

Effective 9/1/2024

Title 81. Utah Domestic Relations Code

Effective 9/1/2024

**Chapter 1
General Provisions**

Effective 9/1/2024

**Part 1
General Provisions**

Effective 9/1/2024

81-1-101 Definitions for title.

As used in this title:

- (1) "Child" means, except as provided in Section 81-6-101, a biological or adopted child of any age.
- (2) "Court" means:
 - (a) a judge; or
 - (b) a court commissioner if the court commissioner has authority to hear the matter under Section 78A-5-107 or the Utah Rules of Judicial Administration.
- (3) "Custodial parent" means:
 - (a) a parent awarded primary physical custody of a minor child by a court order;
 - (b) if both parents have joint physical custody:
 - (i) the parent awarded more overnights each year by a court order; or
 - (ii) the parent designated as the custodial parent by a court order; or
 - (c) if there is no court order, the parent with whom the minor child resides more than one-half of the calendar year without regard to any temporary parent-time.
- (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger than 18 years old and is not emancipated.
- (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of any designation of joint legal custody.
- (6) "Parent" means a parent with an established parent-child relationship as described in Section 78B-15-201.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

**Part 2
Domestic Relations Proceedings**

Effective 9/1/2024

81-1-201 Definitions for part.

As used in this part:

- (1) "Alimony" means the same as that term is defined in Section 81-4-101.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-1-202 Court records in a domestic relations action.

- (1)
 - (a) In an action under this title, Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, a party may file a motion to have the records of the action other than the final judgment, order, or decree, classified as private.
 - (b) If the court finds that there are substantial interests favoring restricting access that clearly outweigh the interests favoring access, the court may classify the records of the action, or any part of the records of the action, other than the final order, judgment, or decree, as private.
 - (c) An order classifying part of the records of the action as private does not apply to subsequent filings.
 - (d) The record of an action is private until the court determines it is possible to release the record without prejudice to the interests that justified the closure.
- (2)
 - (a) Any interested person may petition the court to permit access to a record classified as private as described in Subsection (1).
 - (b) The interested person described in Subsection (2)(a) shall serve the petition on the parties to the closure order.
- (3) A party shall place the social security number of any individual, who is the subject of an action under this title, in the records relating to the matter.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-1-203 Award of costs and attorney and witness fees -- Temporary support and maintenance.

- (1)
 - (a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, or in an action to establish an order of custody, parent-time, child support, alimony, or the division of property in a domestic case, the court may order a party to pay the costs, attorney fees, and witness fees, including expert witness fees, of the other party to enable the other party to prosecute or defend the action.
 - (b) The order under Subsection (1)(a) may include a provision for costs of the action.
- (2) In an action to enforce an order of custody, parent-time, child support, alimony, or division of property in a domestic case, the court may award costs and attorney fees upon determining that the party substantially prevailed upon the claim or defense.
- (3) The court, in the court's discretion, may award no fees or limited fees against a party if the court finds the party is indigent or enters in the record the reason for not awarding fees.
- (4) In an action described in Subsection (1), the court may order a party to provide money, during the pendency of the action, for the separate support and maintenance of the other party and of a minor child in the custody of the other party.
- (5) The court may amend an order entered in accordance with this section before the entry of the final order or judgment or in the final order or judgment.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-1-204 Continuing jurisdiction of a court in a domestic relations action.

In an action under this title, the court has continuing jurisdiction after a decree or final order is entered to make subsequent changes to the order, or to enter a new order, including an order regarding:

- (1) the distribution of the property and obligations for debts, as is reasonable and necessary, for an action described in Chapter 4, Dissolution of Marriage;
- (2) alimony in accordance with Section 81-4-504;
- (3) child support and medical expenses in accordance with Sections 81-6-208 and 81-6-212; and
- (4) custody and parent-time in accordance with Section 81-9-208.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

**Chapter 2
Marriage**

Effective 9/1/2024

**Part 1
General Provisions**

Effective 9/1/2024

81-2-101 Definitions for chapter.

Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-102 Marriage recognition policy.

- (1)
 - (a) It is the policy of this state to recognize as marriage only the legal union of a man and a woman as provided in this chapter.
 - (b) Except for the relationship of marriage between a man and a woman recognized pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law creating any legal status, rights, benefits, or duties that are substantially equivalent to those provided under Utah law to a man and a woman because they are married.
- (2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties that are enforceable independently of this section.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 2

Premarital Counseling

Effective 9/1/2024

81-2-201 Definitions for part.

As used in this part:

- (1) "Premarital counseling" includes group counseling, individual counseling, and couple counseling.
- (2) "Premarital education" includes:
 - (a) a lecture, class, seminar, or workshop provided by a person that meets the requirements of Subsection 81-2-206(2)(b)(i); or
 - (b) an online course approved by the Utah Marriage Commission as provided in Subsection 81-2-206(2)(b)(i)(F).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-202 Premarital counseling or education -- State policy -- Applicability.

It is the policy of the state to enhance the possibility of couples to achieve more stable, satisfying, and enduring marital and family relationships by providing opportunities for and encouraging the use of premarital counseling or education before securing a marriage license.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-203 Premarital counseling board in county -- Appointment, terms, compensation, offices -- Common counseling board with adjacent county.

- (1) A county is authorized to:
 - (a) provide for premarital counseling; and
 - (b) require the use of premarital counseling as a condition precedent to the issuance of a marriage license under the provisions of this part.
- (2) The county may appoint a premarital counseling board consisting of seven members, four of whom shall be lay persons and three of whom shall be chosen from the professions of psychiatry, psychology, social work, marriage counseling, the clergy, law or medicine.
- (3) The county may designate the terms of office and the procedures to be followed by the premarital counseling board and provide for payment of compensation and expenses for members.
- (4) The county may pay the salaries and expenses of a counseling staff under the supervision of the premarital counseling board and provide office space, furnishings, equipment and supplies for the board's use.
- (5) A county may join with an adjacent county or counties in forming a common premarital counseling board and in establishing a common master plan for premarital counseling.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-204 Master plan for counseling.

- (1) It shall be the function and duty of the premarital counseling board, after holding public hearings, to make, adopt, and certify to the county legislative body a master plan for premarital counseling of marriage license applicants within the purposes and objectives of this part.
- (2) The master plan described in Subsection (1) shall include:
 - (a) counseling procedures that:
 - (i) will make applicants aware of problem areas in their proposed marriage;
 - (ii) suggest ways of meeting problems; and
 - (iii) will induce reconsideration or postponement when:
 - (A) the applicants are not sufficiently matured or are not financially capable of meeting the responsibilities of marriage; or
 - (B) are marrying for reasons not conducive to a sound lasting marriage; and
 - (b) standards for evaluating premarital counseling received by the applicants, prior to their application for a marriage license, which would justify issuance of certificate without further counseling being given or required.
- (3) The premarital counseling board may, from time to time, amend or extend the plan described in Subsection (1).
- (4) The premarital counseling board may, subject to Subsection (5):
 - (a) appoint a staff and employees as may be necessary for its work; and
 - (b) contract with social service agencies or other consultants within the county or counties for services it requires.
- (5) Expenditures for the appointments and contracts described in Subsection (4) may not exceed the sums appropriated by the county legislative body plus sums placed at its disposal through gift or otherwise.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-205 Conformity to master plan for counseling as prerequisite to marriage license -- Exceptions.

Whenever a county has adopted a master plan for premarital counseling no resident of the county may obtain a marriage license without conforming to the plan, except that:

- (1) an individual who applies for a marriage license shall have the right to secure the license and to marry notwithstanding the individual's failure to conform to the required premarital counseling or the individual's failure to obtain a certificate of authorization from the premarital counseling board if the individual waits six months from the date of application for issuance of the license;
- (2) this part does not apply to any application for a marriage license where both parties are at least 19 years old and neither has been previously divorced;
- (3) this part does not apply to any application for a marriage license unless both applicants have physically resided in Utah for 60 days immediately preceding their application; or
- (4) premarital counseling required by this part is considered fulfilled if the applicants present a certificate verified by a clergyman that the applicants have completed a course of premarital counseling approved by a church and given by or under the supervision of the clergyman.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-206 Completion of counseling or education.

- (1) The county clerk of a county that operates an online marriage application system and issues a marriage license to applicants who certify completion of premarital counseling or education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.
- (2)
 - (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify completion of premarital counseling or education in accordance with this Subsection (2).
 - (b) To complete premarital counseling or education, the applicants:
 - (i) shall obtain the premarital counseling or education from:
 - (A) a licensed or ordained minister or the minister's designee who is trained by the minister or denomination to conduct premarital counseling or education;
 - (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;
 - (C) an individual certified by a national organization recognized by the Utah Marriage Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as a family life educator;
 - (D) a family and consumer sciences educator;
 - (E) an individual who is an instructor approved by a premarital education curriculum that meets the requirements of Subsection (2)(b)(ii); or
 - (F) an online course approved by the Utah Marriage Commission;
 - (ii) shall receive premarital counseling or education that includes information on important factors associated with strong and healthy marriages, including:
 - (A) commitment in marriage; and
 - (B) effective communication and problem-solving skills, including avoiding violence and abuse in the relationship;
 - (iii) shall complete at least three hours of premarital counseling or six hours of premarital education meeting the requirements of this Subsection (2); and
 - (iv) shall complete the premarital counseling or education meeting the requirements of this Subsection (2) not more than one year before but at least 14 days before the day on which the marriage license is issued.
 - (c) Although applicants are encouraged to take the premarital counseling or education together, each applicant may comply with the requirements of this Subsection (2) separately.
- (3) A provider of premarital counseling or education under this section is encouraged to use research-based relationship inventories.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-207 Persons performing counseling services designated by board -- Exemption from license requirements.

For the purposes of this part, the premarital counseling board of each county or combination of counties may determine those persons who are to perform any services under this part and any person so acting is not subject to prosecution or other sanctions for the person's failure to hold any license for these services as may be required by the laws of the state.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-208 Confidentiality of information obtained under counseling provisions.

- (1) Except for the information required or to be required on the marriage license application form, any information given by a marriage license applicant in compliance with this part:
 - (a) shall be confidential information; and
 - (b) may not be released by any person, board, commission, or other entity.
- (2) Notwithstanding Subsection (1), the premarital counseling board or board of commissioners may use the information given by a marriage license applicant, without identification of individuals, to compile and release statistical data.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-209 Fee for counseling.

Any county adopting a master plan under this act is authorized to charge, in addition to the county's ordinary marriage license application fees, not more than \$10 for premarital counseling, to be paid by the applicants at the time the applicants make application.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 3
Marriage License and Solemnization

Effective 9/1/2024

81-2-301 Definitions for part.

