time schedule is in the best interest of the
 3308 minor child.
- 3309 ~~[(7) Once the parent-time schedule has been established, the parties may not alter the
 3310 parent-time schedule except by mutual consent of the parties or a court order.]~~
- 3311 ~~[(8)]~~ (7)(a) If the court orders parent-time and a protective order or stalking injunction is
 3312 still in place, the court shall consider whether to order the parents to conduct
 3313 parent-time pick-up and transfer through a third party.
- 3314 (b) The parent who is the stated victim in the protective order or stalking injunction may
 3315 submit to the court, and the court shall consider, the name of a person considered
 3316 suitable to act as the third party.
- 3317 (c) If the court orders the parents to conduct parent-time through a third party, the
 3318 parenting plan shall specify the time, day, place, manner, and the third party to be

3319 used to implement the exchange.

3320 ~~[(9)]~~ (8) If there is a protective order, stalking injunction, or the court finds that a parent has
3321 committed domestic violence, the court shall:

3322 (a) consider the impact of domestic violence in awarding parent-time; and

3323 (b) make specific findings regarding the award of parent-time.

3324 ~~[(10)]~~ (9) Upon a specific finding by the court of the need for peace officer enforcement, the
3325 court may include a provision in an order for parent-time that authorizes a peace officer
3326 to enforce the order for parent-time.

3327 ~~[(11)]~~ (10) When parent-time has not taken place for an extended period of time and the
3328 minor child lacks an appropriate bond with the noncustodial parent, both parents shall:

3329 (a) consider the possible adverse effects upon the minor child; and

3330 (b) gradually reintroduce an appropriate parent-time plan for the noncustodial parent.

3331 (11) If a court enters an order establishing a parent-time schedule for a minor child:

3332 (a) the court order governs the parent-time schedule for the minor child; and

3333 (b) an amendment to this chapter does not modify the parent-time schedule unless the
3334 court orders otherwise.

3335 (12) Once a parent-time schedule has been established for a minor child, the parties may
3336 only modify the parent-time schedule if:

3337 (a) there is mutual consent of the parties to the modification that is in writing and signed
3338 by both parties; or

3339 (b) the court modifies the parent-time schedule in a new order.

3340 Section 46. Section **81-9-207** is amended to read:

3341 **81-9-207 . Supervised parent-time.**

3342 ~~[(1) If it is necessary to protect a minor child and there is no less restrictive means~~
3343 ~~reasonably available, and in accordance with Section 81-9-104, a court may order~~
3344 ~~supervised parent-time if the court finds evidence that the minor child would be subject~~
3345 ~~to physical or emotional harm or child abuse, as described in Sections 76-5-109,~~
3346 ~~76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, and 80-1-102, from the noncustodial~~
3347 ~~parent if left unsupervised with the noncustodial parent.]~~

3348 (1) As used in this section:

3349 (a) "Abuse" means the same as that term is defined in Section 81-1-102.

3350 (b) "Abuse" includes an offense described in:

3351 (i) Section 76-5-109, child abuse;

3352 (ii) Section 76-6-109.2, aggravated child abuse;

- 3353 (iii) Section 76-5-109.3, child abandonment;
3354 (iv) Section 76-5-109.4, child torture;
3355 (v) Section 76-5-114, commission of domestic violence in the presence of a child; or
3356 (vi) Section 76-5-208, child abuse homicide.

3357 (2) A court may order supervised parent-time of a minor child in accordance with Section
3358 81-9-104 if the court finds:

- 3359 (a) evidence that the minor child would be subject to physical harm, emotional harm, or
3360 abuse from the noncustodial parent if left unsupervised with the noncustodial parent;
3361 (b) it is necessary to protect the minor child; and
3362 (c) there are no less restrictive means reasonably available.

3363 ~~[(2)]~~ (3) If the court finds evidence of domestic violence, child abuse, or an ongoing risk to
3364 a child, and orders supervised parent-time, the court shall give preference to supervision
3365 by a professional individual or private agency trained in child abuse reporting laws, the
3366 developmental needs of a child, and the dynamics of domestic violence, child abuse,
3367 sexual abuse, and substance abuse.

3368 ~~[(3)]~~ (4) If a professional individual or private agency described in Subsection ~~[(2)]~~ (3) is not
3369 available, affordable, or practicable under the circumstances, a court shall give
3370 preference to supervision by an individual who is:

- 3371 (a) capable and willing to provide physical and psychological safety and security to the
3372 minor child, and to assist in the avoidance and prevention of domestic and family
3373 violence; and
3374 (b) is trained in child abuse reporting laws, the developmental needs of a child, and the
3375 dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.

3376 ~~[(4)]~~ (5) If an individual described in Subsection ~~[(2) or (3)]~~ (3) or (4) is not available,
3377 affordable, or practicable under the circumstances, or if the court does not find evidence
3378 of domestic violence, child abuse, or an ongoing risk to a minor child, a court may order
3379 supervised parent-time that is supervised by an individual who is willing to supervise,
3380 and is capable of protecting the minor child from physical or emotional harm, or child
3381 abuse, and the court shall give preference to individuals suggested by the parties,
3382 including relatives.

3383 ~~[(5)]~~ (6) At the time supervised parent-time is imposed, the court shall consider:

- 3384 (a) whether the cost of professional or agency services is likely to prevent the
3385 noncustodial parent from exercising parent-time; and
3386 (b) whether the requirement for supervised parent-time should expire after a set period

3387 of time.

3388 [(6)] (7)(a) Except when the court makes a finding that, due to abuse by or the incapacity
 3389 of the noncustodial parent, supervised parent-time will be necessary indefinitely to
 3390 ensure the physical or psychological safety and protection of the minor child, the
 3391 court shall, in [its] the court's order for supervised parent-time, provide specific goals
 3392 and expectations for the noncustodial parent to accomplish before unsupervised
 3393 parent-time may be granted.

3394 (b) The court shall schedule one or more follow-up hearings to revisit the issue of
 3395 supervised parent-time.

3396 [(7)] (8) A noncustodial parent may, at any time, petition the court to modify the order for
 3397 supervised parent-time if the noncustodial parent can demonstrate that the specific goals
 3398 and expectations set by the court as described in Subsection [(6)] (7) have been
 3399 accomplished.

3400 Section 47. Section **81-9-208** is amended to read:

3401 **81-9-208 . Modification or termination of a custody or parent-time order --**
 3402 **Noncompliance with a parent-time order -- Denial of access due to investigation.**

3403 (1) The court has continuing jurisdiction to make subsequent changes to modify:

3404 (a) custody of a minor child if there is a showing of a substantial and material change in
 3405 circumstances since the entry of the order; and

3406 (b) parent-time for a minor child if there is a showing that there is a change in
 3407 circumstances since the entry of the order.

3408 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
 3409 showing by a parent that the other parent:

3410 (a) resides with an individual or provides an individual with access to the minor child;
 3411 and

3412 (b) knows that the individual:

3413 (i) is required to register as a sex offender, a kidnap offender, or a child abuse
 3414 offender for an offense committed against a minor child under Title 53, Chapter
 3415 29, Sex, Kidnap, and Child Abuse Offender Registry; or

3416 (ii) has been convicted of an offense described in:

3417 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,~~
 3418 ~~76-5-109.4, 76-5-114, or 76-5-208;~~]

3419 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4,~~
 3420 ~~Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or~~

- 3421 76-5-419;]
- 3422 [~~(C)~~ an offense for kidnapping or human trafficking of a minor child under Title
- 3423 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;]
- 3424 [~~(D)~~ a sexual exploitation offense against a minor child under Title 76, Chapter
- 3425 5b, Sexual Exploitation Act; or]
- 3426 (A) Section 76-5-109, child abuse;
- 3427 (B) Section 76-6-109.2, aggravated child abuse;
- 3428 (C) Section 76-5-109.3, child abandonment;
- 3429 (D) Section 76-5-109.4, child torture;
- 3430 (E) Section 76-5-114, commission of domestic violence in the presence of a child;
- 3431 (F) Section 76-5-208, child abuse homicide;
- 3432 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for
- 3433 which the victim was younger than 18 years old; or
- 3434 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger
- 3435 than 18 years old;
- 3436 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was
- 3437 younger than 18 years old; or
- 3438 [~~(E)~~] (iii) has been convicted of an offense that is substantially similar to an offense
- 3439 under [~~Subsections (2)(b)(ii)(A) through (D)~~] Subsection (2)(b)(ii).
- 3440 (3)(a) For a custody order that is entered on or after May 6, 2026, a minor child turning
- 3441 five years old constitutes a substantial and material change in circumstances under
- 3442 Subsection (1)(a), unless the order addresses custody of the minor child upon the
- 3443 minor child turning five years old.
- 3444 (b) For a parent-time order that is entered on or after May 6, 2026, a minor child turning
- 3445 five years old constitutes a change in circumstances under Subsection (1)(b), unless
- 3446 the order addresses parent-time for the minor child upon the minor child turning five
- 3447 years old.
- 3448 [~~(3)~~] (4) On the petition of one or both of the parents, or the joint legal or physical
- 3449 custodians if they are not the parents, the court may, after a hearing, modify or terminate
- 3450 an order that established joint legal custody or joint physical custody if:
- 3451 (a) the verified petition or accompanying affidavit initially alleges that admissible
- 3452 evidence will show that there has been a substantial and material change in the
- 3453 circumstances of the minor child or one or both parents or joint legal or physical
- 3454 custodians since the entry of the order to be modified;

3455 (b) a modification of the terms and conditions of the order would be an improvement for
3456 and in the best interest of the minor child; and

3457 (c)(i) both parents have complied in good faith with the dispute resolution procedure
3458 in accordance with Subsection 81-9-205(8); or

3459 (ii) if no dispute resolution procedure is contained in the order that established joint
3460 legal custody or joint physical custody, the court orders the parents to participate
3461 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
3462 unless the parents certify that, in good faith, they have used a dispute resolution
3463 procedure to resolve their dispute.

3464 [~~(4)~~] (5)(a) In determining whether the best interest of a minor child will be served by
3465 either modifying or terminating the joint legal custody or joint physical custody
3466 order, the court shall, in addition to other factors the court considers relevant,
3467 consider the factors described in Sections 81-9-204 and 81-9-205.

3468 (b) A court order modifying or terminating an existing joint legal custody or joint
3469 physical custody order shall contain written findings that:

3470 (i) a substantial and material change of circumstance has occurred; and

3471 (ii) a modification of the terms and conditions of the order would be an improvement
3472 for and in the best interest of the minor child.

3473 (c) The court shall give substantial weight to the existing joint legal custody or joint
3474 physical custody order when the minor child is thriving, happy, and well-adjusted.

3475 [~~(5)~~] (6) The court shall, in every case regarding a petition for termination of a joint legal
3476 custody or joint physical custody order, consider reasonable alternatives to preserve the
3477 existing order in accordance with Section 81-9-204.

3478 [~~(6)~~] (7) The court may modify the terms and conditions of the existing order in accordance
3479 with this chapter and may order the parents to file a parenting plan in accordance with
3480 Section 81-9-203.

3481 [~~(7)~~] (8) A parent requesting a modification from sole custody to joint legal custody or joint
3482 physical custody or both, or any other type of shared parenting arrangement, shall file
3483 and serve a proposed parenting plan with the petition to modify in accordance with
3484 Section 81-9-203.

