

**78B-13-310 Hearing and order.**

- (1) Unless the court enters a temporary emergency order pursuant to Section 78B-13-204, upon a finding that a petitioner is entitled to the physical custody of the child immediately, the court shall order the child delivered to the petitioner unless the respondent establishes that:
  - (a) the child custody determination has not been registered and confirmed under Section 78B-13-305, and that:
    - (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
    - (ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction, or federal law; or
    - (iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 78B-13-108 in the proceedings before the court that issued the order for which enforcement is sought; or
  - (b) the child custody determination for which enforcement is sought was registered and confirmed under Section 78B-13-305, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction, or federal law.
- (2) The court shall award the fees, costs, and expenses authorized under Section 78B-13-312 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.
- (3) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.
- (4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this chapter.

Renumbered and Amended by Chapter 3, 2008 General Session