As used in this part:

- (1) "County clerk" means:
 - (a) the county clerk of the county; or
 - (b) an employee or designee of the county clerk who is authorized to issue marriage licenses or solemnize marriages.
- (2) "Judge or magistrate of the United States" means:
 - (a) a justice of the United States Supreme Court;
 - (b) a judge of a court of appeals;
 - (c) a judge of a district court;
 - (d) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;
 - (e) a judge of a bankruptcy court;
 - (f) a judge of a tax court; or
 - (g) a United States magistrate.
- (3) "Minor" means an individual who is 16 or 17 years old.
- (4)
 - (a) "Native American spiritual advisor" means an individual who:
 - (i) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and
 - (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.
 - (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) A marriage may not be solemnized in this state without a license issued by the county clerk of any county of this state.
- (2)
 - (a) A license issued within this state by a county clerk may only be used within this state.
 - (b) A license is considered used within this state if the officiant is physically present in the state at the time of solemnization of the marriage.
- (3) A marriage is considered solemnized if:
 - (a) the parties to the marriage have a valid marriage license;
 - (b) each party to the marriage willingly, and without duress, declares their intent to enter into the marriage;
 - (c) each party to the marriage has filed all required affidavits with the county clerk that issued the marriage license as required under Subsection 81-2-303(4)(a);
 - (d) an officiant pronounces the parties as married; and
 - (e) at least two individuals 18 years old or older witness the declarations of intent and the pronouncement.
- (4) A license that is not used within 32 days after the day on which the license is issued is invalid.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) A county clerk may issue a marriage license only after:
 - (a) an application is filed with the county clerk's office, requiring the following information:
 - (i) the full names of the applicants, including the maiden or bachelor name of each applicant;
 - (ii) the social security numbers of the applicants, unless an applicant has not been assigned a number;
 - (iii) the current address of each applicant;
 - (iv) the date and place of birth, including the town or city, county, state or country, if possible;
 - (v) the names of the applicants' respective parents, including the maiden name of a mother;
 - (vi) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible; and
 - (vii) the age, legal name, and identity of each applicant is verified.
- (2) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.
- (3)
 - (a) If one or both of the applicants is a minor, the county clerk shall provide each minor with a standard petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section 81-2-304.
 - (b) The form described in Subsection (3)(a) shall include:
 - (i) all information described in Subsection (1);
 - (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor in accordance with Subsection 81-2-304(1)(a);

- (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 81-2-304 signed under penalty of perjury;
 - (iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and
 - (v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:
 - (A) each applicant; and
 - (B) the minor's parent or legal guardian.
- (4)
- (a) The social security numbers obtained under the authority of this section may not be recorded on the marriage license and are not open to inspection as a part of the vital statistics files.
 - (b) The Department of Health and Human Services, Office of Vital Record and Statistics shall, upon request, supply the social security numbers to the Department of Health and Human Services, Office of Recovery Services.
 - (c) The Office of Recovery Services may not use a social security number obtained under the authority of this section for any reason other than the administration of child support services.
- (5)
- (a) A county clerk may not issue a marriage license until the county clerk receives:
 - (i) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and
 - (ii) if one of the parties will not be physically present in the state at the time of solemnization of the marriage, an affidavit from each party applying for the marriage license, stating that the party consents to personal jurisdiction of the state, and of the county issuing the marriage license, for the purposes of filing a divorce or annulment of the marriage.
 - (b) A county clerk shall file and preserve each affidavit provided under this section.
 - (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.
- (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-304 Marriage of a minor -- Consent of parent or guardian -- Juvenile court authorization.

- (1)
- (a) If an applicant is a minor at the time of applying for a license, a county clerk may not issue a marriage license without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:
 - (i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;
 - (ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or
 - (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.

- (b) Each applicant, and the minor's consenting parent or legal guardian if an applicant is a minor, shall appear in person before the county clerk and provide legal documentation to establish the following information:
 - (i) the legal relationship between the minor and the minor's parent or legal guardian;
 - (ii) the legal name and identity of the minor; and
 - (iii) the birth date of each applicant.
 - (c) An individual may present the following documents to satisfy a requirement described in Subsection (1)(b):
 - (i) for verifying the legal relationship between the minor and the minor's parent or legal guardian, one of the following:
 - (A) the minor's certified birth certificate with the name of the parent, and an official translation if the birth certificate is in a language other than English;
 - (B) a report of a birth abroad with the name of the minor and the parent;
 - (C) a certified adoption decree with the name of the minor and the parent; or
 - (D) a certified court order establishing custody or guardianship between the minor and the parent or legal guardian;
 - (ii) for verifying the legal name and identity of the minor, one of the following:
 - (A) an expired or current passport;
 - (B) a driver's license;
 - (C) a certificate of naturalization;
 - (D) a military identification
 - (E) a state identification card; or
 - (F) a government employee identification card from a federal, state, or municipal government; and
 - (iii) for verifying the birth date of each applicant, one of the following for each applicant:
 - (A) a certified birth certificate;
 - (B) a report of a birth abroad;
 - (C) a certificate of naturalization;
 - (D) a certificate of citizenship;
 - (E) a passport;
 - (F) a driver's license; or
 - (G) a state identification card.
 - (d) An individual may not use a temporary or altered document to satisfy a requirement described in Subsection (1)(b).
- (2)
- (a) The minor and the parent or legal guardian of the minor shall obtain a written authorization to marry from:
 - (i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or
 - (ii) a court commissioner as permitted by rule of the Judicial Council.
 - (b) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:
 - (i) that the minor is entering into the marriage voluntarily; and
 - (ii) the marriage is in the best interest of the minor under the circumstances.
 - (c) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling, except the requirement for premarital counseling may be waived if premarital counseling is not reasonably available.
 - (d) The judge or court commissioner may require:

- (i) that the minor continue to attend school, unless excused under Section 53G-6-204; and
 - (ii) any other conditions that the court deems reasonable under the circumstances.
- (e) The judge or court commissioner may not issue a written authorization to the minor if the age difference between both parties to the marriage is more than seven years.
- (3)
- (a) The determination required in Subsection (2) shall be made on the record.
 - (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.
- (4)
- (a) A parent or legal guardian who knowingly consents or allows a minor to enter into a marriage prohibited by law is guilty of a third degree felony.
 - (b) An individual is guilty of a third degree felony if the individual:
 - (i) knowingly, with or without a license, solemnizes the marriage of an individual who is younger than 18 years old and the marriage is prohibited by law;
 - (ii) without a written authorization from the juvenile court, solemnizes a marriage to which a party is a minor;
 - (iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor to marry; or
 - (iv) forges the name of a parent or legal guardian of a minor on any writing purporting to give consent to a marriage of a minor.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-305 Who may solemnize marriages -- Certificate.

- (1) The following individuals may solemnize a marriage:
- (a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;
 - (b) a Native American spiritual advisor;
 - (c) the governor;
 - (d) the lieutenant governor;
 - (e) the state attorney general;
 - (f) the state treasurer;
 - (g) the state auditor;
 - (h) a mayor of a municipality or county executive;
 - (i) a justice, judge, or commissioner of a court of record;
 - (j) a judge of a court not of record of the state;
 - (k) a judge or magistrate of the United States;
 - (l) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-20-4;
 - (m) a senator or representative of the Utah Legislature;
 - (nn) a member of the state's congressional delegation; or
 - (oo) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.
- (2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:
- (a) name of the county from which the license is issued; and
 - (b) date of the license's issuance.

- (3) Except for an individual described in Subsection (1)(l), an individual described in Subsection (1) has discretion to solemnize a marriage.
- (4) Except as provided in Section 17-20-4 and Subsection (1)(l), and notwithstanding any other provision in law, no individual authorized under Subsection (1) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.
- (5)
 - (a) Within 30 days after the day on which a marriage is solemnized, the individual solemnizing the marriage shall return the marriage license to the county clerk that issued the marriage license with a certificate of the marriage over the individual's signature stating the date and place of solemnization and the names of two or more witnesses present at the marriage.
 - (b) An individual described in Subsection (5)(a) who fails to return the license is guilty of an infraction.
 - (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.
- (6)
 - (a) An individual is guilty of a third degree felony if the individual knowingly:
 - (i) solemnizes a marriage without a valid marriage license; or
 - (ii) solemnizes a marriage in violation of this section.
 - (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or without a marriage license, solemnizes a marriage between two individuals who are 18 years old or older that is prohibited by law.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-306 County clerk to file license and certificate -- Designation as vital record.

- (1)
 - (a) The county clerk shall:
 - (i) file and preserve the marriage license returned by an individual under Subsection 81-2-305(5) with the certificate of the marriage; and
 - (ii) record the marriage license and certificate in a book kept for that purpose or by electronic means.
 - (b) The record shall be properly indexed in the names of the parties so married.
- (2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a marriage license.
- (3) A transcript shall be promptly certified and transmitted by the clerk to the state registrar of vital statistics.
- (4) The marriage license and the certificate of the individual officiating at the marriage are:
 - (a) vital records as defined in Section 26B-8-101; and
 - (b) subject to the inspection requirements described in Section 26B-8-125.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 4

Validity of Marriage

Effective 9/1/2024

81-2-401 Definitions for part.

Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-402 Incestuous marriages void.

- (1) The following marriages are incestuous and void from the beginning, regardless of whether the relationship is legally recognized:
 - (a) a marriage between a parent and a child;
 - (b) a marriage between an ancestor and a descendant of any degree;
 - (c) a marriage between siblings of the half or whole blood;
 - (d) a marriage between an uncle and a niece or nephew;
 - (e) a marriage between an aunt and a niece or nephew;
 - (f) except as provided in Subsection (2), a marriage between first cousins; or
 - (g) except as provided in Subsection (2), a marriage between individuals related to each other within and not including the fifth degree of consanguinity computed according to the rules of the civil law.
- (2) First cousins may marry under the following circumstances:
 - (a) both parties are 65 years old or older; or
 - (b) if both parties are 55 years old or older, upon a finding by the district court, located in the district in which either party resides, that either party is unable to reproduce.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-403 Marriages prohibited and void.

- (1) The following marriages are prohibited and declared void:
 - (a) when there is a spouse living from whom the individual marrying has not been divorced;
 - (b) except as provided in Subsection (2), the individual marrying is under 18 years old; or
 - (c) between a divorced individual and any individual other than the one from whom the divorce was secured until:
 - (i) the divorce decree becomes absolute; and
 - (ii) if an appeal is taken, until after the affirmance of the divorce decree.
- (2) A marriage of an individual under 18 years old is not void if the individual:
 - (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization in accordance with Section 81-2-304; or
 - (b) lawfully marries before May 14, 2019.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-404 Validation of a marriage to an individual subject to chronic epileptic fits who had not been sterilized.

A marriage between two individuals that was not valid or legal before May 14, 1963, on the basis that a party was subject to chronic epileptic fits and had not been sterilized is considered valid and legal in this state.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-405 Recognition and validation of a marriage regardless of the race, ethnicity, or national origin of the parties.

(1) As used in this section:

- (a) "Eligible couple" means two individuals that may legally marry each other in this state.
- (b) "Specified characteristic" means the race, ethnicity, or national origin of a party to the marriage.

(2) Regardless of the date of the marriage, a marriage between two individuals may not be deemed invalid or prohibited because of a specified characteristic.

(3) The office of a county clerk may not refuse to issue a marriage license to an eligible couple because of a specified characteristic.

- (4)
- (a) The office of a county clerk may not refuse to solemnize the marriage of an eligible couple because of a specified characteristic.
 - (b) Subsection (4)(a) does not prevent a county clerk from delegating or deputizing another individual to solemnize a marriage in accordance with Subsections 17-20-4(2) and 30-1-6(2) (l).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-406 Validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease.