3485 [~~(8)~~] (9) If an issue before the court involves custodial responsibility in the event of
3486 deployment of one or both parents who are service members, and the service member
3487 has not yet been notified of deployment, the court shall resolve the issue based on the
3488 standards in Sections 81-10-306 through 81-10-309.

- 3489 [~~(9)~~] (10) If the court finds that an action to modify custody or parent-time is filed or
 3490 answered frivolously and, in a manner, designed to harass the other party, the court shall
 3491 assess attorney fees as costs against the offending party.
- 3492 [~~(10)~~] (11) If a petition to modify custody or parent-time provisions of a court order is made
 3493 and denied, the court shall order the petitioner to pay the reasonable attorney fees
 3494 expended by the prevailing party in that action if the court determines that the petition
 3495 was without merit and not asserted or defended against in good faith.
- 3496 [~~(11)~~] (12) If a motion or petition alleges noncompliance with a parent-time order by a
 3497 parent, or a visitation order by a grandparent or other member of the immediate family
 3498 where a visitation or parent-time right has been previously granted by the court, the
 3499 court:
- 3500 (a) may award to the prevailing party:
- 3501 (i) actual attorney fees incurred;
- 3502 (ii) the costs incurred by the prevailing party because of the other party's failure to
 3503 provide or exercise court-ordered visitation or parent-time, including:
- 3504 (A) court costs;
- 3505 (B) child care expenses;
- 3506 (C) transportation expenses actually incurred;
- 3507 (D) lost wages, if ascertainable; or
- 3508 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 3509 (iii) any other appropriate equitable remedy; and
- 3510 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
 3511 parent-time is not in the best interest of the minor child.
- 3512 (13)(a) Except as provided in Subsection (13)(b), the court shall award make-up
 3513 parent-time to a parent, upon a motion or petition from the parent, if:
- 3514 (i) the parent was denied parent-time with a minor child due to an investigation by
 3515 the Division of Child and Family Services; and
- 3516 (ii) the investigation did not result in a finding of abuse, neglect, or dependency.
- 3517 (b) A court may deny a motion or petition for make-up parent-time if a party shows
 3518 good cause for denying the motion or petition.
- 3519 (c) When a court orders make-up parent-time under Subsection (13)(a):
- 3520 (i) the court shall order:
- 3521 (A) parent-time that is the same type and duration of the parent-time that was
 3522 denied; and

3523 (B) that the make-up parent-time occur within two years from the day on which
 3524 the court enters the order for make-up parent-time; and

3525 (ii) the court may include weekend or holiday parent-time or extended parent-time
 3526 that was denied to the parent.

3527 (d) Subject to Subsection (13)(c)(i), the parent denied parent-time is entitled to decide
 3528 the time of the make-up parent-time.

3529 (e) This Subsection (13) does not create a right of action against the Division of Child
 3530 and Family Services.

3531 Section 48. Section **81-9-209** is amended to read:

3532 **81-9-209 . Notice of relocation -- Effect of relocation on parent-time schedule.**

3533 (1) As used in this section, "relocation" means moving 150 miles or more from the
 3534 residence of the other parent.

3535 (2) The relocating parent shall provide written notice to the other parent at least 60 days
 3536 before the day on which the relocating parent intends to relocate.

3537 (3) The written notice of relocation [~~under~~] described in Subsection (2) shall contain
 3538 statements affirming[-]:

3539 (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by
 3540 both parties will be followed; and

3541 (b) that a parent will not interfere with the other's parental rights pursuant to court
 3542 ordered parent-time arrangements or the parent-time schedule approved by both
 3543 parties.

3544 (4) [~~The court shall, upon motion of any party or upon the court's own motion,;~~] Upon a
 3545 motion of any party or upon the court's own motion, the court shall schedule a hearing
 3546 with notice to:

3547 (a) review the notice of relocation and the relevant parent-time schedule under Section
 3548 81-9-302 or 81-9-304; and

3549 (b) make appropriate orders regarding the parent-time schedule and costs for
 3550 parent-time transportation.

3551 (5) In a hearing to review the notice of relocation, the court shall, in determining if the
 3552 relocation of a custodial parent is in the best interest of the minor child, consider any
 3553 other factors that the court considers relevant to the determination.

3554 (6) If the court determines that relocation is not in the best interest of the minor child, and
 3555 the custodial parent relocates, the court may order a change of custody.

3556 (7)(a) If the court finds that the relocation is in the best interest of the minor child, the

3557 court shall determine the parent-time schedule and allocate the transportation costs
3558 that will be incurred for the minor child to visit the noncustodial parent.

3559 (b) In making a determination under Subsection (7)(a), the court shall consider:

3560 (i) the reason for the parent's relocation;

3561 (ii) the additional costs or difficulty to both parents in exercising parent-time;

3562 (iii) the economic resources of both parents; and

3563 (iv) other factors the court considers necessary and relevant.

3564 (8) If a parent relocates because of an act of domestic violence or family violence by the
3565 other parent, the court shall make specific findings and orders with regard to the
3566 application of this section.

3567 (9) Unless otherwise ordered by the court, and upon the relocation of one of the parties, the
3568 following schedule is the minimum parent-time that the noncustodial parent is entitled to
3569 a minor child who is five to 18 years old:

3570 (a) in years ending in an odd number, the minor child shall spend the following holidays
3571 with the noncustodial parent:

3572 [~~(i) Thanksgiving holiday beginning Wednesday until Sunday; and~~]

3573 [~~(ii) Spring break, if applicable, beginning the last day of school before the holiday
3574 until the day before school resumes;~~]

3575 (i)(A) fall break if the minor child's school dismisses for a fall break, beginning on
3576 the day that school dismisses for fall break and ending on the day before school
3577 resumes; or

3578 (B) Labor Day if the minor child's school does not dismiss for a fall break,
3579 beginning on the day that school dismisses for Labor Day and ending on the
3580 day before school resumes; and

3581 (ii) the entire winter break period, beginning on the day that school dismisses for the
3582 winter break and ending on the day before school resumes;

3583 (b) in years ending in an even number, the minor child shall spend the following
3584 holidays with the noncustodial parent:

3585 [~~(i) the entire winter school break period; and~~]

3586 [~~(ii) the Fall school break beginning the last day of school before the holiday until the
3587 day before school resumes;~~]

3588 (i)(A) spring break, beginning on the day that school dismisses for the spring
3589 break and ending on the day before school resumes; or

3590 (B) Presidents' Day if the minor child's school does not dismiss for a spring break,

3591 beginning on the day that school dismisses for Presidents' Day and ending on
 3592 the day before school resumes; and

3593 (ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and
 3594 ending on the day before school resumes;

3595 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
 3596 weeks~~;~~ and] with:

3597 (i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in
 3598 years ending in an odd number; and

3599 (ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time
 3600 in years ending in an even number; and

3601 (d) one weekend per month, at the option and expense of the noncustodial parent.

3602 (10) For extended parent-time ~~[under]~~ described in Subsection (9)(c), the ~~[minor child~~
 3603 ~~should be returned]~~ noncustodial parent shall return the minor child to the custodial home
 3604 no later than seven days before school begins, except that this week is counted when
 3605 determining the amount of parent-time to be divided between the parents for the summer
 3606 or off-track period.

3607 (11)(a) ~~[The]~~ Upon relocation of one of the parties, the court may also set a parent-time
 3608 schedule for a minor child who is younger than five years old.

3609 (b) The schedule described in Subsection (11)(a) shall take into consideration the
 3610 following:

3611 (i) the age of the minor child;

3612 (ii) the developmental needs of the minor child;

3613 (iii) the distance between the parents' homes;

3614 (iv) the travel arrangements and cost;

3615 (v) the level of attachment between the minor child and the noncustodial parent; and

3616 (vi) any other factors relevant to the best interest of the minor child.

3617 ~~[(12) The noncustodial parent's monthly weekend entitlement is subject to the following~~
 3618 ~~restrictions.]~~

3619 ~~[(a)]~~

3620 ~~[(+)]~~ (12)(a)(i) If the noncustodial parent has not designated a specific weekend [for
 3621 parent-time] on which the noncustodial parent will exercise parent-time under
 3622 Subsection (9)(d), the noncustodial parent shall receive the last weekend of each
 3623 month[unless a holiday assigned to the custodial parent falls on that particular
 3624 weekend].

- 3625 (ii) If a holiday assigned to the custodial parent falls on ~~[the last weekend of the~~
 3626 ~~month]~~ a weekend on which the noncustodial parent normally exercises
 3627 parent-time under Subsection (9)(d), the noncustodial parent is entitled to the [
 3628 ~~next to the last weekend of the month]~~ weekend before the holiday.
- 3629 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends
 3630 into or through the first weekend of the next month, that weekend ~~[shall be]~~ is
 3631 considered the noncustodial parent's monthly weekend entitlement under Subsection
 3632 (9)(d) for that month.
- 3633 (c) If a minor child is out of school for teacher development days or snow days after the
 3634 minor child begins the school year, or other days not included in the list of holidays
 3635 in Subsection (9), and those days are contiguous with the noncustodial parent's
 3636 monthly weekend or holiday parent-time, those days shall be included in the weekend
 3637 or holiday parent-time.
- 3638 (13)(a) In addition to the parent-time for which a noncustodial parent is entitled under
 3639 Subsection (9), the noncustodial parent is entitled to, at least two times a week:
- 3640 (i) brief telephone contact with the minor child at reasonable hours and for a
 3641 reasonable duration; and
- 3642 (ii) virtual parent-time if the equipment is reasonably available at reasonable hours
 3643 and for reasonable duration.
- 3644 (b) If the parties cannot agree on whether the equipment is reasonably available, the
 3645 court shall decide whether the equipment for virtual parent-time is reasonably
 3646 available, taking into consideration:
- 3647 (i) the best interest of the minor child;
- 3648 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
 3649 (iii) any other factors the court considers material.
- 3650 (c) Virtual parent-time supplements, but does not replace, the in-person parent-time
 3651 described in Subsection (9).
- 3652 ~~[(13)]~~ (14) The custodial parent is entitled to all parent-time not specifically allocated to the
 3653 noncustodial parent.
- 3654 ~~[(14)]~~ (15) In the event finances and distance preclude the exercise of minimum parent-time
 3655 for the noncustodial parent during the school year, the court should consider awarding
 3656 more time for the noncustodial parent during the summer time if it is in the best interests
 3657 of the minor child.
- 3658 ~~[(15)]~~ (16)(a) Upon the motion of any party, the court may order uninterrupted

3659 parent-time with the noncustodial parent for a minimum of 30 days during extended
 3660 parent-time, unless the court finds it is not in the best interest of the minor child.

3661 (b) If the court orders uninterrupted parent-time during a period not covered by this
 3662 section, the court shall specify in [its] the court's order which parent is responsible for
 3663 the minor child's travel expenses.

3664 [(16)] (17)(a) Unless otherwise ordered by the court the relocating party shall be
 3665 responsible for all the minor child's travel expenses relating to Subsections (9)(a) and
 3666 (b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided
 3667 the noncustodial parent is current on all support obligations.

3668 (b) If the noncustodial parent has been found in contempt for not being current on all
 3669 support obligations, the noncustodial parent is responsible for all of the minor child's
 3670 travel expenses under Subsection (9), unless the court rules otherwise.