A marriage between two individuals that was not valid or legal before October 21, 1993, on the basis that a party was afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea, is considered valid and legal in this state.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-407 Validity of a foreign marriage -- Exceptions.

A marriage solemnized in any other country, state, or territory, if valid where solemnized, is valid in this state, unless:

- (1) the marriage would be prohibited and declared void in this state under Subsection 81-2-403(1) (a); or
- (2) the marriage is between parties who are related to each other within and including three degrees of consanguinity, except as provided in Subsection 81-2-402(2).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-408 Validity of marriage not solemnized or solemnized before an unauthorized individual.

- (1) A marriage that is not solemnized according to this chapter is legal and valid if a court or administrative order establishes that the marriage arises out of a contract between two individuals who:
 - (a) are of legal age and capable of giving consent;
 - (b) are legally capable of entering a solemnized marriage under the provisions of this chapter;
 - (c) have cohabited;
 - (d) mutually assume marital rights, duties, and obligations; and
 - (e) who hold themselves out as and have acquired a uniform and general reputation as spouses.
- (2)
 - (a) A petition for an unsolemnized marriage shall be filed during the relationship described in Subsection (1), or within one year following the termination of that relationship.
 - (b) Evidence of a marriage recognizable under this section may be:
 - (i) manifested in any form; and
 - (ii) proved under the same general rules of evidence as facts in other cases.
- (3)
 - (a) A marriage solemnized before an individual professing to have authority to perform marriages may not be invalidated for lack of authority if consummated in the belief of the parties or either party that the person had authority and that the parties have been lawfully married.
 - (b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be construed to validate a marriage that:
 - (i) is prohibited or void under Section 81-2-403; or
 - (ii) fails to meet the requirements of Section 81-2-302, as validated by a court with jurisdiction.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-2-409 Legal recognition of a child when marriage is void.

When a marriage is void under Subsection 81-2-403(1)(a) and the parties entered into the marriage in good faith, a child of the marriage, who is born or conceived before the parties had actual knowledge that the marriage was void, shall be legally recognized as the child of the parties.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

**Chapter 3
Rights and Obligations During Marriage**

Effective 9/1/2024

**Part 1
Property Rights**

Effective 9/1/2024

81-3-101 Definitions for part.

Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-102 Married individual's right to contract, sue, and be sued.

A married individual may contract, sue, or be sued, to the same extent and in the same manner as if the individual was unmarried.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-103 Conveyances between spouses.

A conveyance, transfer, or lien executed by an individual, to or in favor of the individual's spouse is valid to the same extent as between other persons.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-104 Married individual's right to wages -- Actions for personal injury.

- (1) A married individual may:
 - (a) receive the wages for the individual's personal labor as if unmarried;
 - (b) maintain an action in the individual's own name and hold the same in the individual's own right as if unmarried; and
 - (c) prosecute and defend all actions for the preservation and protection of the individual's rights and property as if unmarried.
- (2) A husband does not have a right of recovery:
 - (a) on account of personal injury or wrong to the husband's wife; or
 - (b) for expenses connected with the personal injury or wrong to the husband's wife.
- (3)
 - (a) A wife may recover against a third person for a personal injury or wrong to the wife as if unmarried.
 - (b) A recovery shall include expenses of medical treatment and other expenses paid or assumed by the husband.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-105 Separate debts.

- (1) A married individual is not personally liable for the separate debts, obligations, or liabilities of the individual's spouse that are:
 - (a) contracted or incurred before marriage;
 - (b) contracted or incurred during marriage, except family expenses as provided in Section 81-3-109;
 - (c) contracted or incurred after divorce or an order for separate maintenance under Chapter 4, Dissolution of Marriage, except that the individual is personally liable for any support ordered by a court as described in Chapter 6, Child Support, or an administrative agency as described in Title 26B, Chapter 9, Recovery Services and Administration of Child Support; or

- (d) ordered by the court to be paid by the individual's spouse under Chapter 4, Dissolution of Marriage, and not in conflict with Section 15-4-6.5 or 15-4-6.7.
- (2) A creditor of a married individual may not reach the wages, earnings, property, rents, or other income of the individual's spouse to satisfy a debt, obligation, or liability of the individual under Subsection (1).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-106 Actions based on property rights.

If a married individual obtains possession or control of property belonging to the individual's spouse before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if the individual was unmarried.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-107 Liability for spouse's torts.

- (1) If a married individual is held liable in a civil action, the plaintiff may recover damages from the individual alone.
- (2) The spouse of the individual described in Subsection (1) may not be held liable in the civil action, except in an action where the spouse would be jointly liable with the individual if the marriage did not exist.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-108 Agency between spouses.

A married individual may:

- (1) constitute the attorney in fact to control and dispose of the property of the individual's spouse for the mutual benefit of the individual and the individual's spouse or otherwise; and
- (2) revoke the appointment the same as other persons.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-109 Family expenses -- Joint and several liability.

- (1) As used in this section:
 - (a) "Family expenses" means expenses incurred that benefit and promote the family unit.
 - (b) "Family expenses" do not include items purchased in accordance with a written contract or agreement during the marriage that do not relate to the expenses described in Subsection (1)
 - (a).
- (2)
 - (a) A married individual, and the married individual's property, is chargeable for family expenses and expenses for the education of a minor child.

- (b) A married individual may be sued separately or jointly with the individual's spouse for the expenses described in Subsection (2)(a).
- (3) For the expenses described in Subsection (2), where there is a written agreement signed by a spouse that allows for the recovery of agreed upon amounts, a creditor or an assignee or successor in interest of the creditor is entitled to recover the contractually allowed amounts against both spouses, jointly and severally.
- (4) Subsection (3) applies to all contracts and agreements under this section entered into by a spouse during the time the parties are married and living together.
- (5) The provisions of Subsections (3) and (4) do not create a right to attorney's fees or collection fees as to the nonsigning spouse for purchases of:
 - (a) food or clothing; or
 - (b) home improvements or repairs over \$5,000.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-110 Homestead rights -- Custody of a minor child.

- (1) A married individual may not remove the individual's spouse or minor child from the homestead without the consent of the individual's spouse, unless the owner of the property shall in good faith provide another homestead suitable to the condition in life of the family.
- (2) If a married individual abandons the individual's spouse, the individual's spouse is entitled to the custody of a minor child, unless a court with jurisdiction orders otherwise.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-111 Action for consortium due to personal injury.

- (1) As used in this section:
 - (a) "Injury" or "injured" means a significant permanent injury to an individual that substantially changes that individual's lifestyle , including:
 - (i) a partial or complete paralysis of one or more of the extremities;
 - (ii) significant disfigurement; or
 - (iii) incapability of the individual of performing the types of jobs the individual performed before the injury.
 - (b) "Spouse" means the legal relationship:
 - (i) established between two individuals as recognized by the laws of this state; and
 - (ii) existing at the time of the person's injury.
- (2) The spouse of an individual injured by a third party on or after May 4, 1997, may maintain an action against the third party to recover for loss of consortium.
- (3) A claim for loss of consortium begins on the date of injury to the spouse.
- (4) The statute of limitations applicable to the injured individual shall also apply to the spouse's claim of loss of consortium.
- (5) A claim for the spouse's loss of consortium shall be:
 - (a) made at the time the claim of the injured person is made and joinder of actions shall be compulsory; and
 - (b) subject to the same defenses, limitations, immunities, and provisions applicable to the claims of the injured individual.

- (6) The spouse's action for loss of consortium:
 - (a) shall be derivative from the cause of action existing on behalf of the injured individual; and
 - (b) may not exist in cases where the injured individual would not have a cause of action.
- (7) Fault of the spouse of the injured individual, as well as fault of the injured individual, shall be compared with the fault of all other parties, pursuant to Sections 78B-5-817 through 78B-5-823, for purposes of reducing or barring any recovery by the spouse for loss of consortium.
- (8) Damages awarded for loss of consortium, when combined with any award to the injured individual for general damages, may not exceed any applicable statutory limit on noneconomic damages, including Section 78B-3-410.
- (9) Damages awarded for loss of consortium which a governmental entity is required to pay, when combined with any award to the injured individual which a governmental entity is required to pay, may not exceed the liability limit for one individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 2 Uniform Premarital Agreement Act

Effective 9/1/2024

81-3-201 Definitions for part.

As used in this part:

- (1) "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.
- (2) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-202 Writing -- Signature required.

- (1) A premarital agreement shall be in writing and signed by both parties.
- (2) A premarital agreement is enforceable without consideration.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-203 Content.

- (1) Parties to a premarital agreement may contract with respect to:
 - (a) the rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;
 - (b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;

- (c) the disposition of property upon separation, marital dissolution, death, or the occurrence or nonoccurrence of any other event;
 - (d) the modification or elimination of spousal support;
 - (e) the ownership rights in and disposition of the death benefit from a life insurance policy;
 - (f) the choice of law governing the construction of the agreement, except that a court with jurisdiction may apply the law of the legal domicile of either party, if it is fair and equitable; and
 - (g) any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.
- (2) The right of a child, as defined in Section 81-6-101, to support, health and medical provider expenses, medical insurance, and child care coverage may not be affected by a premarital agreement.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-204 Effect of marriage -- Amendment -- Revocation.

- (1) A premarital agreement becomes effective upon marriage.
- (2)
- (a) After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties.
 - (b) The amended agreement or the revocation is enforceable without consideration.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-205 Enforcement.

- (1) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:
- (a) that party did not execute the agreement voluntarily; or
 - (b) the agreement was fraudulent when the agreement was executed and, before execution of the agreement, that party:
 - (i) was not provided a reasonable disclosure of the property or financial obligations of the other party insofar as was possible;
 - (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and
 - (iii) did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.
- (2) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.
- (3) An issue of fraud of a premarital agreement shall be decided by the court as a matter of law.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-206 Enforcement -- Void marriage.

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-207 Limitations of actions.

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-3-208 Application and construction.

This part shall be applied and construed to effectuate the part's general purpose to make uniform the law with respect to the subject of this part among states enacting this uniform law.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

**Chapter 4
Dissolution of Marriage**

Effective 9/1/2024

**Part 1
General Provisions**

Effective 9/1/2024

81-4-101 Definitions for chapter.

As used in this chapter:

- (1) "Alimony" means financial support made to a spouse or former spouse for the support and maintenance of that spouse.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-102 Action for annulment or divorce as alternative relief.

Nothing in this chapter shall be construed to prevent the filing of an action requesting an annulment or a divorce as alternative relief.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-103 Nunc pro tunc order by court.

Upon a court's finding of good cause and giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter relating to marriage, divorce, legal separation, or annulment of marriage.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-104 Temporary separation order.

- (1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:
 - (a) the individual is lawfully married to the individual from whom the separation is sought; and
 - (b)
 - (i) both parties are residents of the state for at least 90 days before the day on which the action is filed; or
 - (ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).
- (2) The temporary orders are valid for one year after the day on which the hearing for the order is held or until one of the following occurs:
 - (a) a petition for divorce is filed and consolidated with the petition for temporary separation; or
 - (b) the case is dismissed.
- (3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.
- (4)
 - (a) If the parties to the temporary separation action have a minor child, the parties shall attend the divorce orientation course described in Section 81-4-105:
 - (i) for the petitioner, within 60 days after the day on which the petition is filed; and
 - (ii) for the respondent, within 30 days after the day on which the respondent is served.
 - (b) If the parties to the temporary separation action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.
 - (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.
 - (d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.
- (5) For a party that is unable to pay the costs of the divorce orientation course, and before the court enters a decree of divorce in the action, the court shall:
 - (a) make a final determination of indigency; and
 - (b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.
- (6)
 - (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the temporary separation petition until the moving party completes the divorce orientation course.
 - (b) It is an affirmative defense in a temporary separation action that a party has not completed the divorce orientation course and the action may not continue until a party has complied with the divorce orientation course.
- (7)
 - (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the divorce orientation course, on the court's own motion or on the motion

of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

- (b) If the requirement is waived, the court may permit the temporary separation action to proceed.
- (8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.
- (9) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-105 Mandatory orientation course for divorce or temporary separation actions.

- (1)
 - (a) There is established a mandatory divorce orientation course for all parties with minor children who file a petition for temporary separation or for a divorce.
 - (b) A couple with no minor children is not required, but may choose to attend the course.
- (2) The divorce orientation course shall be neutral, unbiased, and at least one hour in duration.
- (3) The divorce orientation course shall educate the parties about the divorce process and reasonable alternatives, including instructing the parties on:
 - (a) options available as alternatives to divorce;
 - (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
 - (c) resources available to improve or strengthen the marriage;
 - (d) a discussion of the positive and negative consequences of divorce;
 - (e) a discussion of the process of divorce;
 - (f) options available for proceeding with a divorce, including:
 - (i) mediation;
 - (ii) collaborative law; and
 - (iii) litigation; and
 - (g) a discussion of post-divorce resources.
- (4) The divorce orientation course may be provided in conjunction with a mandatory parenting course required by Section 81-9-103.
- (5) The Administrative Office of the Courts shall administer the divorce orientation course, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts.
- (6) The divorce orientation course may be through live instruction, video instruction, or through an online provider.
- (7)
 - (a) A party shall pay the cost of the divorce orientation course to the independent contractor providing the course at the time and place of the course.
 - (b) A party may not be charged more than \$30 to participate in the divorce orientation course.
 - (c) A petitioner may not be charged more than \$15 to participate in the divorce orientation course if the petitioner attends a live instruction course within 30 days after the day on which the petitioner filed the action.
 - (d) A respondent may not be charged more than \$15 to participate in the divorce orientation course if the respondent attends a live instruction course within 30 days after the day on which the respondent is served with the action.

- (e) A fee of \$5 shall be collected, as part of the divorce orientation course fee paid by each participant, and deposited in the Children's Legal Defense Account described in Section 51-9-408.
- (f) Each party who is unable to pay the costs of the course may attend the divorce orientation course, without payment, upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the district court in accordance with Section 78A-2-302.
- (g) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to reimburse an independent contractor for the costs of a party who is unable to pay for the divorce orientation course under Subsection (7)(f).
- (8) The Online Court Assistance Program shall include instructions with the forms for divorce that inform the petitioner of the requirement of this section.
- (9) A certificate of completion constitutes evidence to the court of completion of the divorce orientation course by the parties.
- (10) The Administrative Office of the Courts shall:
 - (a) adopt a program to evaluate the effectiveness of the divorce orientation course described in this section; and
 - (b) provide progress reports to the Judiciary Interim Committee if requested.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 2 Separate Maintenance

Effective 9/1/2024

81-4-201 Definitions for part.

As used in this part:

- (1) "Petitioner" means an individual who brings a petition for separate maintenance.
- (2) "Respondent" means the individual against whom a petition for separate maintenance is brought.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-202 Petition for separate maintenance -- Grounds.

- (1) A married individual may bring a petition seeking separate maintenance from the married individual's spouse if:
 - (a) the married individual, or the married individual's spouse, is a resident of this state; and
 - (b) the married individual's spouse:
 - (i) deserts the married individual without good and sufficient cause;
 - (ii) being of sufficient ability to provide support, neglects or refuses to properly provide for and suitably maintain the married individual;
 - (iii) has property within this state and deserts, neglects, or refuses to provide support to the married individual; or

- (iv) lives separate and apart from the married individual without any fault to the married individual.
- (2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and decree as alimony the use of the real and personal estate or earnings of the respondent as the court may determine is appropriate.
- (3) During the pendency of the action, the court may require the respondent to pay a sum as provided in Section 81-1-203.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-203 Venue -- Procedure.

- (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall bring an action under this part in any county in which the petitioner or respondent is found.
- (2) An action under this part shall proceed in accordance with the Utah Rules of Civil Procedure.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-204 Custody and maintenance of children -- Property and debt division -- Support payments.

- (1) In an action under this part, the court may by order or decree:
 - (a) provide for the care, custody, and maintenance of a minor child of the parties ;
 - (b)
 - (i) provide for support of a spouse and the support of a minor child remaining with that spouse;
 - (ii) provide how and when support payments are made; and
 - (iii) provide that a spouse have a lien upon the property of the other spouse to secure payment of the support or maintenance obligation;
 - (c) award to a spouse the possession of any real or personal property of the other spouse or acquired by the spouses during the marriage;
 - (d) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;
 - (e) require the parties to notify respective creditors or obligees regarding the court's division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5; or
 - (f) provide for the enforcement of the orders described in Subsections (1)(a) and (e).
- (2) A court may enforce an order or decree under this section:
 - (a) by sale of any property of the spouse;
 - (b) by contempt proceedings; or
 - (c) as is otherwise necessary.
- (3) The court may:
 - (a) change the support or maintenance of a party from time to time according to circumstances; or
 - (b) terminate altogether any obligation upon satisfactory proof of voluntary and permanent reconciliation.
- (4) An order or decree of support or maintenance described in this part is valid only during the joint lives of the parties.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-205 Restraining disposal of property.

- (1) At the time of the filing of a petition described in Section 81-4-202, or at any time subsequent to the filing of the petition, a party may procure from the court, and file with the county recorder of any county in the state in which the other party may own real estate, an order enjoining and restraining the other party from disposing of or encumbering the real estate or any portion of the real estate.
- (2) The party shall describe the real estate with reasonable certainty in a filing described in Subsection (1).
- (3) From the time in which a party receives a court order described in Subsection (1), the party has a lien in favor of the party to the extent of any judgment that is rendered in an action under this part.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-206 Rights and remedies -- Imprisonment of spouse.

If a party to an action for separate maintenance is imprisoned in the state prison for a sentence of one year or more and a suitable provision of support has not been made for the other party, the rights and remedies of this part shall be extended to the party that is not imprisoned.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

**Part 3
Annulment**

Effective 9/1/2024

81-4-301 Definitions for part.

As used in this part:

- (1) "Petitioner" means an individual who brings a petition for an annulment.
- (2) "Respondent" means the individual against whom a petition for an annulment is brought.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-302 Annulment -- Grounds.

A court may annul a marriage for any of the following causes existing at the time of the marriage:

- (1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity of Marriage;
or
- (2) upon grounds existing at common law.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-303 Petition for annulment -- Venue -- Judgment on validity of marriage.

- (1)
 - (a) When there is doubt as to the validity of a marriage, a party to the marriage may bring a petition for annulment to demand avoidance or affirmance of the marriage.
 - (b) If one of the parties was under 18 years old at the time of the marriage, the other party, being of proper age at the time of the marriage, may not bring a petition for annulment against the party who was under 18 years old.
- (2) A petitioner may bring a petition for annulment in any county where the petitioner or respondent is domiciled.
- (3)
 - (a) If a petition for annulment is filed upon the ground that one or both of the parties were prohibited from marriage because of the age of the parties, the court may refuse to grant the annulment if the court finds that it is in the best interest of the parties, or a child of the parties, to refuse the annulment.
 - (b) The refusal to annul under Subsection (3)(a) makes the marriage valid and subsisting for all purposes.
- (4) If the parties have accumulated any property or acquired any obligations subsequent to the marriage, if there is a genuine need arising from an economic change of circumstances due to the marriage, or if there is a child born or expected, the court may make temporary and final orders, and subsequently modify the orders, as may be equitable, in regards to:
 - (a) the property and obligations of the parties;
 - (b) the support and maintenance of the parties and a child, as defined in Section 81-6-101, of the parties; and
 - (c) the custody and parent-time for a minor child of the parties.
- (5) A judgment in an action under this part:
 - (a) shall declare the marriage valid or annulled; and
 - (b) is conclusive upon all persons concerned with the marriage.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

**Part 4
Divorce**

Effective 9/1/2024

81-4-401 Definitions for part.

As used in this part:

- (1) "Cohabitation" means the same as the term, "cohabit," is defined in Section 81-4-501.
- (2) "Mandatory courses" means:
 - (a) the mandatory divorce orientation course described in Section 81-4-105; and
 - (b) the mandatory parenting course described in Section 81-9-103.
- (3) "Petitioner" means the individual who brings a petition for divorce.

(4) "Respondent" means the individual against whom a petition for divorce is brought.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-402 Petition for divorce -- Divorce proceedings -- Temporary orders.

- (1) An individual may bring a petition for divorce if:
 - (a) the individual or the individual's spouse is an actual and bona fide resident of the county where the petition is filed for at least 90 days before the day on which the petition is filed;
 - (b) the individual is a member of the armed forces of the United States and the individual is stationed under military orders in this state for at least 90 days before the day on which the petition is filed; or
 - (c) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).
- (2) A divorce action shall be commenced and conducted in accordance with this chapter and the Utah Rules of Civil Procedure.
- (3)
 - (a) The court may not enter a decree of divorce until 30 days after the day on which the petition is filed, unless the court finds that extraordinary circumstances exist.
 - (b) The court may make interim orders as the court considers just and equitable before the expiration of the 30-day period described in Subsection (3)(a).
- (4)
 - (a) If the parties to the divorce action have a minor child, the parties shall attend the mandatory courses:
 - (i) for the petitioner, within 60 days after the day on which the petition is filed; and
 - (ii) for the respondent, within 30 days after the day on which the respondent is served.
 - (b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the mandatory divorce orientation course described in Section 81-4-105.
 - (c) The clerk of the court shall provide notice to a petitioner of the requirement for the mandatory courses.
 - (d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.
- (5) For a party that is unable to pay the costs of the mandatory courses, and before the court enters a decree of divorce in the action, the court shall:
 - (a) make a final determination of indigency; and
 - (b) order the party to pay the costs of the mandatory courses if the court determines the party is not indigent.
- (6)
 - (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.
 - (b) It is an affirmative defense in a divorce action that a party has not completed the mandatory courses and the action may not continue until a party has complied with the mandatory courses.
- (7)
 - (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the mandatory courses, on the court's own motion or on the motion of one of

the parties, if the court determines course attendance and completion are not necessary, appropriate, or feasible, or in the best interest of the parties.

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

(8) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-403 Mediation requirement.

(1) There is established a mandatory domestic mediation program to help reduce the time and tensions associated with obtaining a divorce.

(2)

(a) If there are any remaining contested issues after the filing of a response to a petition for divorce, the parties shall participate in good faith in at least one session of mediation.