3671 (c) A responsible party shall make a reimbursement to the other for the minor child's
 3672 travel expenses within 30 days of receipt of documents detailing those expenses.

3673 [(17)] (18) The court may apply this provision to any preexisting decree of divorce.

3674 [(18)] (19) Any action under this section may be set for an expedited hearing.

3675 [(19)] (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in
 3676 contempt of the court's order.

3677 *The following section is affected by a coordination clause at the end of this bill.*

3678 Section 49. Section **81-9-302** is amended to read:

3679 **81-9-302 . Minimum schedule for parent-time for a minor child five to 18 years**
 3680 **old.**

3681 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time
 3682 schedule for a minor child who is five to 18 years old.

3683 (2) If the parties do not agree to a parent-time schedule for a minor child [~~described in~~
 3684 ~~Subsection (1)] who is five to 18 years old, the following schedule is considered the
 3685 minimum parent-time to which the noncustodial parent is entitled to the minor child:~~

3686 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
 3687 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30
 3688 p.m.; or

3689 (ii) at the election of the noncustodial parent, one weekday to be specified by the
 3690 noncustodial parent or the court:

3691 (A) beginning at the time that the minor child's school is regularly dismissed and
 3692 ending at 8:30 p.m.; or

- 3693 (B) if school is not in session, the noncustodial parent is available to be with the
3694 minor child, and in accommodation with the custodial parent's work schedule,
3695 beginning at [9] 8 a.m. and ending at 8:30 p.m.;
- 3696 (b)(i) beginning on the first weekend after entry of the decree, alternating weekends
3697 beginning at [6] 5:30 p.m. on Friday and ending on Sunday at [7] 8:30 p.m.; or
3698 (ii) at the election of the noncustodial parent and beginning on the first weekend after
3699 the entry of the decree, alternating weekends:
- 3700 (A) beginning at the time that the minor child's school is regularly dismissed on
3701 Friday and ending on Sunday at [7] 8:30 p.m.; or
3702 (B) if school is not in session, the noncustodial parent is available to be with the
3703 minor child, and in accommodation with the custodial parent's work schedule,
3704 beginning on Friday at [9] 8 a.m. and ending on Sunday at [7] 8:30 p.m.;
- 3705 (c) each holiday granted to the noncustodial parent in accordance with the holiday
3706 schedule described in Subsection (12); and
3707 (d) extended parent-time with the minor child when school is not in session for summer
3708 break in accordance with Subsection (3).
- 3709 (3)(a) For extended parent-time with the minor child ~~[under]~~ described in Subsection
3710 (2)(d) and at the election of the noncustodial parent, the noncustodial parent is
3711 entitled up to four weeks of parent-time with the minor child~~[-which may be~~
3712 ~~consecutive,]~~ when school is not in session for summer break, beginning at 8 a.m. on
3713 the first day and ending at 8:30 p.m. on the last day.
- 3714 (b) For the four weeks of extended parent-time for a noncustodial parent under
3715 Subsection (3)(a):
3716 (i) two weeks~~[-which may be consecutive,]~~ shall be uninterrupted parent-time for the
3717 noncustodial parent; and
3718 (ii) two weeks~~[-which may be consecutive,]~~ may be interrupted by the custodial
3719 parent for a weekday visit on the same day on which the noncustodial parent is
3720 granted weekday day parent-time.
- 3721 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
3722 two weeks~~[-which may be consecutive,]~~ when school is not in session for summer
3723 break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3724 (d) Extended parent-time described in this Subsection (3) shall be consecutive, except
3725 that the four weeks of extended parent-time for the noncustodial parent may be
3726 divided into two separate 14-day periods that are not consecutive.

- 3727 (4)(a) Each parent shall provide notification to the other parent of the parent's plans for
3728 the exercise of extended parent-time for summer break under Subsection (3).
- 3729 (b) For the notification requirement ~~under~~ described in Subsection (4)(a):
- 3730 (i) in odd-numbered years:
- 3731 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
3732 and
- 3733 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
3734 and
- 3735 (ii) in even-numbered years:
- 3736 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
3737 and
- 3738 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 3739 (c)(i) If a parent fails to provide a notification within the time periods described in
3740 Subsection (4)(b), the complying parent may determine the schedule for summer
3741 break for the noncomplying parent.
- 3742 (ii) If both parents fail to provide notice within the time periods described in
3743 Subsection (4)(b), the first parent to provide notice may determine the schedule
3744 for summer break for that parent and the other parent.
- 3745 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
3746 Subsection (3)(b)(ii), the custodial parent shall provide notification to the
3747 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
3748 on which the custodial parent receives notification of the noncustodial parent's plans
3749 for the exercise of interrupted extended parent-time.
- 3750 (5)(a) An election should be made by the noncustodial parent at the time of entry of the
3751 divorce decree or court order, except that the election may be changed by mutual
3752 agreement, court order, or by the noncustodial parent in the event of a change in the
3753 minor child's schedule.
- 3754 (b) An election by either parent concerning parent-time shall be made a part of the
3755 decree and made a part of the parent-time order.
- 3756 (6)(a) Changes may not be made to the parent-time schedule under this section, except
3757 that if a conflict arises in the parent-time schedule, the following order of precedence
3758 shall be applied when determining which parent is entitled to parent-time:
- 3759 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);
3760 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising

- 3761 uninterrupted extended parent-time under Subsection (3) and takes the minor child
3762 away from that parent's residence during the uninterrupted extended parent-time;
- 3763 (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's
3764 Day, Mother's Day, or the minor child's birthday;
- 3765 (iv) extended parent-time under Subsection (3); and
3766 (v) the schedule for weekday or weekend parent-time.
- 3767 (b) A parent exercising parent-time for the minor child's birthday may bring other
3768 siblings along for the minor child's birthday.
- 3769 (7) A stepparent, grandparent, or other responsible adult designated by [~~the nonecustodial~~] a
3770 parent, may pick up the minor child for parent-time if the [~~eustodial~~] other parent is
3771 aware of the identity of the individual and the [~~nonecustodial~~]parent will be with the
3772 minor child by 7 p.m.
- 3773 (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
3774 shall be responsible for the minor child's attendance at school for that school day.
- 3775 (9) If there is more than one minor child and the minor children's school schedules vary for
3776 purpose of a holiday, at the option of the parent exercising the holiday or the parent's
3777 half of the holiday, the minor children may remain together for the holiday period
3778 beginning the first evening that all minor children's schools are dismissed for the holiday
3779 and ending the evening before any minor child returns to school.
- 3780 (10)(a) Telephone contact shall be at reasonable hours and for a reasonable duration.
- 3781 (b)(i) Virtual parent-time, if the equipment is reasonably available and the parents
3782 reside at least 100 miles apart, shall be at reasonable hours and for reasonable
3783 duration.
- 3784 (ii) If the parties cannot agree on whether the equipment is reasonably available, the
3785 court shall decide whether the equipment for virtual parent-time is reasonably
3786 available, taking into consideration:
- 3787 (A) the best interests of the minor child;
- 3788 (B) each parent's ability to handle any additional expenses for virtual parent-time;
- 3789 and
- 3790 (C) any other factors the court considers material.
- 3791 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 3792 (11) If there is a minor child five to 18 years old and a minor child under five years old and
3793 both minor children are the children of the parties, the parents and the court should
3794 consider an upward deviation for parent-time with all the minor children so that

3795 parent-time is uniform based on a schedule under this section.

3796 (12) The following table is the holiday schedule for parent-time under this section.

3797	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
3798	Dr. Martin Luther King Jr. 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]: <u>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</u></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] 8:30 p.m. on Dr. Martin Luther King Jr. Day.</p>	Odd years	Even years
3799	[President's] <u>Presidents' 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 [regularly dismissed] dismissed for Presidents' Day; or [(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] 8:30 p.m. on the day before school resumes.</p>	Even years	Odd years

3800	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 dismisses for spring break at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends at [7] <u>8:30 p.m. on the day before school resumes.</u></p>	Odd years	Even years
3801	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)] (a) at the time that school is [regu- larly dismissed] dismissed for Memorial Day; or</p> <p>[(c) 6] (b) Friday at 5:30 p.m. at the election of the parent granted the holi- day.</p> <p>(2) Holiday ends at [7] <u>8:30 p.m. on</u> <u>Memorial Day.</u></p>	Even years	Odd years
3802	Mother's Day	<p>(1) Holiday begins [on Mother's Day at 9 a.m.] at 5:30 p.m. on the day before Mother's Day.</p> <p>(2) Holiday ends on Mother's Day at [7] <u>8:30 p.m.</u></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.
3803	Father's Day	<p>(1) Holiday begins [on Father's Day at 9 a.m.] at 5:30 p.m. on the day before Fa- ther's Day.</p>	All years if non-custodial parent is the father or other parent granted the	All years if custodial parent is the father or other parent

		(2) Holiday ends on Father's Day at [7] <u>8:30</u> p.m.	holiday in the order.	granted the holiday in the order.
3804	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] <u>5:30</u> p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) [9] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] <u>8:30</u> p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
3805	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
3806	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
3807	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 [regularly dismissed] <u>dismissed for Labor Day</u> ; or [(c) 6] (b) <u>Friday at 5:30 p.m.</u> at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>8:30</u> p.m. on Labor Day.	Odd years	Even years

3808	[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]
3809	Fall Break	(1) Holiday begins at [6 p.m.] : (a) <u>the time that school is dismissed for fall break; or</u> (b) <u>5:30 p.m. on the day school is dismissed for fall break at the election of 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
3810	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>8:30</u> p.m. on the same day the holiday begins.	Even years	Odd years
3811	[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]
3812	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>	Even years	Odd years

		(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] <u>8:30 p.m.</u> on the day before school resumes.		
3813	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] <u>8:30 p.m.</u>	Odd years	Even years
3814	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] <u>8:30 p.m.</u> (2) Holiday ends at [7] <u>8:30 p.m.</u> on the day before school resumes <u>after the winter break.</u>	Even years	Odd years
3815	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
3816	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

3817 *The following section is affected by a coordination clause at the end of this bill.*

3818 Section 50. Section **81-9-303** is amended to read:

3819 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**

3820 **old.**

3821 (1)(a) The optional parent-time schedule in this section applies [~~to~~] when establishing a
3822 parent-time schedule for a minor child who is five to 18 years old.

3823 (b) For purposes of calculating child support, the optional parent-time schedule in this
3824 section is 145 overnights.

3825 (c) Any impact on child support shall be consistent with joint physical custody.

- 3826 (2) The parents and the court may consider the increased parent-time schedule in this
3827 section as a minimum parent-time schedule when the parties agree or the noncustodial
3828 parent can demonstrate:
- 3829 (a) the noncustodial parent has been actively involved in the minor child's life;
 - 3830 (b) the parties can communicate effectively regarding the minor child or the
3831 noncustodial parent has a plan to accomplish effective communications regarding the
3832 minor child;
 - 3833 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
 - 3834 (d) the increased parent-time would be in the best interest of the minor child; and
 - 3835 (e) any other factor the court considers relevant.
- 3836 (3) In determining whether a noncustodial parent has been actively involved in the minor
3837 child's life, the court shall consider:
- 3838 (a) demonstrated responsibility in caring for the minor child;
 - 3839 (b) involvement in childcare;
 - 3840 (c) presence or volunteer efforts in the minor child's school and at extracurricular
3841 activities;
 - 3842 (d) assistance with the minor child's homework;
 - 3843 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
 - 3844 (f) bonding with the minor child; and
 - 3845 (g) any other factor the court considers relevant.
- 3846 (4) In determining whether a noncustodial parent has the ability to facilitate the increased
3847 parent-time, the court shall consider:
- 3848 (a) the geographic distance between the residences of the parents and the distance
3849 between the parents' residences and the minor child's school;
 - 3850 (b) the noncustodial parent's ability to assist with after school care;
 - 3851 (c) the health of the minor child and the noncustodial parent in accordance with
3852 Subsection 81-9-204(4);
 - 3853 (d) flexibility of employment or another schedule of the noncustodial parent;
 - 3854 (e) ability to provide appropriate playtime with the minor child;
 - 3855 (f) history and ability of the noncustodial parent to implement a flexible schedule for the
3856 minor child;
 - 3857 (g) physical facilities of the noncustodial parent's residence; and
 - 3858 (h) any other factor the court considers relevant.
- 3859 (5) If the parties agree or the court enters an order for the optional parent-time schedule

- 3860 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed
3861 with any order incorporating the optional parent-time schedule described in Subsection
3862 (6).
- 3863 (6) The following schedule is considered the optional parent-time to which the noncustodial
3864 parent is entitled to the minor child:
- 3865 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
3866 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
3867 following day upon delivering the minor child to school or at 8 a.m. if there is no
3868 school; or
- 3869 (ii) at the election of the noncustodial parent, one weekday specified by the
3870 noncustodial parent or the court:
- 3871 (A) beginning at the time the minor child's school is regularly dismissed until the
3872 following day upon delivering the minor child to school or at 8 a.m. if there is
3873 no school; or
- 3874 (B) if there is no school, the noncustodial parent is available to be with the minor
3875 child, and in accommodation with the custodial parent's work schedule,
3876 beginning at 8 a.m. and ending on the following day upon delivering the minor
3877 child to school or at 8 a.m. if there is no school;
- 3878 (b)(i) beginning the first weekend after the entry of the decree, alternating weekends
3879 beginning at [6] 5:30 p.m. on Friday and ending on Monday upon delivering the
3880 minor child to school or at 8 a.m. if there is no school; or
- 3881 (ii) at the election of the noncustodial parent, beginning the first weekend after the
3882 entry of the decree, alternating weekends:
- 3883 (A) beginning at the time the minor child's school is regularly dismissed on Friday
3884 and ending on Monday upon delivering the minor child to school or at 8 a.m. if
3885 there is no school; or
- 3886 (B) if there is no school, the noncustodial parent is available to be with the minor
3887 child, and in accommodation with the custodial parent's work schedule,
3888 beginning on Friday at [9] 8 a.m. and ending on Monday upon delivering the
3889 minor child to school or at 8 a.m. if there is no school;
- 3890 (c) each holiday granted to the noncustodial parent in accordance with the holiday
3891 schedule described in Subsection (15); and
- 3892 (d) extended parent-time with the minor child when school is not in session for summer
3893 break in accordance with Subsection (7).

- 3894 (7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the
3895 election of the noncustodial parent, the noncustodial parent is entitled up to four
3896 weeks of parent-time with the minor child~~[, which may be consecutive,]~~ when school
3897 is not in session for summer break, beginning at 8 a.m. on the first day and ending at
3898 8:30 p.m. on the last day.
- 3899 (b) For the four weeks of extended parent-time for a noncustodial parent under
3900 Subsection (7)(a):
- 3901 (i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the
3902 noncustodial parent; and
- 3903 (ii) two weeks~~[, which may be consecutive,]~~ may be interrupted by the custodial
3904 parent for a weekday visit on the same day on which the noncustodial parent is
3905 granted weekday day parent-time.
- 3906 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
3907 two weeks~~[, which may be consecutive,]~~ when school is not in session for summer
3908 break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3909 (d) Extended parent-time described in this Subsection (7) shall be consecutive, except
3910 that the four weeks of extended parent-time for the noncustodial parent may be
3911 divided into two 14-day separate periods that are not consecutive.
- 3912 (8)(a) Each parent shall provide notification to the other parent of the parent's plans for
3913 the exercise of parent-time for summer break under Subsection (7).
- 3914 (b) For the notification requirement ~~[under]~~ described in Subsection (8)(a):
- 3915 (i) in odd-numbered years:
- 3916 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
3917 and
- 3918 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
3919 and
- 3920 (ii) in even-numbered years:
- 3921 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
3922 and
- 3923 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 3924 (c)(i) If a parent fails to provide a notification within the time periods described in
3925 Subsection (8)(b), the complying parent may determine the schedule for summer
3926 break for the noncomplying parent.
- 3927 (ii) If both parents fail to provide notice within the time periods described in

3928 Subsection (8)(b), the first parent to provide notice may determine the schedule
3929 for summer break for that parent and the other parent.

3930 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
3931 Subsection (7)(b)(ii), the custodial parent shall provide notification to the
3932 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
3933 on which the custodial parent receives notification of the noncustodial parent's plans
3934 for the exercise of interrupted extended parent-time.

3935 (9)(a) An election should be made by the noncustodial parent at the time of entry of the
3936 divorce decree or court order, except that the election may be changed by mutual
3937 agreement, court order, or by the noncustodial parent in the event of a change in the
3938 minor child's schedule.

3939 (b) An election by either parent concerning parent-time shall be made a part of the
3940 decree and made a part of the parent-time order.

3941 (10)(a) Changes may not be made to the parent-time schedule under this section, except
3942 that if a conflict arises in the parent-time schedule, the following order of precedence
3943 shall be applied when determining which parent is entitled to parent-time:

3944 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);

3945 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
3946 uninterrupted extended parent-time under Subsection (7) and takes the minor child
3947 away from that parent's residence during the uninterrupted extended parent-time;

3948 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
3949 Day, Mother's Day, or the minor child's birthday;

3950 (iv) extended parent-time under Subsection (7); and

3951 (v) the schedule for weekday or weekend parent-time.

3952 (b) A parent exercising parent-time for the minor child's birthday may bring other
3953 siblings along for the minor child's birthday.

3954 (11) A stepparent, grandparent, or other responsible adult designated by [~~the noncustodial~~] a
3955 parent, may pick up the minor child for parent-time if the [~~eustodial~~] other parent is
3956 aware of the identity of the individual and the [~~noncustodial~~]parent will be with the
3957 minor child by 7 p.m.

3958 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
3959 shall be responsible for the minor child's attendance at school for that school day.

3960 (13) If there is more than one minor child and the minor children's school schedules vary
3961 for purpose of a holiday, at the option of the parent exercising the holiday or the parent's

3962 half of the holiday, the minor children may remain together for the holiday period
 3963 beginning the first evening that all minor children's schools are dismissed for the holiday
 3964 and ending the evening before any minor child returns to school.

3965 (14) If there is a minor child five to 18 years old and a minor child under five years old and
 3966 both minor children are the children of the parties, the parents and the court should
 3967 consider an upward deviation for parent-time with all the minor children so that
 3968 parent-time is uniform based on a schedule under this section.

3969 (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
3970 3971 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 <u>Dr. Martin Luther King Jr. Day; or</u> [(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. (2) Holiday ends[: (a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or (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	Odd years	Even years

		<u>child to school on the day that school resumes.</u>		
3972	[President's] <u>Presidents' Day</u>	(1) Holiday begins[Friday at: (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> [(b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday.] (b) <u>Friday at 5:30 p.m. at the election of the parent granted the holiday.</u> (2) Holiday ends[: (a) upon delivering the minor child to school on the day following President's Day; or (b) at 8 a.m. on the day following President's Day if there is no school.] <u>upon delivering the minor child to school on the day that school resumes.</u>	Even years	Odd years
3973	Spring Break	(1) Holiday begins at [6 p.m. on the day that school dismisses for spring break.] : <u>(a) the time school is dismissed for spring break; or</u> <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> (2) Holiday ends[: (a) upon delivering the minor child to school on the day following the end of spring break; or (b) at 8 a.m. on the day following the end of spring break if there is no school.] <u>up-</u>	Odd years	Even years

		<u>on delivering the minor child to school on the day that school resumes.</u>		
3974	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; (b) the time that school is regularly dismissed; or (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> <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 Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.</p>	Even years	Odd years
3975	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 p.m.</u></p>	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.
3976	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 p.m.</u></p>	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.
3977	Juneteenth National Freedom Day	<p>(1) Holiday begins at: (a) [6] <u>5:30 p.m.</u> on the day before Juneteenth National Freedom Day if the day</p>	Even years	Odd years

		<p>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>5:30</u> p.m. on the day following Juneteenth National Freedom Day.</p>		
3978	Independence Day	<p>(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m.</p> <p>(2) Holiday ends on July 5th at [6] <u>8:30</u> p.m.</p>	Odd years	Even years
3979	Pioneer Day	<p>(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m.</p> <p>(2) Holiday ends on July 25th at [6] <u>8:30</u> p.m.</p>	Even years	Odd years
3980	Labor 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 Labor 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> <p>(a) upon delivering the minor child to school on the day following Labor Day;</p> <p>or</p> <p>(b) at 8 a.m. on the day following Labor Day if there is no school.] <u>upon deliver-</u></p>	Odd years	Even years

		<u>ing the minor child to school on the day that school resumes.</u>		
3981	[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]
3982	Fall Break	(1) Holiday begins at <u>[6 p.m. on the day school is dismissed for fall break.] :</u> (a) <u>the time that school is dismissed for fall break; or</u> (b) <u>5:30 p.m. on the day that school dismisses for fall break at the election of the parent granted the holiday.</u> (2) Holiday ends <u>[:</u> (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.] <u>upon delivering the minor child to school on the day that school resumes.</u>	Odd years	Even years
3983	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>8:30</u> p.m. on the same day the holiday begins.	Even years	Odd years
3984	[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]

3985	Thanksgiving	<p>(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:</p> <p><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 the holiday.</u></p> <p>(2) Holiday ends[: (a) upon delivering the minor child to school on the Monday following Thanksgiving; or (b) at 8 a.m. on the Monday following Thanksgiving if there is no school.] <u>upon delivering the minor child to school on the day that school resumes.</u></p>	Even years	Odd years
3986	Winter Break (First Half)	<p>(1) Holiday begins at:</p> <p>(a) [6 p.m. on the day] <u>the time that school dismisses for winter break; or</u> (b) [the time school is regularly dismissed] <u>5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends on December 27th at [7] 8:30 p.m.</p>	Odd years	Even years
3987	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at [7] 8:30 p.m.</p> <p>(2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.</p>	Even years	Odd years

3988	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
3989	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

3990 *The following section is affected by a coordination clause at the end of this bill.*

3991 Section 51. Section **81-9-304** is amended to read:

3992 **81-9-304 . Minimum schedule for parent-time for a minor child under five years**
3993 **old.**

3994 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time
3995 schedule for a minor child who is younger than five years old.

3996 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections (3)
3997 through (8) are considered the minimum parent-time to which the noncustodial parent is
3998 entitled to the minor child.