(b) The requirement described in Subsection (2)(a) does not preclude the entry of pretrial orders before mediation takes place.

(3) The parties shall use a mediator qualified to mediate domestic disputes under criteria established by the Judicial Council in accordance with Section 78B-6-205.

(4) Unless otherwise ordered by the court or the parties agree upon a different payment arrangement, the cost of mediation shall be divided equally between the parties.

(5) The director of dispute resolution programs for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.

(6) A mediation described in this section shall be conducted in accordance with the Utah Rules of Court-Annexed Alternative Dispute Resolution.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-404 Allegations of child abuse or child sexual abuse in a divorce proceeding -- Investigation.

(1) When an allegation of child abuse or child sexual abuse is made in a divorce proceeding, or a request for modification of a divorce decree, that implicates a party, the court, after making an inquiry, may order that an investigation be conducted by the Division of Child and Family Services in accordance with Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

(2) A final award of custody or parent-time may not be rendered until a report on that investigation, consistent with Section 80-2-1005, is received by the court.

(3) The Division of Child and Family Services shall conduct an investigation described in Subsection (1) within 30 days of the court's notice and request for an investigation.

(4) In reviewing a report described in Subsection (2), the court shall comply with Sections 78A-2-703, 78A-2-705, and 78B-15-612.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-405 Grounds for divorce.

- (1) A court may order the dissolution of a marriage contract between the petitioner and the respondent on the grounds of:
 - (a) impotency of the respondent at the time of marriage;
 - (b) adultery committed by the respondent subsequent to marriage;
 - (c) willful desertion of the petitioner by the respondent for more than one year;
 - (d) willful neglect of the respondent to provide for the petitioner the common necessities of life;
 - (e) habitual drunkenness of the respondent;
 - (f) conviction of the respondent for a felony;
 - (g) cruel treatment of the petitioner by the respondent to the extent of causing bodily injury or great mental distress to the petitioner;
 - (h) irreconcilable differences of the marriage;
 - (i) incurable insanity; or
 - (j) when the petitioner and respondent have lived separately under a decree of separate maintenance of any state for three consecutive years without cohabitation.
- (2) A decree of divorce granted under Subsection (1)(j) does not affect the liability of either party under any provision for separate maintenance previously granted.
- (3)
 - (a) A court may not order the dissolution of a marriage contract between the petitioner and the respondent on the grounds of insanity unless:
 - (i) the respondent has been adjudged insane by the appropriate authorities of this or another state prior to the commencement of the action; and
 - (ii) the court finds by the testimony of competent witnesses that the insanity of the respondent is incurable.
 - (b) The court shall appoint for the respondent a guardian ad litem who shall protect the interests of the respondent.
 - (c) A copy of the summons and petition shall be served on:
 - (i) the respondent in person or by publication, as provided by the laws of this state in other actions for divorce, or upon the respondent's guardian ad litem; and
 - (ii) the county attorney for the county where the action is prosecuted.
 - (d) The county attorney shall:
 - (i) investigate the merits of the case;
 - (ii) if the respondent resides out of this state, take depositions as necessary;
 - (iii) attend the proceedings; and
 - (iv) make a defense as is just to protect the rights of the respondent and the interests of the state.
 - (e) The petitioner or respondent may:
 - (i) if the respondent resides in this state, upon notice, have the respondent brought into the court at trial; or
 - (ii) have an examination of the respondent by two or more competent physicians to determine the mental condition of the respondent.
 - (f) For the purpose described in Subsection (3)(e), a party may have leave from the court to enter any asylum or institution where the respondent may be confined.
 - (g) The court shall apportion the costs of court in this action.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-406 Decree of divorce -- When decree becomes absolute -- Remarriage -- Jurisdiction to modify a decree for a child born after the decree.

- (1)
 - (a) The court shall enter a decree of divorce upon the evidence or the petitioner's affidavit in the case of default as described in Subsection (1)(b).
 - (b) A court may not grant a divorce upon default, unless there is evidence to support a decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules of Civil Procedure.
- (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court may not grant a decree of divorce for parties with a minor child until:
 - (a) both parties have attended the mandatory courses described in Sections 81-4-105 and 81-4-106; and
 - (b) both parties have presented a certificate of course completion for each course to the court.
- (3) In a decree of divorce, the court shall:
 - (a) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;
 - (b) require the parties to notify respective creditors or obligees, regarding the court's division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5;
 - (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);
 - (d) if a party owns a life insurance policy or an annuity contract, include an acknowledgment by the court that the party:
 - (i) has reviewed and updated, where appropriate, the list of beneficiaries;
 - (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after the divorce becomes final; and
 - (iii) understands that, if no changes are made to the policy or contract, the beneficiaries currently listed will receive any funds paid by the insurance company under the terms of the policy or contract; and
 - (e) if the parties have a child as defined in Section 81-6-101, include an order for child support and medical expenses as described in Chapter 6, Child Support.
- (4) The court may include in the divorce decree any equitable orders relating to:
 - (a) the parties, including any alimony to be awarded to a party in accordance with Part 5, Spousal Support;
 - (b) a child of the parties; and
 - (c) any property, debts, or obligations.
- (5) A decree of divorce becomes absolute:
 - (a) on the date it is signed by the court and entered by the clerk in the register of actions;
 - (b) at the expiration of a period of time the court may specifically designate, unless an appeal or other proceedings for review are pending;
 - (c) if an appeal is taken, when the decree is affirmed; or
 - (d) when the court, before the decree becomes absolute, for sufficient cause otherwise orders.
- (6) The court, upon application or on the court's own motion for good cause shown, may waive, alter, or extend a designated period of time before the decree becomes absolute, but not to exceed six months from the signing and entry of the decree.
- (7) A party to a divorce proceeding may not marry another individual other than the other party for whom the divorce was granted until the party's divorce becomes absolute.

- (8) The court has jurisdiction to modify a decree of divorce to address child support, parent-time, and other matters related to a minor child born to the parties after the decree of divorce is entered.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 5 Spousal Support

Effective 9/1/2024

81-4-501 Definitions for part.

As used in this part:

- (1) "Child support guidelines" means the same as that term is defined in Section 81-6-101.
- (2) "Cohabit" means to live together, or to reside together on a regular basis, in the same residence and in a relationship of a romantic or sexual nature.
- (3) "Fault" means any of the following wrongful conduct during the marriage that substantially contributed to the breakup of the marriage:
 - (a) engaging in sexual relations with an individual other than the party's spouse;
 - (b) knowingly and intentionally causing or attempting to cause physical harm to the other party or a minor child;
 - (c) knowingly and intentionally causing the other party or a minor child to reasonably fear life-threatening harm; or
 - (d) substantially undermining the financial stability of the other party or the minor child.
- (4) "Length of the marriage" means, for purposes of alimony, the number of years from the day on which the parties are legally married to the day on which the petition for divorce is filed with the court.
- (5) "Payee" means the party who is or would receive alimony from the other party.
- (6) "Payor" means the party who is paying, or would pay, alimony to the other party.
- (7) "Temporary alimony" means money that the court orders a party to pay during the pendency of an action under this chapter for the support and maintenance of a party as described in Subsection 81-1-203(4).

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-502 Determination of alimony.

- (1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to modify alimony, the court shall consider at least the following factors in determining alimony:
 - (a) the standard of living existing during the marriage, which factors shall include the following:
 - (i) income;
 - (ii) the approximate value of real and personal property; and
 - (iii) any other factor that the court determines to be appropriate to enable the court to make a determination of the standard of living existing during the marriage;

- (b) the financial condition and needs of the payee, provided that the payee may show financial needs by itemizing expenses present during the marriage rather than by itemizing post petition expenses;
 - (c) the payee's earning capacity or ability to produce income, including the impact of diminished workplace experience resulting from primarily caring for a minor child of the payor;
 - (d) the ability of the payor to provide support;
 - (e) the length of the marriage;
 - (f) whether the payee has custody of a minor child requiring support;
 - (g) whether the payee worked in a business owned or operated by the payor; and
 - (h) whether the payee directly contributed to any increase in the payor's skill by paying for education received by the payor or enabling the payor to attend school during the marriage.
- (2)
- (a) The court may consider the fault of the parties in determining whether to award alimony and the terms of the alimony.
 - (b) The court may, when fault is at issue, close the proceedings and seal the court records.
- (3)
- (a) Except as otherwise provided by this section, the court shall consider the standard of living, existing at the time of separation, in determining alimony in accordance with this section.
 - (b) In considering all relevant facts and principles, the court may, in the court's discretion, base alimony on the standard of living that existed at the time of trial.
- (4)
- (a) The court may attempt to equalize the parties' respective standards of living.
 - (b)
 - (i) If a marriage has been in effect for 10 years or more, and if the payee has significantly diminished workplace experience resulting from an agreement between the spouses that the payee reduce the payee's workplace experience to care for a minor child of the payor, it shall be the rebuttable presumption that the court equalize the parties' standard of living.
 - (ii) The presumption under Subsection (4)(b)(i) can be rebutted by a showing of good cause, and the court shall enter specific findings of fact as to the evidentiary basis for its determination.
 - (c) This Subsection (4) may not be applied to or used as the basis to modify an alimony award if the petition for divorce was filed before May 1, 2024.
- (5)
- (a) If the marriage is short in duration and a minor child has not been conceived or born during the marriage, the court may consider the standard of living that existed at the time of the marriage.
 - (b) In determining alimony when a marriage of short duration dissolves and a minor child has not been conceived or born during the marriage, the court may consider restoring each party to the condition which existed at the time of the marriage.
- (6)
- (a) When a marriage of long duration dissolves on the threshold of a major change in the income of one of the parties due to the collective efforts of both parties, the court shall consider the change when dividing the marital property and in determining the amount of alimony.
 - (b) If a party's earning capacity has been greatly enhanced through the efforts of both parties during the marriage, the court may make a compensating adjustment in dividing the marital property and awarding alimony.
- (7)

- (a) Except as provided in Subsection (7)(c), the court may not order alimony for a period of time longer than the length of the marriage.
- (b) If a party is ordered to pay temporary alimony during the pendency of a divorce action, the court shall count the period of time that the party pays temporary alimony towards the period of time for which the party is ordered to pay alimony.
- (c) At any time before the termination of alimony, the court may find extenuating circumstances or good cause that justify the payment of alimony for a longer period of time than the length of the marriage.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-503 Imputed income for payee for alimony purposes -- No recent work history or disability.