3999 (3) For a minor child who is younger than five months old, the noncustodial parent is
4000 entitled to:

4001 (a) three two-hour visits every week; and

4002 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule
4003 under Subsection (15).

4004 (4) For a minor child who is at least five months old but younger than nine months old, the
4005 noncustodial parent is entitled to:

4006 (a) three three-hour visits every week; and

4007 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule
4008 under Subsection (15).

4009 (5) For a minor child who is at least nine months old but younger than 12 months old, the
4010 noncustodial parent is entitled to:

4011 (a) one eight-hour visit every week;

4012 (b) one three-hour visit every week; and

4013 (c) eight hours for each holiday granted to the noncustodial parent in accordance with
4014 the holiday schedule under Subsection (15).

4015 (6) For a minor child who is at least 12 months old but younger than 18 months old, the
4016 noncustodial parent is entitled to:

4017 (a) one three-hour visit every week;

4018 [~~(b) one eight-hour visit on alternating weekends to be specified by the noncustodial~~

- 4019 parent or court;]
- 4020 [(e)] (b) [~~an overnight visit on opposite weekends from Subsection (6)(b)] beginning on~~
- 4021 the first weekend after the entry of the decree, alternating weekends beginning at [6]
- 4022 5:30 p.m. on Friday and ending [~~at noon on Saturday]~~ on Sunday at 7:30 p.m.; and
- 4023 [(d)] (c) eight hours for each holiday granted to the noncustodial parent in the holiday
- 4024 schedule under Subsection (15).
- 4025 (7) For a minor child who is at least 18 months old but younger than three years old, the
- 4026 noncustodial parent is entitled to:
- 4027 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4028 (i) beginning at 5:30 p.m. and ending at [~~8:30~~] 7:30 p.m.; or
- 4029 (ii) if the minor child is being cared for during the day outside the minor child's
- 4030 regular place of residence and with advance notice to the custodial parent,
- 4031 beginning at the time that the minor child is picked up from the caregiver and
- 4032 ending at [~~8:30~~] 7:30 p.m.;
- 4033 (b) beginning on the first weekend after the entry of the decree, alternating weekends
- 4034 beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
- 4035 (c) each holiday granted to the noncustodial parent in accordance with the holiday
- 4036 schedule described in Subsection (15); and
- 4037 (d) extended parent-time for two one-week periods, separated by at least four weeks, at
- 4038 the option of the noncustodial parent, as follows:
- 4039 (i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8
- 4040 a.m. on the first day and ending at 7:30 p.m. on the last day; and
- 4041 (ii) one week of interrupted parent-time, beginning at 8 a.m. on the first day and
- 4042 ending at 7:30 p.m. on the last day, where the custodial parent may have an equal
- 4043 amount of weekday parent-time as the noncustodial parent on the same day on
- 4044 which the noncustodial parent is granted weekday parent-time under Subsection
- 4045 (7)(a).
- 4046 (8) For a minor child who is at least three years old but younger than five years old, the
- 4047 noncustodial parent is entitled to:
- 4048 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4049 (i) beginning at 5:30 p.m. and ending at [~~8:30~~] 7:30 p.m.; or
- 4050 (ii) if the minor child is being cared for during the day outside the minor child's
- 4051 regular place of residence and with advance notice to the custodial parent,
- 4052 beginning at the time that the minor child is picked up from the caregiver and

- 4053 ending at ~~[8:30]~~ 7:30 p.m.;
- 4054 (b) beginning on the first weekend after the entry of the decree, alternating weekends
4055 beginning at ~~[6]~~ 5:30 p.m. on Friday and ending at ~~[7]~~ 7:30 p.m. on Sunday;
- 4056 (c) each holiday granted to the noncustodial parent in accordance with the holiday
4057 schedule described in Subsection (15); and
- 4058 (d) extended parent-time for two two-week periods, separated by at least four weeks, at
4059 the option of the noncustodial parent, as follows:
- 4060 (i) two weeks of uninterrupted parent-time, ~~[which may be consecutive,]~~ for the
4061 noncustodial parent, beginning at 8 a.m. on the first day and ending at 7:30 p.m.
4062 on the last day; and
- 4063 (ii) two weeks of interrupted parent-time, ~~[which may be consecutive,]~~ beginning at 8
4064 a.m. on the first day and ending at 7:30 p.m. on the last day, where the custodial
4065 parent may have an equal amount of weekday parent-time as the noncustodial
4066 parent on the same day on which the noncustodial parent is granted weekday
4067 parent-time under Subsection ~~[(8)(a)]~~ (8)(a)(i).
- 4068 (9) For a minor child who is at least 18 months old but younger than five years old, the
4069 custodial parent is entitled to one week of uninterrupted extended parent-time.
- 4070 (10)(a) For a minor child who is nine months old or older, the noncustodial parent shall
4071 have at least two times a week:
- 4072 (i) brief telephone contact at reasonable hours and for a reasonable duration; and
4073 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside
4074 at least 100 miles apart, at reasonable hours and for reasonable duration.
- 4075 (b) If the parties cannot agree on whether the equipment is reasonably available, the
4076 court shall decide whether the equipment for virtual parent-time is reasonably
4077 available, taking into consideration:
- 4078 (i) the best interests of the minor child;
4079 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
4080 (iii) any other factors the court considers material.
- 4081 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 4082 (11) For a minor child who is younger than nine months old, unless the parents agree
4083 otherwise, parent-time should take place in the home of the custodial parent, an
4084 established child-care setting, or other environment familiar to the minor child, at the
4085 option of the noncustodial parent.
- 4086 (12)(a) Changes may not be made to the parent-time schedule under this section, except

4087 that if a conflict arises in the parent-time schedule, the following order of precedence
 4088 shall be applied when determining which parent is entitled to parent-time:

- 4089 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 4090 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
 4091 uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and
 4092 takes the minor child away from that parent's residence during the uninterrupted
 4093 extended parent-time;
- 4094 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
 4095 Day, Mother's Day, or the minor child's birthday;
- 4096 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
- 4097 (v) the schedule for weekday or weekend parent-time.

4098 (b) A parent exercising parent-time for the minor child's birthday may bring other
 4099 siblings along for the minor child's birthday.

4100 (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
 4101 shall be responsible for the minor child's attendance at school for that school day.

4102 (14) A parent shall notify the other parent at least 30 days in advance of the parent's plans
 4103 for the exercise of extended parent-time under Subsection (7)(d), (8)(d), or (9).

4104 (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
4107 Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
4108 [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] 5:30 p.m. at the election of the parent granted the holiday.	Even years	Odd years

		(2) Holiday ends at [7] 7:30 p.m. on [President's] Presidents' Day.		
4109	Spring Break	(1) Holiday begins at [6] 5:30 p.m. on the day that school dismisses for spring break. (2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.	Odd years	Even years
4110	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] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on Memorial Day.	Even years	Odd years
4111	Mother's Day	(1) Holiday begins [on Mother's Day at 9 a.m.] at 5:30 p.m. on the day before <u>Mother's Day</u> . (2) Holiday ends on Mother's Day at [7] 7:30 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.
4112	Father's Day	(1) Holiday begins [on Father's Day at 9 a.m.] at 5:30 p.m. on the day before <u>Father's Day</u> . (2) Holiday ends on Father's Day at [7] 7:30 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.
4113	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] 5:30 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] 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.	Even years	Odd years

		(2) Holiday ends at [6] <u>7:30</u> p.m. on the day following Juneteenth National Freedom Day.		
4114	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
4115	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
4116	Labor Day	(1) Holiday begins on Friday at: (a) [9] <u>8</u> a.m. if the parent is available to be with the minor child; or (b) [6] <u>5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>7:30</u> p.m. on Labor Day.	Odd years	Even years
4117	[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]
4118	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
4119	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.	Even years	Odd years

		(2) Holiday ends at [9] <u>7:30</u> p.m. on the same day the holiday begins.		
4120	[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]
4121	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
4122	Winter Break (First Half)	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at [7] <u>7:30</u> p.m.	Odd years	Even years
4123	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] <u>7:30</u> p.m. (2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.	Even years	Odd years
4124	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>7:30</u> p.m.	Even years	Odd years
4125	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>7:30</u> p.m.	Odd years	Even years

4126 Section 52. Section **81-9-402** is amended to read:

4127 **81-9-402 . Custody and visitation for individuals other than a parent -- Venue.**

4128 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a
 4129 parent retain the fundamental right and duty to exercise primary control over the care,
 4130 supervision, upbringing, and education of a minor child of the parent.

4131 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's
 4132 best interests.

4133 (2) The presumption in Subsection (1) is rebutted and a court may grant custodial or

- 4134 visitation rights to an individual other than a parent if the court finds, by clear and
4135 convincing evidence, that the individual seeking custodial or visitation rights has
4136 established that:
- 4137 (a) the individual has intentionally assumed the role and obligations of a parent;
 - 4138 (b) the individual and the minor child have formed a substantial emotional bond and
4139 created a parent-child type relationship;
 - 4140 (c) the individual substantially contributed emotionally or financially to the minor child's
4141 well being;
 - 4142 (d) the assumption of the parental role is not the result of a financially compensated
4143 surrogate care arrangement;
 - 4144 (e) the continuation of the relationship between the individual and the minor child is in
4145 the minor child's best interest;
 - 4146 (f) the loss or cessation of the relationship between the individual and the minor child
4147 would substantially harm the minor child; and
 - 4148 (g) the parent:
 - 4149 (i) is absent as of the time of filing of the petition;
 - 4150 (ii) does not have the ability to exercise primary physical custody of the minor child
4151 as of the time of filing of the petition; or
 - 4152 (iii) has abused or neglected the minor child, or that another court has found that the
4153 parent has abused or neglected the minor child.
- 4154 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,
4155 an individual shall file a verified petition, or a petition supported by an affidavit, for
4156 custodial or visitation rights to the minor child in the juvenile court if a matter is pending
4157 in the juvenile court, or in the district court in the county where the minor child:
4158 (a) currently resides; or
4159 (b) lived with a parent or an individual other than a parent who acted as a parent within
4160 six months before the commencement of the action.
- 4161 (4) An individual may file a petition under this section in a pending divorce, parentage
4162 action, or other proceeding, including a proceeding in the juvenile court involving
4163 custody of or visitation with a minor child.
- 4164 (5) The petition shall include detailed facts supporting the petitioner's right to file the
4165 petition including the criteria set forth in Subsection (2) and residency information
4166 described in Section 81-11-209.
- 4167 (6) An individual may not file a petition under this section against a parent who is actively

- 4168 serving outside the state in any branch of the military.
- 4169 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the
4170 Utah Rules of Civil Procedure on all of the following:
- 4171 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
4172 (b) any individual who has court-ordered custody or visitation rights;
4173 (c) the minor child's guardian;
4174 (d) the guardian ad litem, if one has been appointed;
4175 (e) an individual or agency that has physical custody of the minor child or that claims to
4176 have custody or visitation rights; and
4177 (f) any other individual or agency that has previously appeared in any action regarding
4178 custody of or visitation with the minor child.
- 4179 (8) The court may order a custody evaluation to be conducted in any proceeding brought
4180 under this section.
- 4181 (9) The court may enter temporary orders in a proceeding brought under this section
4182 pending the entry of final orders.
- 4183 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
4184 under this section to an individual:
- 4185 (a) who is not the parent of the minor child; and
4186 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
4187 contest to a felony or attempted felony involving conduct that constitutes any of the
4188 following:
- 4189 (i) child abuse, as described in [~~Sections 76-5-109, 76-5-109.2, 76-5-109.3,~~
4190 ~~76-5-109.4, and 76-5-114~~] Section 76-5-109;
- 4191 (ii) aggravated child abuse, as described in Section 76-5-109.2;
- 4192 (iii) child abandonment, as described in Section 76-5-109.3;
- 4193 (iv) child torture, as described in Section 76-5-109.4;
- 4194 (v) commission of domestic violence in the presence of a child, as described in
4195 Section 76-5-114;
- 4196 [(~~ii~~)] (vi) child abuse homicide, as described in Section 76-5-208;
- 4197 [(~~iii~~)] (vii) child kidnapping, as described in Section 76-5-301.1;
- 4198 [(~~iv~~)] (viii) human trafficking of a child, as described in Section 76-5-308.5;
- 4199 [(~~v~~)] (ix) sexual abuse of a minor, as described in Section 76-5-401.1;
- 4200 [(~~vi~~)] (x) rape of a child, as described in Section 76-5-402.1;
- 4201 [(~~vii~~)] (xi) object rape of a child, as described in Section 76-5-402.3;

- 4202 [~~(viii)~~] (xii) sodomy on a child, as described in Section 76-5-403.1;
- 4203 [~~(ix)~~] (xiii) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated
- 4204 sexual abuse of a child, as described in Section 76-5-404.3;
- 4205 [~~(x)~~] (xiv) sexual exploitation of a minor, as described in Section 76-5b-201;
- 4206 [~~(xi)~~] (xv) aggravated sexual exploitation of a minor, as described in Section
- 4207 76-5b-201.1; or
- 4208 [~~(xii)~~] (xvi) an offense in another state that, if committed in this state, would
- 4209 constitute an offense described in this Subsection (10).
- 4210 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed
- 4211 in Subsection (10) that prevents a court from granting custody except as provided in
- 4212 this Subsection (11).
- 4213 (b) An individual described in Subsection (10) may only be considered for custody of a
- 4214 minor child if the following criteria are met by clear and convincing evidence:
- 4215 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 4216 (ii) at least 10 years have elapsed from the day on which the individual is
- 4217 successfully released from prison, jail, parole, or probation related to a
- 4218 disqualifying offense;
- 4219 (iii) during the 10 years before the day on which the individual files a petition with
- 4220 the court seeking custody the individual has not been convicted, plead guilty, or
- 4221 plead no contest to an offense greater than an infraction or traffic violation that
- 4222 would likely impact the health, safety, or well-being of the minor child;
- 4223 (iv) the individual can provide evidence of successful treatment or rehabilitation
- 4224 directly related to the disqualifying offense;
- 4225 (v) the court determines that the risk related to the disqualifying offense is unlikely to
- 4226 cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 4227 currently or at any time in the future when considering all of the following:
- 4228 (A) the minor child's age;
- 4229 (B) the minor child's gender;
- 4230 (C) the minor child's development;
- 4231 (D) the nature and seriousness of the disqualifying offense;
- 4232 (E) the preferences of a minor child who is 12 years old or older;
- 4233 (F) any available assessments, including custody evaluations, parenting
- 4234 assessments, psychological or mental health assessments, and bonding
- 4235 assessments; and

- 4236 (G) any other relevant information;
- 4237 (vi) the individual can provide evidence of the following:
- 4238 (A) the relationship with the minor child is of long duration;
- 4239 (B) that an emotional bond exists with the minor child; and
- 4240 (C) that custody by the individual who has committed the disqualifying offense
- 4241 ensures the best interests of the minor child are met;
- 4242 (vii)(A) there is no other responsible relative known to the court who has or likely
- 4243 could develop an emotional bond with the minor child and does not have a
- 4244 disqualifying offense; or
- 4245 (B) if there is a responsible relative known to the court that does not have a
- 4246 disqualifying offense, Subsection (11)(d) applies; and
- 4247 (viii) that the continuation of the relationship between the individual with the
- 4248 disqualifying offense and the minor child could not be sufficiently maintained
- 4249 through any type of visitation if custody were given to the relative with no
- 4250 disqualifying offense described in Subsection (11)(d).
- 4251 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 4252 why placement with that individual is in the best interest of the minor child over
- 4253 another responsible relative or equally situated individual who does not have a
- 4254 disqualifying offense.
- 4255 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
- 4256 the court who does not have a disqualifying offense:
- 4257 (i) preference for custody is given to a relative who does not have a disqualifying
- 4258 offense; and
- 4259 (ii) before the court may place custody with the individual who has the disqualifying
- 4260 offense over another responsible, willing, and able relative:
- 4261 (A) an impartial custody evaluation shall be completed; and
- 4262 (B) a guardian ad litem shall be assigned.
- 4263 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
- 4264 decision on custody has not been made and to a case filed on or after March 25, 2017.
- 4265 Section 53. Section **81-13-204** is amended to read:
- 4266 **81-13-204 . Petition for adoption of a minor child.**
- 4267 (1) A person may bring a petition for adoption of a minor child:
- 4268 (a) before the birth of the minor child; or
- 4269 (b) before or after the minor child is placed in the home of the adoptive parent for the

- 4270 purpose of adoption.
- 4271 (2)(a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child
4272 shall state whether the minor child was born in another state.
- 4273 (b) If the minor child was born in another state, the petition and the court's final decree
4274 of adoption shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate
4275 Compact on Placement of Children, have been complied with.
- 4276 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required
4277 to complete a preplacement adoptive evaluation under Section [~~81-13-404~~] 81-13-403.
- 4278 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec.
4279 1903, a child-placing agency and a petitioner shall comply with the Indian Child
4280 Welfare Act, 25 U.S.C. Sec. 1901 et seq.
- 4281 Section 54. Section **81-13-205** is amended to read:
- 4282 **81-13-205 . Petition to terminate parental rights of a minor child.**
- 4283 (1) A party may bring a petition seeking to terminate parental rights [øf] to a minor child for
4284 the purpose of facilitating the adoption of the minor child in a court with jurisdiction
4285 under Title 78A, Judiciary and Judicial Administration.
- 4286 (2) A petition to terminate parental rights under this section may be:
- 4287 (a) joined with a proceeding on an adoption petition; or
4288 (b) filed as a separate proceeding before or after a petition to adopt the minor child is
4289 filed.
- 4290 (3) A court may enter a final order terminating parental rights before a final decree of
4291 adoption is entered.
- 4292 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to
4293 proceedings to terminate parental rights as described in Section 78A-6-103.
- 4294 (b) A court may not terminate parental rights [øf] to a minor child if the minor child is
4295 under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency,
4296 or termination of parental rights proceeding.
- 4297 (5) The court may terminate an individual's parental rights [øf] to a minor child if:
- 4298 (a) the individual executes a voluntary consent to adoption, or relinquishment for
4299 adoption, of the minor child, in accordance with:
- 4300 (i) the requirements of this chapter; or
4301 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 4302 (b) the individual is an unmarried biological father who is not entitled to consent to
4303 adoption, or relinquishment for adoption, under Section 81-13-212 or 81-13-213;

- 4304 (c) the individual:
- 4305 (i) received notice of the adoption proceeding relating to the minor child under
- 4306 Section 81-13-207; and
- 4307 (ii) failed to file a motion for relief, under Subsection 81-13-207(6), within 30 days
- 4308 after the day on which the individual was served with notice of the adoption
- 4309 proceeding;
- 4310 (d) the court finds, under Section 81-5-607, that the individual is not a parent of the
- 4311 minor child; or
- 4312 (e) the individual's parental rights are terminated on grounds described in Title 80,
- 4313 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
- 4314 best interests of the minor child.
- 4315 (6) The court shall appoint an indigent defense service provider in accordance with Title
- 4316 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
- 4317 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
- 4318 Termination and Restoration of Parental Rights, or whose parental rights are subject to
- 4319 termination under this section.
- 4320 (7) If a county incurs expenses in providing indigent defense services to an indigent
- 4321 individual facing any action initiated by a private party under Title 80, Chapter 4,
- 4322 Termination and Restoration of Parental Rights, or termination of parental rights under
- 4323 this section, the county may apply for reimbursement from the Utah Indigent Defense
- 4324 Commission in accordance with Section 78B-22-406.
- 4325 (8) A petition filed under this section is subject to the procedural requirements of this
- 4326 chapter.
- 4327 Section 55. Section **81-13-207** is amended to read:
- 4328 **81-13-207 . Notice of an adoption proceeding for a minor child.**
- 4329 (1) A petitioner in an adoption proceeding described in Section 81-13-204, 81-13-205, or
- 4330 81-13-206 shall serve a notice of the adoption proceeding on each of the following
- 4331 persons:
- 4332 (a) any person or agency whose consent or relinquishment is required under Section
- 4333 81-13-212 or 81-13-213, unless that right has been terminated by:
- 4334 (i) waiver;
- 4335 (ii) relinquishment;
- 4336 (iii) actual or implied consent; or
- 4337 (iv) judicial action;

- 4338 (b) any person who has initiated a parentage proceeding and filed notice of that action
4339 with [the] the office in accordance with Subsection (3);
- 4340 (c) any legally appointed custodian or guardian of the child adoptee;
- 4341 (d) the petitioner's spouse if the petitioner is married and the petitioner's spouse has not
4342 joined in the petition;
- 4343 (e) the child adoptee's spouse if the child adoptee is married;
- 4344 (f) any individual who, before the time the birth mother executes the birth mother's
4345 consent for adoption or relinquishes the child adoptee for adoption, is recorded on the
4346 birth certificate as the child adoptee's parent, with the knowledge and consent of the
4347 birth mother;
- 4348 (g) any individual who is:
- 4349 (i) openly living in the same household with the child adoptee at the time the consent
4350 is executed or relinquishment made; and
- 4351 (ii) holding the individual out to be the child adoptee's parent; and
- 4352 (h) an individual who is married to the child adoptee's birth mother at the time the birth
4353 mother executes the birth mother's consent to the adoption or relinquishes the child
4354 adoptee for adoption, unless the court finds that the mother's spouse is not the child
4355 adoptee's parent under Section 81-5-607.
- 4356 (2)(a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the
4357 notice described in Subsection (1) at any time after the petition for the adoption
4358 proceeding is filed.
- 4359 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth
4360 mother before the birth mother has given birth to the minor child who is the subject
4361 of the petition.
- 4362 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior
4363 to the final dispositional hearing.
- 4364 (3)(a) An unmarried biological father, by virtue of the fact that the unmarried biological
4365 father has engaged in a sexual relationship with a woman:
- 4366 (i) is considered to be on notice that a pregnancy and an adoption proceeding
4367 regarding a minor child may occur; and
- 4368 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 4369 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
4370 proceeding with regard to the unmarried biological father's minor child only as
4371 provided in this section or Section 81-13-209.