- (1) Notwithstanding the provisions of Section 81-4-502 or 81-6-203, the court may, in determining imputation of income to a payee, apply the provisions of this section if the payee:
 - (a) has diminished workplace experience, that resulted from an agreement between the spouses that the payee reduce the payee's workplace experience to care for a minor child of the payor; or
 - (b) has been diagnosed with a disability that has caused a reduction in the payee's workplace experience.
- (2) If a payee meets the requirements of Subsection (1)(a) or (b), the court:
 - (a) may consider reasonable efforts made by the payee to improve the payee's employment situation and any reasonable barrier to obtaining or retaining employment; and
 - (b) is not required to consider that the payee may be underemployed if the payee is employed and has shown reasonable barriers to improving the payee's employment.
- (3)
 - (a) In making an income imputation under this section, the court may use relevant provisions of Section 81-6-203, provided that the provision is not contrary to the requirements of this section.
 - (b) When considering what constitutes a reasonable barrier to obtaining or retaining employment, the court:
 - (i) may include in its analysis a determination of the length of time that is considered by the court to be recent as it relates to a payee's work history, training, or education under this section;
 - (ii) may consider whether the payee:
 - (A) is fully competitive against other employment applicants whose work history, training, or education is current; and
 - (B) in the case of a disability, is fully competitive against other employment applicants who do not have a disability; and
 - (iii) may impute any income as it relates to employment for which the spouse is fully competitive and has not shown any reasonable barriers to obtain.
 - (c) If the court imputes any income to a payee who qualifies for income determination under this section, the court shall enter specific findings of fact as to the evidentiary basis for imputing the income.
- (4)
 - (a) After a divorce decree has been entered, subject to the requirements of Section 81-4-504, the court may review an income imputation to a payee under this section.

- (b) A payee's showing that barriers have prevented significant improvement of the payee's employment situation, despite reasonable efforts on the part of the payee to improve the payee's employment situation, may, in the court's determination, constitute a substantial material change in circumstances and eligibility to review an income imputation under this section.

Effective 9/1/2024

81-4-504 Modification of alimony after divorce decree.

- (1) The court has continuing jurisdiction to make substantive changes and new orders regarding alimony based on a substantial material change in circumstances not expressly stated in the divorce decree or in the findings that the court entered at the time of the divorce decree.
- (2)
 - (a) A party's retirement is a substantial material change in circumstances that is subject to a petition to modify alimony, unless the divorce decree, or the findings that the court entered at the time of the divorce decree, expressly states otherwise.
 - (b) Subsection (2)(a) applies to a divorce decree regardless of the date on which the divorce decree was entered.
- (3) The court may not modify alimony or issue a new order for alimony to address needs of the recipient that did not exist at the time the decree was entered, unless the court finds extenuating circumstances that justify that action.
- (4) In modifying the amount of alimony, the court may not consider the income of any subsequent spouse of the payor, except that the court may consider:
 - (a) the subsequent spouse's financial ability to share living expenses; or
 - (b) the income of a subsequent spouse if the court finds that the payor's improper conduct justifies that consideration.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-4-505 Termination of alimony.

- (1)
 - (a) Except as provided in Subsection (1)(b), or unless a decree of divorce specifically provides otherwise, any order of the court that a payor pay alimony to a payee automatically terminates upon the remarriage or death of that payee.
 - (b) If the remarriage of the payee is annulled and found to be void ab initio, the payment of alimony shall resume if the payor is made a party to the action of annulment and the payor's rights are determined.
- (2) If a payor establishes that a payee cohabits with another individual during the pendency of the divorce action, the court:
 - (a) may not order the payor to pay temporary alimony to the payee; and
 - (b) shall terminate any order that the payor pay temporary alimony to the payee.
- (3)
 - (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay alimony to a payee if the payor establishes that, after the order for alimony is issued, the payee cohabits with another individual even if the payee is not cohabiting with the individual when the payor files the motion to terminate alimony.

- (b) A payor may not seek termination of alimony under Subsection (3)(a) later than one year after the day on which the payor knew or should have known that the payee has cohabited with another individual.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

Chapter 5 Uniform Parentage Act

Effective 9/1/2024
81-5-101 Reserved.
Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

Chapter 6 Child Support

Effective 9/1/2024

Part 1 General Provisions

Effective 9/1/2024
81-6-101 Definitions for chapter.

As used in this chapter:

- (1) "Administrative agency" means the Office of Recovery Services or the Department of Health and Human Services.
- (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.
- (3) "Alimony" means the same as that term is defined in Section 81-4-101.
- (4) "Base child support award" means the award that may be ordered and is calculated using the child support guidelines before additions for medical expenses and work-related child care costs.
- (5) "Base combined child support obligation" means the presumed amount of child support that the parents should provide for their child as described in Subsection 81-6-204(1).
- (6) "Base combined child support obligation table" means the appropriate table described in Sections 81-6-302 and 81-6-304.
- (7) "Child" means:
 - (a) a son or daughter who is under 18 years old and who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States;
 - (b) a son or daughter who is 18 years old or older while enrolled in high school during the normal and expected year of graduation and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States; or

- (c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means.
- (8)
 - (a) "Child support" means a base child support award, or a monthly financial award for uninsured medical expenses, ordered by a tribunal for the support of a child.
 - (b) "Child support" includes current periodic payments, arrearages that accrue under an order for current periodic payments, and sum certain judgments awarded for arrearages, medical expenses, and child care costs.
- (9) "Child support guidelines" means the calculation and application of child support as described in Part 2, Calculation and Adjustment of Child Support.
- (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether temporary, final, or subject to modification, that:
 - (a) establishes or modifies child support;
 - (b) reduces child support arrearages to judgment; or
 - (c) establishes child support or registers a child support order under Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act.
- (11) "Child support tables" means the tables described in Part 3, Child Support Tables.
- (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- (13) "Gross income" means the amount of income calculated for a parent as described in Section 81-6-203.
- (14) "Health care coverage" means coverage under which medical services are provided to a child through:
 - (a) fee for service;
 - (b) a health maintenance organization;
 - (c) a preferred provider organization;
 - (d) any other type of private health insurance; or
 - (e) public health care coverage.
- (15)
 - (a) "Income" means earnings, compensation, or other payment due to an individual, regardless of source, whether denominated as wages, salary, commission, bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive pay.
 - (b) "Income" includes:
 - (i) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion of capital assets;
 - (ii) interest and dividends;
 - (iii) periodic payments made under pension or retirement programs or insurance policies of any type;
 - (iv) unemployment compensation benefits;
 - (v) workers' compensation benefits; and
 - (vi) disability benefits.
- (16) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- (17) "Low income table" means the appropriate table under Section 81-6-303 or 81-6-305.
- (18) "Medical expenses" means health and dental expenses and related insurance costs.
- (19) "Minor child" means a child who is younger than 18 years old.
- (20) "Obligee" means an individual, this state, another state, or another comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of child support or public assistance.
- (21) "Obligor" means a person owing a duty of support.

- (22) "Office" means the Office of Recovery Services within the Department of Health and Human Services.
- (23) "Pregnancy expenses" means an amount equal to:
 - (a) the sum of a pregnant mother's:
 - (i) health insurance premiums while pregnant that are not paid by an employer or government program; and
 - (ii) medical costs related to the pregnancy, incurred after the date of conception and before the pregnancy ends; and
 - (b) minus any portion of the amount described in Subsection (23)(a) that a court determines is equitable based on the totality of the circumstances, not including any amount paid by the mother or father of the child.
- (24) "Split custody" means that each parent has physical custody of at least one of the children.
- (25) "State" means a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.
- (26) "Support" means past-due, present, and future obligations to provide for the financial support, maintenance, or medical expenses of a child.
- (27) "Support order" means:
 - (a) a child support order; or
 - (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to modification, for alimony.
- (28) "Temporary" means a period of time that is projected to be less than 12 months in duration.
- (29) "Third party" means an agency or a person other than a parent or a child who provides care, maintenance, and support to a child.
- (30) "Tribunal" means the district court, the Department of Health and Human Services, Office of Recovery Services, or court or administrative agency of a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.
- (31) "Work-related child care expenses" means reasonable child care costs for up to a full-time work week or training schedule as necessitated by the employment or training of a parent.
- (32) "Worksheet" means a form used to aid in calculating the base child support award.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-102 Application of chapter.

This chapter applies to any judicial or administrative order establishing or modifying an award of child support entered on or after July 1, 1989.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-103 Jurisdiction over a child support proceeding -- Appeals.

- (1) A court has jurisdiction over a proceeding brought under this chapter in accordance with Title 78A, Judiciary and Judicial Administration.
- (2) An appeal may be taken from an order or judgment under this part as in other civil actions.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-104 Duty of parents to provide support for a child -- Support follows the child.

- (1)
 - (a) Every child is presumed to be in need of the support of the child's parents.
 - (b) Every parent shall support their child.
 - (c) Nothing in this chapter relieves a parent of the primary obligation of support for the parent's child.
- (2) Except as limited in a court order under Section 81-6-208:
 - (a) the expenses incurred on behalf of a minor child for reasonable and necessary medical and dental expenses and other necessities are chargeable upon the property of both parents, regardless of the marital status of the parents; and
 - (b) a creditor may sue a parent for the expenses described in Subsection (2)(a) incurred on behalf of a minor child.
- (3)
 - (a) A parent whose minor child has become a ward of this or any other state is not relieved of the primary obligation to support that child until the minor child is 18 years old or is legally married, regardless of any agreements or legal defenses that exist between the parents or other care providers.
 - (b) Any state that provides support for a child shall have the right to reimbursement.
 - (c) A third party has a right to recover support from a parent.
- (4) An obligation ordered for child support and medical expenses:
 - (a) are for the use and benefit of the child; and
 - (b) shall follow the child in a case in which a parent, or another person, is awarded sole physical custody of the child as described in Subsection 81-6-205(8).
- (5) The rights created in this chapter are in addition to and not in substitution to any other rights.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-105 Duty of biological father to share pregnancy expenses.

- (1) Except as otherwise provided in this section, a biological father of a child has a duty to pay 50% of the mother's pregnancy expenses.
- (2)
 - (a) If paternity is disputed, a biological father owes no duty under this section until the biological father's paternity is established.
 - (b) Once paternity is established, the biological father is subject to Subsection (1).
- (3)
 - (a) Any portion of a mother's pregnancy expenses paid by the mother or the biological father reduces that parent's 50% share under Subsection (1), not the total amount of pregnancy expenses.
 - (b) Subsection (3)(a) applies regardless of when the mother or biological father pays the pregnancy expense.
- (4) If a mother receives an abortion, as defined in Section 76-7-301, without the biological father's consent, the biological father owes no duty under this section, unless:
 - (a) the abortion is necessary to avert the death of the mother; or
 - (b) the mother was pregnant as a result of:
 - (i) rape, as described in Section 76-5-402;

- (ii) rape of a child, as described in Section 76-5-402.1; or
 - (iii) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102.
- (5) Subsection (1) does not apply if a court apportions pregnancy expenses in a divorce decree under Section 81-4-406.
- (6)
- (a) A person who seeks payment under this section for pregnancy expenses shall provide documentation of payments, medical expenses, and insurance premiums to the court.
 - (b) The court shall order the payment of the expenses after a review of the documentation described in Subsection (6)(a).
- (7) Nothing in this section requires a person to separately bill a biological father for pregnancy expenses.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-106 Duty of obligor -- Enforcement of right of support.