- 4372 (c) In order to preserve any right to notice, an unmarried biological father shall,
4373 consistent with Subsection (3)(f):
- 4374 (i) initiate proceedings in a court with jurisdiction under Title 78A, Judiciary and
4375 Judicial Administration, to establish parentage under Chapter 5, Uniform
4376 Parentage Act; and
- 4377 (ii) file a notice of commencement of the proceedings described in Subsection
4378 (3)(c)(i) with the office.
- 4379 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil
4380 Actions, an unmarried biological father may initiate an action described in
4381 Subsection (3)(c) in any county if the unmarried biological father does not know the
4382 county in which the birth mother resides.
- 4383 (e) The Department of Health and Human Services shall provide forms for the purpose
4384 of filing the notice described in Subsection (3)(c)(ii), and make those forms available
4385 in the office of the county health department in each county.
- 4386 (f) When the office receives a completed form, the office shall:
- 4387 (i) record the date and time the form was received; and
- 4388 (ii) immediately enter the information provided by the unmarried biological father in
4389 the confidential registry described in Subsection 81-13-213(4)(c).
- 4390 (g)(i) An unmarried biological father may file the action and notice described in
4391 Subsection (3)(c) before or after the minor child's birth.
- 4392 (ii) An unmarried biological father shall file the action and notice described in
4393 Subsection (3)(c) before the birth mother's:
- 4394 (A) execution of consent to adoption of the minor child; or
- 4395 (B) relinquishment of the minor child for adoption.
- 4396 (h) Notwithstanding Subsection [~~(2)(b)~~] (3)(b), an unmarried biological father is not
4397 entitled to notice of an adoption proceeding in a case where it is shown that the minor
4398 child was conceived as a result of conduct that constitutes a sexual offense,
4399 regardless of whether the unmarried biological father is formally charged with or
4400 convicted of the sexual offense.
- 4401 (4) Notice provided in accordance with this section need not disclose the name of the birth
4402 mother of the minor child who is the subject of an adoption proceeding.
- 4403 (5) The notice required by this section:
- 4404 (a) shall specifically state that the person served shall fulfill the requirements of
4405 Subsection (6)(a) within 30 days after the day on which the person receives service if

- 4406 the person intends to intervene in or contest the adoption;
- 4407 (b) shall state the consequences, described in Subsection (6)(b), for failure of a person to
- 4408 file a motion for relief within 30 days after the day on which the person is served
- 4409 with notice of an adoption proceeding;
- 4410 (c) is not required to include, or be accompanied by, a summons or a copy of the petition
- 4411 for adoption;
- 4412 (d) shall state where the person may obtain a copy of the petition for adoption; and
- 4413 (e) shall indicate the right to the appointment of counsel for a party whom the court
- 4414 determines is indigent and at risk of losing the party's parental rights.
- 4415 (6)(a) A person who has been served with notice of an adoption proceeding and who
- 4416 wishes to contest the adoption shall file a motion to intervene in the adoption
- 4417 proceeding:
- 4418 (i) within 30 days after the day on which the person was served with notice of the
- 4419 adoption proceeding;
- 4420 (ii) setting forth specific relief sought; and
- 4421 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
- 4422 which the motion is based.
- 4423 (b) A person who fails to fully and strictly comply with all of the requirements described
- 4424 in Subsection (6)(a) within 30 days after the day on which the person was served with
- 4425 notice of the adoption proceeding:
- 4426 (i) waives any right to further notice in connection with the adoption;
- 4427 (ii) forfeits all rights in relation to the adoptee; and
- 4428 (iii) is barred from thereafter bringing or maintaining any action to assert any interest
- 4429 in the adoptee.
- 4430 (7)(a)(i) Subject to Subsection (5)(c), the petitioner shall serve a person whose
- 4431 consent is necessary under Section 81-13-212 or 81-13-213 in accordance with the
- 4432 Utah Rules of Civil Procedure.
- 4433 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
- 4434 shall designate the content of the notice regarding the identity of the parties.
- 4435 (iii) The notice described in this Subsection (7)(a) may not include the name of a
- 4436 person seeking to adopt the adoptee.
- 4437 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice
- 4438 is required under this section, service by certified mail, return receipt requested, is
- 4439 sufficient.

- 4440 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two
4441 attempts, the court may issue an order providing for service by publication,
4442 posting, or by any other manner of service.
- 4443 (c) Notice to an individual, who has initiated a parentage proceeding and filed notice of
4444 that action with the office in accordance with the requirements of Subsection (3),
4445 shall be served by certified mail, return receipt requested, at the last address filed
4446 with the office.
- 4447 (8) The notice required by this section may be waived in writing by the person entitled to
4448 receive notice.
- 4449 (9) Proof of service of notice on all persons for whom notice is required by this section
4450 shall be filed with the court before the final dispositional hearing on the adoption.
- 4451 (10) Notwithstanding any other provision of law, neither the notice of an adoption
4452 proceeding nor any process in that proceeding is required to contain the name of the
4453 person or persons seeking to adopt the child adoptee.
- 4454 (11) Except as to those persons whose consent to an adoption is required under Section
4455 81-13-212 or 81-13-213, the sole purpose of notice under this section is to enable the
4456 person served to:
- 4457 (a) intervene in the adoption; and
- 4458 (b) present evidence to the court relevant to the best interest of the child adoptee.
- 4459 Section 56. Section **81-13-212** is amended to read:
- 4460 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**
4461 **minor child -- Implied consent.**
- 4462 (1) Except as provided in Subsection (2), the following persons are required to consent to
4463 an adoption of a minor child, or to relinquishment of a minor child, before an adoption
4464 of the minor child is granted:
- 4465 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child
4466 adoptee does not have the mental capacity to consent;
- 4467 (b) a man or woman who:
- 4468 (i) by operation of law under Section [~~81-5-204~~] 81-5-201, is recognized as the father
4469 or mother of the proposed adoptee, unless:
- 4470 (A) the presumption is rebutted under Section 81-5-607;
- 4471 (B) at the time of the marriage, the man or woman knew or reasonably should
4472 have known that the marriage to the mother of the proposed child adoptee was
4473 or could be declared invalid; or

- 4474 (C) the man or woman was not married to the mother of the proposed child
4475 adoptee until after the mother consented to adoption, or relinquishment for
4476 adoption, of the proposed child adoptee; or
- 4477 (ii) is the parent of the child adoptee by a previous legal adoption;
- 4478 (c) the birth mother of the child adoptee;
- 4479 (d) an individual who has been adjudicated to be the child adoptee's parent by a court
4480 with jurisdiction before the birth mother's execution of consent to adoption or the
4481 birth mother's relinquishment of the child adoptee for adoption;
- 4482 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary
4483 declaration of paternity with the office in accordance with Chapter 5, Uniform
4484 Parentage Act, before the birth mother's execution of consent to adoption or the birth
4485 mother's relinquishment of the child adoptee for adoption;
- 4486 (f) an unmarried biological father of the child adoptee, whose consent is not required
4487 under Subsection (1)(d) or (1)(e), only if the unmarried biological father fully and
4488 strictly complies with the requirements of Section 81-13-213; and
- 4489 (g) the person or agency to whom an adoptee has been relinquished and that is placing
4490 the child adoptee for adoption.
- 4491 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through
4492 (f) is not required if the individual's parental rights relating to the child adoptee have
4493 been terminated by a court.
- 4494 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
4495 filed when the voluntary declaration is entered into a database that:
- 4496 (a) can be accessed by the Department of Health and Human Services; and
4497 (b) is designated by the office as the official database for voluntary declarations of
4498 paternity.
- 4499 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may
4500 execute a consent or relinquishment at any time, including before the birth of the
4501 child adoptee.
- 4502 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
4503 control or custody of the child adoptee, until at least 24 hours after the birth of the
4504 child adoptee.
- 4505 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
4506 least 12 years old.
- 4507 (5)(a) A birth parent who is younger than 18 years old has the power to:

- 4508 (i) consent to the adoption of the birth parent's minor child; and
4509 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 4510 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
4511 same force and effect as a consent or relinquishment executed by a birth parent who
4512 is an adult.
- 4513 (c) A birth parent, who is younger than 18 years old and has executed a consent or
4514 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
4515 old or otherwise becoming emancipated.
- 4516 (6) A consent or relinquishment is effective when the consent or relinquishment is signed
4517 and may not be revoked.
- 4518 (7)(a) As used in this Subsection (7):
- 4519 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the
4520 pregnancy, to offer and provide financial and emotional support to the birth
4521 mother for a period of 180 days before the day on which the child adoptee is born.
- 4522 (ii) "Emotional support" means a pattern of statements or actions that indicate to a
4523 reasonable person that a birth parent intends to provide for the physical and
4524 emotional well-being of an unborn child adoptee.
- 4525 (b) A consent or relinquishment required by Subsection (1) may be implied by any of
4526 the following acts:
- 4527 (i) abandonment;
- 4528 (ii) leaving the child adoptee with a third party for 30 consecutive days without
4529 providing the third party with the birth parent's identification;
- 4530 (iii) knowingly leaving the child adoptee with another person for 180 consecutive
4531 days without providing for support, communicating, or otherwise maintaining a
4532 substantial relationship with the child adoptee; or
- 4533 (iv) receiving notification of a pending adoption proceeding as described in Section
4534 81-13-207, or of a termination proceeding described in Section 81-13-205, and
4535 failing to respond as required.
- 4536 (c) For purposes of this Subsection (7), a court may not:
- 4537 (i) determine that a birth parent abandoned the birth mother if the birth parent failed
4538 to provide financial or emotional support because the birth mother refused to
4539 accept support; or
- 4540 (ii) find that the birth parent failed to provide emotional support if the individual's
4541 failure was due to impossibility of performance.

- 4542 (d) Implied consent under this Subsection (7) may not be withdrawn.
4543 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an
4544 unmarried biological father.

4545 Section 57. Section **81-13-213** is amended to read:

4546 **81-13-213 . Consent of unmarried biological father.**

4547 (1) As used in this section, "qualifying circumstance" means that, at any point during the
4548 time period beginning at the conception of the child adoptee and ending at the time that
4549 the birth mother executes a consent to adoption or relinquishment of the child adoptee
4550 for adoption:

- 4551 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or
4552 a temporary basis of no less than 30 consecutive days, in the state;
4553 (b) the birth mother intended to give birth to the child adoptee in the state;
4554 (c) the child adoptee was born in the state; or
4555 (d) the birth mother intended to execute a consent to adoption or relinquishment of the
4556 child adoptee for adoption in the state or under the laws of the state.