- (1)
- (a) An obligor who is present in, or a resident of, this state has the duty to provide support to the child regardless of the presence or residence of the obligee.
 - (b) The obligee may enforce the obligee's right of support against the obligor.
- (2)
- (a) The office may proceed pursuant to this part or any other applicable statute on behalf of:
 - (i) the Department of Health and Human Services;
 - (ii) any other department or agency of this state that provides public assistance, as defined by Section 26B-9-101, to enforce the right to recover public assistance; or
 - (iii) the obligee, to enforce the obligee's right of support against the obligor.
 - (b) Whenever any court action is commenced by the office to enforce payment of the obligor's support obligation, the attorney general or the county attorney of the county of residence of the obligee shall represent the office.
 - (c) The attorney general or the county attorney does not represent or have an attorney-client relationship with the obligee or the obligor in carrying out the duties under this chapter.
- (3)
- (a) A person may not commence an action, file a pleading, or submit a written stipulation to the court, without complying with Subsection (3)(b), if the purpose or effect of the action, pleading, or stipulation is to:
 - (i) establish paternity;
 - (ii) establish or modify a support obligation;
 - (iii) change the court-ordered manner of payment of support;
 - (iv) recover support due or owing; or
 - (v) appeal issues regarding child support laws.
 - (b)
 - (i) When taking an action described in Subsection (3)(a), a person must file an affidavit with the court at the time the action is commenced, the pleading is filed, or the stipulation is submitted stating whether child support services have been or are being provided under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., on behalf of a child who is a subject of the action, pleading, or stipulation.
 - (ii) If child support services have been or are being provided, under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of the affidavit and

a copy of the pleading or stipulation to the child and family support division of the Office of the Attorney General.

(iii)

- (A) If notice is not given in accordance with this Subsection (3), the office is not bound by any decision, judgment, agreement, or compromise rendered in the action.
- (B) For purposes of appeals, service must be made on the Office of the Director for the Office of Recovery Services.
- (c) If child support services have been or are being provided, that person shall join the office as a party to the action, or mail or deliver a written request to the child and family support division of the Office of the Attorney General, asking the office to join as a party to the action.
- (d) A copy of the request described in Subsection (3)(c), along with proof of service, shall be filed with the court.
- (e) The office shall be represented as provided in Subsection (2)(b).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-107 Procedure for child support proceeding -- Documentation.

- (1) In any matter in which child support is ordered, the moving party shall submit:
 - (a) a completed worksheet;
 - (b) the financial verification required by Section 81-6-203;
 - (c) a written statement indicating whether or not the amount of child support requested is consistent with the child support guidelines; and
 - (d) the information required under Subsection (3).
- (2)
 - (a) If the documentation of income required under Subsection (1) is not available, the moving party may submit a verified representation of the other party's income based on the best evidence available.
 - (b) The moving party shall provide the evidence described in Subsection (2)(a) in affidavit form.
 - (c) The moving party may only offer the evidence described in Subsection (2)(a) after a copy is provided to the other party in accordance with Utah Rules of Civil Procedure or Title 63G, Chapter 4, Administrative Procedures Act, in an administrative proceeding.
- (3)
 - (a) Upon the entry of an order in a proceeding to establish paternity or to establish, modify, or enforce a child support order, each party shall:
 - (i) file identifying information; and
 - (ii) update that information as changes occur with the court that conducted the proceeding.
 - (b) The required identifying information shall include the person's social security number, driver's license number, residential and mailing addresses, telephone numbers, the name, address and telephone number of employers, and any other data required by the United States Secretary of Health and Human Services.
 - (c) An attorney representing the office in child support services cases is not required to file the identifying information required by Subsection (3)(b).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-108 Waiver and estoppel.

- (1) Waiver and estoppel shall apply only to the obligee when there is no order already established by a tribunal if the obligee freely and voluntarily waives support specifically and in writing.
- (2) Waiver and estoppel may not be applied against any third party or public entity that may provide support for the child.
- (3) An obligor, or alleged biological father in a paternity action, may not rely on statements made by the obligee concerning child support unless the statements are reduced to writing and signed by both parties.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-109 Spousal privilege -- Competency of spouses.

- (1) A law attaching a privilege against the disclosure of communications between spouses is are inapplicable under this chapter.
- (2) Spouses are competent witnesses to testify to any relevant matter, including marriage and parentage.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-110 County attorney to assist obligee.

- (1) The county attorney's office shall provide assistance to an obligee desiring to proceed under this part in the following manner:
 - (a) provide forms, approved by the Judicial Council, for an order of wage assignment if the obligee is not represented by legal counsel;
 - (b) inform the obligee of the right to file indigently if the obligee is unable to bear the expenses of the action and assist the obligee with such filing;
 - (c) advise the obligee of the available methods for service of process; and
 - (d) assist the obligee in expeditiously scheduling a hearing before the court.
- (2) The county attorney's office may charge a fee not to exceed \$25 for providing assistance to an obligee under Subsection (1).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 2
Calculation and Adjustment of Child Support

Effective 9/1/2024

81-6-201 Definitions for part.

Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1)
 - (a) If a prior child support order does not exist, a substantial change in circumstances has occurred, or a petition to modify a child support order as described in Section 81-6-212 is filed, the court determining the amount of prospective child support shall require each party to file a proposed award of child support using the child support guidelines before the court enters or modifies a child support order.
 - (b) When no prior child support order exists, the court or administrative agency shall determine and assess all arrearages based upon the child support guidelines.
- (2)
 - (a) The court or administrative agency shall apply the child support guidelines as a rebuttable presumption in establishing or modifying the amount of temporary or permanent child support.
 - (b) The rebuttable presumption means the provisions and considerations required by the child support guidelines, the award amounts resulting from the application of the child support guidelines, and the use of worksheets consistent with the child support guidelines are presumed to be correct, unless the child support guidelines are rebutted in accordance with this section.
- (3)
 - (a) A written finding or specific finding on the record supporting the conclusion that complying with a provision of the child support guidelines or ordering an award amount resulting from use of the child support guidelines would be unjust, inappropriate, or not in the best interest of a child in a particular case is sufficient to rebut the presumption in that case.
 - (b) If an order rebuts the presumption through findings, the order is considered a deviated order.
- (4) The following are considered deviations from the child support guidelines, if:
 - (a) the order includes a written finding that the order is a deviation from the child support guidelines;
 - (b) the worksheet has:
 - (i) the box checked for a deviation; and
 - (ii) an explanation as to the reason; or
 - (c) the deviation is made because there were more children than provided for in the child support tables.
- (5) If the amount in the order and the amount on the worksheet differ by \$10 or more:
 - (a) the order is considered deviated; and
 - (b) the incomes listed on the worksheet may not be used in adjusting support for emancipation as described in Section 81-6-213.
- (6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection (3), the court shall establish child support after considering all relevant factors, including:
 - (a) the standard of living and situation of the parties;
 - (b) the relative wealth and income of the parties;
 - (c) the ability of the obligor to earn;
 - (d) the ability of the obligee to earn;
 - (e) the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income;
 - (f) the needs of the obligee, the obligor, and the child;
 - (g) the ages of the parties; and
 - (h) the responsibilities of the obligor and the obligee for the support of others.
- (7)

- (a) If there are children of either parent who live in the home of that parent and are not children in common to both parties, the court or administrative agency, at the option of either party, may take into account the children under the child support guidelines in setting a base child support award as described in Subsection (8).
 - (b) Additional worksheets shall be prepared that calculate the base child support award of the respective parents for the additional children.
 - (c) The court or administrative agency shall subtract the base child support award calculated under Subsection (7)(b) from the appropriate parent's income before determining the award in the case described in Subsection (7)(a).
- (8) In a proceeding to adjust or modify a child support order, the court or administrative agency may consider children, who are born after the entry of the child support order and are not in common to both parties, to mitigate an increase in the award, but the court or administrative agency may not consider the children:
- (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent child support order; or
 - (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent child support order.
- (9) A stipulated amount for child support or combined child support and alimony is adequate under the child support guidelines if the stipulated child support amount or combined amount equals or exceeds the base child support award required by the child support guidelines.
- (10) The court shall include the following provisions in a child support order:
- (a) a provision establishing the monthly amount of child support obligation for each parent in accordance with the child support guidelines;
 - (b) a provision assigning responsibility for the payment of reasonable and necessary medical expenses for the child as described in Section 81-6-208;
 - (c) a provision requiring the purchase and maintenance of appropriate health care insurance for the medical expenses of the child as described in Section 81-6-208 if health care insurance is or becomes available at a reasonable cost;
 - (d) a provision regarding the child care expenses and costs as described in Section 81-6-209;
 - (e) a provision regarding each parent's right to claim a child as a tax exemption for federal and state income tax purposes in accordance with Section 81-6-210;
 - (f) provisions for income withholding as a means of collecting child support, in accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
 - (g) a provision regarding a parent's opportunity to adjust a child support order as described in Section 81-6-212.
- (11) The office shall include the provisions described in Section 26B-9-224 in a child support order.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-203 Determination of gross income for child support -- Imputing income to a parent.

- (1)
 - (a) Each parent shall provide verification of current income to the court or administrative agency.
 - (b) Each parent shall provide year-to-date pay stubs or employer statements and complete copies of tax returns from at least the most recent year, unless the court finds the verification is not reasonably available.

- (c) Verification of income from records maintained by the Department of Workforce Services may be substituted for pay stubs, employer statements, and income tax returns.
- (2)
 - (a) To calculate gross income of a parent, the court or administrative agency may include:
 - (i) prospective income of the parent, including income from earned and nonearned sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, worker compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from nonmeans-tested government programs; and
 - (ii) income imputed to the parent as described in Subsection (6).
 - (b) Income from earned income sources is limited to the equivalent of one full-time 40-hour job.
 - (c) If and only if during the time before the original support order, the parent normally and consistently worked more than 40 hours at the parent's job, the court may consider this extra time as a pattern in calculating the parent's ability to provide child support.
- (3)
 - (a) The court or administrative agency shall use historical and current earnings to determine whether an underemployment or overemployment situation exists.
 - (b) The office may not treat incarceration of at least six months as voluntary unemployment in establishing or modifying a support order.
- (4)
 - (a) To calculate income from self-employment or operation of a business, the court or administrative agency:
 - (i) shall calculate gross income from self-employment or operation of a business by subtracting necessary expenses required for self-employment or business operation from gross receipts;
 - (ii) shall review income and expenses from self-employment or operation of a business to determine an appropriate level of gross income available to the parent to satisfy a child support award; and
 - (iii) may only deduct those expenses necessary to allow the business to operate at a reasonable level from gross receipts.
 - (b) Gross income determined under this Subsection (4) may differ from the amount of business income determined for tax purposes.
- (5) When possible, the court or administrative agency shall determine the average monthly gross income for each parent by:
 - (a) calculating the gross income of each parent on an annual basis; and
 - (b) dividing the annual gross income for each parent by 12.
- (6)
 - (a) The court or administrative agency may not impute income to a parent unless the parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a hearing is held and the court or administrative agency enters findings of fact as to the evidentiary basis for the imputation.
 - (b) If income is imputed to a parent, the court or administrative agency shall base income upon employment potential and probable earnings considering, to the extent known:
 - (i) employment opportunities;
 - (ii) work history;
 - (iii) occupation qualifications;
 - (iv) educational attainment;

- (v) literacy;
 - (vi) age;
 - (vii) health;
 - (viii) criminal record;
 - (ix) other employment barriers and background factors; and
 - (x) prevailing earnings and job availability for persons of similar backgrounds in the community.
- (c) If a parent has no recent work history or a parent's occupation is unknown, the court or administrative agency may impute an income to that parent at the federal minimum wage for a 40-hour work week.
- (d) To impute a greater or lesser income, the court or administrative agency shall enter specific findings of fact as to the evidentiary basis for the imputation.
- (e) The court or administrative agency may not impute income to a parent if any of the following conditions exist and the condition is not of a temporary nature:
- (i) the reasonable costs of child care for the parents' minor child approach or equal the amount of income the custodial parent can earn;
 - (ii) a parent is physically or mentally unable to earn minimum wage;
 - (iii) a parent is engaged in career or occupational training to establish basic job skills; or
 - (iv) unusual emotional or physical needs of a child require the custodial parent's presence in the home.
- (7) Notwithstanding Subsection (2), the court or administrative agency may not include the following sources of income when calculating the gross income of a parent:
- (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;
 - (b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP benefits, or General Assistance;
 - (c) other similar means-tested welfare benefits received by a parent;
 - (d) the earned income of a child who is the subject of a child support award; or
 - (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's own right, such as Supplemental Security Income.
- (8)
- (a) The court or administrative agency shall credit, as child support, the amount of social security benefits received by a child due to the earnings of the parent on whose earning record the social security benefits are based by crediting the amount against the potential obligation of that parent.
 - (b) The court or administrative agency may consider other unearned income of a child as income of a parent depending upon the circumstances of each case.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-204 General provisions for calculating child support -- Determination of base combined child support obligation.