4557 (2) Except as provided in Subsections (3)(a) and (8), and subject to Subsections (6) and (7),
4558 the consent of an unmarried biological father to the adoption of a child adoptee, who is
4559 placed with prospective adoptive parents more than 180 days after birth, is not required
4560 unless the unmarried biological father:

- 4561 (a)(i) developed a substantial relationship with the child adoptee by:
4562 (A) visiting the child adoptee monthly, unless the unmarried biological father was
4563 physically or financially unable to visit the child adoptee on a monthly basis; or
4564 (B) engaging in regular communication with the child adoptee or with the person
4565 or authorized agency that has lawful custody of the child adoptee;
4566 (ii) took some measure of responsibility for the child adoptee and the child adoptee's
4567 future; and
4568 (iii) demonstrated a full commitment to the responsibilities of parenthood by
4569 financial support of the child adoptee of a fair and reasonable sum in accordance
4570 with the unmarried biological father's ability; or
4571 (b)(i) if the child adoptee is younger than one year old, openly lived with the child
4572 adoptee immediately preceding placement of the child adoptee with the
4573 prospective adoptive parents for a period of at least 180 days during the period of
4574 time beginning on the day on which the child adoptee is born and ending on the
4575 day on which the child adoptee is placed with prospective adoptive parents;

- 4576 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee
4577 immediately preceding placement of the child adoptee with the prospective
4578 adoptive parents for a period of at least 180 days during the one-year period
4579 immediately preceding the day on which the child adoptee is placed with
4580 prospective adoptive parents; [or] and
- 4581 (iii) openly held himself out to be the father of the child adoptee during the 180-day
4582 period described in Subsection (2)(b)(i) or (ii).
- 4583 (3)(a) If an unmarried biological father was prevented from complying with a
4584 requirement described in Subsection (2) by the person or authorized agency having
4585 lawful custody of the child adoptee, the unmarried biological father is not required to
4586 comply with that requirement.
- 4587 (b) The subjective intent of an unmarried biological father, whether expressed or
4588 otherwise, that is unsupported by evidence that the requirements in Subsection (2)
4589 have been met, shall not preclude a determination that the unmarried biological father
4590 failed to meet the requirements of Subsection (2).
- 4591 (4) Except as provided in Subsections (7) and (8), and subject to Subsection (6), the consent
4592 of an unmarried biological father to the adoption of a child adoptee, who is 180 days old
4593 or younger at the time that the child adoptee is placed with the prospective adoptive
4594 parents, is not required unless, before the time that the birth mother executes the birth
4595 mother's consent for adoption or relinquishes the child adoptee for adoption, the
4596 unmarried biological father:
- 4597 (a) initiates proceedings in a court with jurisdiction under Title 78A, Judiciary and
4598 Judicial Administration, to establish parentage under Chapter 5, Uniform Parentage
4599 Act;
- 4600 (b) files with the court that is presiding over the parentage proceeding a sworn affidavit:
4601 (i) stating that the unmarried biological father is fully able and willing to have full
4602 custody of the child adoptee;
4603 (ii) setting forth the unmarried biological father's plans for care of the child adoptee;
4604 and
4605 (iii) agreeing to a court order of child support and the payment of expenses incurred
4606 in connection with the birth mother's pregnancy and the child adoptee's birth;
- 4607 (c) consistent with Subsection (5), files notice of the commencement of parentage
4608 proceedings described in Subsection (4)(a), with the office in a confidential registry
4609 established by the office for that purpose; and

- 4610 (d) offered to pay and paid, during the pregnancy and after the child adoptee's birth, a
4611 fair and reasonable amount of the expenses incurred in connection with the birth
4612 mother's pregnancy and the child adoptee's birth, in accordance with the unmarried
4613 biological father's financial ability, unless:
- 4614 (i) the unmarried biological father did not have actual knowledge of the pregnancy;
 - 4615 (ii) the unmarried biological father was prevented from paying the expenses by the
4616 person or authorized agency having lawful custody of the child adoptee; or
 - 4617 (iii) the birth mother refused to accept the unmarried biological father's offer to pay
4618 the expenses described in this Subsection (4)(d).
- 4619 (5)(a) The notice described in Subsection (4)(c) is considered filed when received by the
4620 office.
- 4621 (b) If the unmarried biological father fully complies with the requirements of Subsection
4622 (4), and an adoption of the child adoptee is not completed, the unmarried biological
4623 father shall, without any order of the court, be legally obligated for a reasonable
4624 amount of child support, pregnancy expenses, and child birth expenses, in accordance
4625 with the unmarried biological father's financial ability.
- 4626 (6) Unless the unmarried biological father's ability to assert the right to consent has been
4627 lost for failure to comply with Section 81-13-208, or lost under another provision of
4628 Utah law, an unmarried biological father shall have at least one business day after the
4629 child adoptee's birth to fully and strictly comply with the requirements of Subsection (4).
- 4630 (7) The consent of an unmarried biological father to the adoption of a child adoptee is not
4631 required under this section if:
- 4632 (a) the court determines, in accordance with the requirements and procedures of Title 80,
4633 Chapter 4, Termination and Restoration of Parental Rights, that the unmarried
4634 biological father's rights should be terminated, based on the petition of any interested
4635 party;
 - 4636 (b)(i) a voluntary declaration of paternity declaring the unmarried biological father to
4637 be the father of the child adoptee is rescinded under Section 81-5-306; and
 - 4638 (ii) the unmarried biological father fails to comply with Subsection (4) within 10
4639 business days after the day that notice of the rescission described in Subsection
4640 (7)(b)(i) is mailed by the office as provided in Section 81-5-306; or
 - 4641 (c) the unmarried biological father is notified under Section 81-13-208 and fails to
4642 preserve the unmarried biological father's rights in accordance with the requirements
4643 of Section 81-13-208.

- 4644 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father
4645 to the adoption of a child adoptee is required if:
- 4646 (a)(i) the unmarried biological father did not know, and through the exercise of
4647 reasonable diligence could not have known, before the time the birth mother
4648 executed a consent to adoption or relinquishment of the child adoptee for adoption
4649 that a qualifying circumstance existed;
- 4650 (ii) before the birth mother executed a consent to adoption or relinquishment of the
4651 child adoptee for adoption, the unmarried biological father fully complied with the
4652 requirements to establish parental rights and duties in the child adoptee, and to
4653 preserve the right to notice of a proceeding in connection with the adoption of the
4654 child adoptee, imposed by:
- 4655 (A) the last state where the unmarried biological father knew, or through the
4656 exercise of reasonable diligence should have known, that the birth mother
4657 resided in before the birth mother executed the consent to adoption or
4658 relinquishment of the child adoptee for adoption; or
- 4659 (B) the state where the child adoptee was conceived; and
- 4660 (iii) the unmarried biological father has demonstrated, based on the totality of the
4661 circumstances, a full commitment to the unmarried biological father's parental
4662 responsibilities as described in Subsection (9); or
- 4663 (b)(i) the unmarried biological father knew, or through the exercise of reasonable
4664 diligence should have known, before the time the birth mother executed a consent
4665 to adoption or relinquishment of the child adoptee for adoption that a qualifying
4666 circumstance existed; and
- 4667 (ii) the unmarried biological father complied with the requirements of Subsections (2)
4668 through (7) before the later of:
- 4669 (A) 20 days after the day that the unmarried biological father knew, or through the
4670 exercise of reasonable diligence should have known, that a qualifying
4671 circumstance existed; or
- 4672 (B) the time that the birth mother executed a consent to adoption or
4673 relinquishment of the child adoptee for adoption.
- 4674 (9) When determining whether an unmarried biological father has demonstrated a full
4675 commitment to the unmarried biological father's parental responsibilities for purposes of
4676 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,
4677 if applicable:

- 4678 (a) the efforts the unmarried biological father has taken to discover the location of the
4679 child adoptee or the child adoptee's birth mother;
- 4680 (b) whether the unmarried biological father has expressed and demonstrated an interest
4681 in taking responsibility for the child adoptee;
- 4682 (c) whether, and to what extent, the unmarried biological father has developed, or
4683 attempted to develop, a relationship with the child adoptee;
- 4684 (d) whether the unmarried biological father offered to provide and, unless the offer was
4685 rejected, did provide, financial support for the child adoptee or the child adoptee's
4686 birth mother;
- 4687 (e) whether, and to what extent, the unmarried biological father has communicated, or
4688 attempted to communicate, with the child adoptee or the child adoptee's birth mother;
- 4689 (f) whether the unmarried biological father has timely filed legal proceedings to
4690 establish the unmarried biological father's parentage of, and take responsibility for,
4691 the child adoptee; and
- 4692 (g) whether the unmarried biological father has timely filed a notice with a public
4693 official or agency relating to:
- 4694 (i) the unmarried biological father's parentage of the child adoptee;
- 4695 (ii) legal proceedings to establish the unmarried biological father's parentage of the
4696 child adoptee; or
- 4697 (iii) other evidence that shows whether the unmarried biological father has
4698 demonstrated a full commitment to the unmarried biological father's parental
4699 responsibilities.
- 4700 (10) An unmarried biological father who does not fully and strictly comply with the
4701 requirements of this section is considered to have waived and surrendered any right in
4702 relation to the child adoptee, including the right to:
- 4703 (a) notice of any judicial proceeding in connection with the adoption of the child
4704 adoptee; and
- 4705 (b) consent, or refuse to consent, to the adoption of the child adoptee.
- 4706 (11) Notwithstanding any other provision of this section, the consent of an unmarried
4707 biological father is not required in a case where it is shown that the child adoptee was
4708 conceived as a result of conduct that constitutes a sexual offense, regardless of whether
4709 the unmarried biological father is formally charged with or convicted of the sexual
4710 offense.
- 4711 (12) Unless the child adoptee is conceived or born within a marriage, the petitioner in an

4712 adoption proceeding shall, before entrance of a final decree of adoption, file with the
 4713 court a certificate from the office, stating:
 4714 (a) that a diligent search has been made of the registry of notices from unmarried
 4715 biological fathers described in Subsection (4)(c); and
 4716 (b)(i) that no filing has been found pertaining to the unmarried biological father of
 4717 the child adoptee in question; or
 4718 (ii) if a filing is found, the name of the unmarried biological father and the time and
 4719 date of filing.

4720 (13) Unless an individual who is an unmarried biological father has fully and strictly
 4721 complied with the requirements of this section and Section 81-13-212, an out-of-state
 4722 order that adjudicates parentage, or an out-of-state declaration or acknowledgment of
 4723 paternity:

4724 (a) only has the effect of establishing that the individual is an unmarried biological
 4725 father of the child adoptee to whom the order, declaration, or acknowledgment
 4726 relates; and
 4727 (b) does not entitle the individual to:
 4728 (i) notice of any judicial proceeding related to the adoption of the child adoptee;
 4729 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or
 4730 (iii) the right to custody of, control over, or visitation with the child adoptee.

4731 Section 58. **Repealer.**

4732 This bill repeals:

4733 Section **81-6-209.5, Costs of child care -- Ongoing expense for child care -- Office of**
 4734 **Recovery Services study item and report.**

4735 Section 59. **Effective Date.**

4736 This bill takes effect on May 6, 2026.

4737 Section 60. **Coordinating S.B. 257 with S.B. 30.**

4738 If S.B. 257, Domestic Relations Amendments, and S.B. 30, Human Trafficking,

4739 Exploitation, and Smuggling Amendments, both pass and become law, the Legislature intends

4740 that, on May 6, 2026, the term "natural parent" enacted in the following subsections in S.B. 30

4741 be changed to "parent":

4742 (1) Subsections 53-29-202(1)(a)(xi) and (xli); and

4743 (2) Subsection 53-29-203(1)(a)(ix).

4744 Section 61. **Coordinating S.B. 257 with H.B. 309.**

4745 If S.B. 257, Domestic Relations Amendments, and H.B. 309, Juneteenth Observance

Amendments, both pass and become law, the Legislature intends that, on January 1, 2027:

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

~~"[(1) Holiday begins at:]~~

~~[(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or]~~

~~[(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.]~~

~~[(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]~~

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

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

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

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

~~"[(1) Holiday begins at:]~~

~~[(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or]~~

~~[(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.]~~

~~[(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]~~

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

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

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

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