- (1) To calculate child support, the court or administrative agency shall determine the base combined child support obligation for the parents by:
- (a) except as provided in Subsection (3), adjusting the average monthly gross income for each parent by subtracting any alimony previously ordered and paid and any child support previously ordered for that parent;

- (b) adjusting the average monthly gross income for each parent by subtracting any credits deemed appropriate under Subsections 81-6-202(7) and (8);
- (c) combining the adjusted average monthly gross incomes for both parents; and
- (d) locating the base combined child support obligation in the base combined child support obligation table by finding:
 - (i) the combined adjusted average monthly gross incomes of the parents in the table; and
 - (ii) the total number of children in common to the parents.
- (2) The court or administrative agency may only use the income of the parents of the child to determine the base child support award.
- (3) The court or administrative agency may not subtract any alimony ordered in the pending proceeding from the gross incomes of the parents as described in Subsection (1)(a).
- (4) If there is no amount listed for the base combined child support obligation in the base combined child support obligation table, the base combined support obligation for the parents is \$0.
- (5) Upon determining the base combined child support obligation, the court or administrative agency shall make additional calculations as described in Section 81-6-205, 81-6-206, or 81-6-207 to determine the base child support award.
- (6)
 - (a) Except as provided in Subsection (6)(b), the court may consider any amount that an incapacitated adult child can contribute to the child's support and use the amount to justify a reduction in the amount of support ordered.
 - (b) If the case described in Subsection (6)(a) involves more than one child, the reduction may not be greater than the effect of reducing the total number of children by one.
- (7)
 - (a) The base combined child support obligation table provides combined child support obligations for up to six children.
 - (b) If a case involves more than six children, the court may add additional amounts to the base child support obligation shown in the base combined child support obligation table.
 - (c) Unless rebutted by Subsection 81-6-202(3), the court or administrative agency may not order an amount less than the amount that would be ordered for up to six children.
- (8)
 - (a) If the combined adjusted gross income exceeds the highest level specified in the base combined child support obligation table, the court shall order an appropriate and just amount of child support on a case-by-case basis, except that the court may not order an amount that is less than the highest level specified in the table for the number of children due child support.
 - (b) There is no maximum limit on the base child support award that a court may order using the child support tables.
- (9) The amount shown in a child support table is the child support amount for the total number of children not an amount per child.
- (10) For all worksheets, income and child support award figures are rounded to the nearest dollar.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-205 Sole physical custody -- Obligation calculations -- Change in physical custody.

- (1) This section applies to a case in which a parent, or another person, is awarded sole physical custody of the children.

- (2) Except as provided in Subsections (3) and (4), the court or administrative agency shall determine the base child support award for each parent by:
 - (a) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to determine each parent's percentage; and
 - (b) multiplying each parent's percentage by the base combined child support obligation that is calculated as described in Subsection 81-6-204(1).
- (3)
 - (a) If the base combined child support obligation is \$0, the court or administrative agency shall establish the base child support award for each parent by:
 - (i) determining the individual monthly adjusted gross income for the parent;
 - (ii) locating the amount of the base child support award in the low income table by finding:
 - (A) the monthly adjusted gross income for the parent in the low income table; and
 - (B) the number of children in common with the parents.
 - (b) The corresponding amount in the low income table is the base child support award for that parent.
- (4)
 - (a) If a parent's individual monthly adjusted gross income is less than the highest amount of monthly adjusted gross income shown in the low income table, the court or administrative agency shall determine that the base child support award is the lesser of:
 - (i) the amount calculated using the base combined child support obligation table as described in Subsection (2); and
 - (ii) the amount calculated using the low income table as described in Subsection (3).
 - (b) If the monthly adjusted gross income of a parent is found in an area of the low income table in which no amount is shown, the court or administrative agency shall determine the base child support award by using the amount listed in the base combined child support obligation table and calculated as described in Subsection (2).
- (5) A base child support award in a sole physical custody case may not be less than \$30.
- (6) The amounts calculated under this section are rebuttable as described in Section 81-6-202.
- (7) A parent without sole physical custody of the children is an obligor and is required to pay the amount of child support calculated under this section.
- (8)
 - (a) When physical custody of a child changes after the original child support order, the parent without physical custody of the child is required to pay the amount of child support calculated under this section, without the need to modify the order, to:
 - (i) the parent who has physical custody of the child;
 - (ii) a relative to whom physical custody of the child has been voluntarily given; or
 - (iii) the state when the child is residing outside of the home in the protective custody, temporary custody, or care of the state or a state-licensed facility for at least 30 days.
 - (b) When physical custody of a child changes from the physical custody that is assumed in the original child support order calculated under this section, the modification of the child support order is not necessary even if only one parent is specifically ordered to pay in the child support order.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-206 Joint physical custody -- Obligation calculations.

- (1) This section applies to a case in which the parents are awarded joint physical custody of the children.
- (2) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.
- (3) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is greater than \$0, the court or administrative agency shall determine each parent's share of the base combined child support obligation by:
 - (a) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to determine each parent's percentage; and
 - (b) multiplying each parent's percentage by the base combined child support obligation.
- (4) The court or administrative agency shall determine the base child support award for the parent with the lesser number of overnights by:
 - (a) multiplying the number of overnights over 110 and under 131 for that parent by .0027;
 - (b) multiplying the number calculated under Subsection (4)(a) by the base combined child support obligation;
 - (c) multiplying the number of overnights over 130 for that parent by .0084;
 - (d) multiplying the number calculated under Subsection (4)(c) by the base combined child support obligation; and
 - (e) subtracting the numbers calculated in Subsections (4)(b) and (4)(d) from that parent's share of the base combined child support obligation calculated under Subsection (3).
- (5) If the base child support award calculated under Subsection (4) is greater than \$0, the parent with the lesser number of overnights is the obligor and is required to pay child support.
- (6) If the base child support award calculated under Subsection (4) is less than \$0:
 - (a) the parent with the lesser number of overnights is the obligee; and
 - (b) the parent with the greater number of overnights is the obligor and is required to pay child support.
- (7) If the parents have an equal parent-time schedule under Section 81-9-305, the amount of time to be spent with the parent who has the lower monthly adjusted gross income is considered 183 overnights, regardless of whether the parent receives 182 overnights or 183 overnights under the equal parent-time schedule.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-207 Split physical custody -- Obligation calculations.

- (1) This section applies to a case in which the parents are awarded split physical custody of the children.
- (2) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.
- (3) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is greater than \$0, the court shall determine the base child support award by:
 - (a) dividing the number of children with each parent by the combined number of children to calculate each parent's percentage of children;
 - (b) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to calculate each parent's percentage of the combined monthly adjusted gross income;

- (c) multiplying each parent's percentage of the combined monthly adjusted gross income by the base combined child support obligation to calculate each parent's share of the base combined child support obligation;
 - (d) multiplying each parent's share of the base combined child support obligation by the other parent's percentage of children to determine the individual child support obligations for each parent; and
 - (e) subtracting the lesser individual child support obligation from the higher individual child support obligation to reach the base child support award.
- (4) The parent with the higher individual child support obligation is the parent required to pay the base child support award calculated under Subsection (3).

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

**81-6-208 Requirements for a child support order regarding medical expenses --
Determination of parental liability for medical expenses.**

- (1) As used in this section, "health insurance" means the same as that term is defined in Section 31A-1-301.
- (2) Except as provided in Subsection (4), a child support order issued or modified in this state on or after May 3, 2023, shall require compliance with the requirements described in Subsection (3) as of the effective date of the child support order.
- (3) A child support order shall:
- (a) require the parents provide health care coverage for the medical expenses of a child;
 - (b) require the parents provide health insurance for the medical expenses of a child if health insurance is available to the parents at a reasonable cost;
 - (c) designate which health insurance plan is primary and which health insurance plan is secondary if, at any time, a child is covered by both parents' health insurance plans as described in Subsection (7);
 - (d) require each parent to share equally the out-of-pocket costs of the premium actually paid by a parent for the child's portion of health insurance; and
 - (e) include a provision that requires each parent to equally share all reasonable and necessary uninsured and unreimbursed medical and dental expenses incurred for a child, including co-payments, co-insurance, and deductibles.
- (4) The court may deviate from the requirements described in Subsection (3) if:
- (a) the court makes specific findings establishing good cause for the deviation; or
 - (b) subject to the court's approval, the parents agree which parent shall provide health insurance for the child.
- (5) In determining whether to take the action described in Subsection (4), the court may consider:
- (a) the reasonableness of the cost;
 - (b) the availability of a group insurance policy;
 - (c) the coverage of the policy; or
 - (d) the preference of the custodial parent.
- (6) Subject to Subsection (4), if a child support order does not contain the requirements described in Subsection (3):
- (a) the parents are nonetheless subject to the requirements described in Subsection (3), as applicable; and

- (b) for purposes of Subsection (3)(c), the health insurance plan of the parent whose birthday falls first in the calendar year is primary, and the health insurance plan of the parent whose birthday falls second in the calendar year is secondary.

(7)

- (a) The provisions of an order under Subsection (3)(c) shall:
 - (i) take effect if at any time a child is covered by both parents' health insurance plans; and
 - (ii) include the following language: "If, at any point in time, a child is covered by the health insurance plans of both parents, the health insurance plan of (Parent's Name) shall be primary coverage for the child and the health insurance plan of (Other Parent's Name) shall be secondary coverage for the child. If a parent remarries and the child is not covered by that parent's health insurance plan but is covered by a step-parent's plan, the health insurance plan of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the same designation as the primary or secondary plan of the child."
- (b) A court or administrative agency may not modify the language required by Subsection (7)(a)(ii).
- (c) Notwithstanding Subsection (7)(b), the court may allocate the payment of medical expenses including co-payments, deductibles, and co-insurance not covered by health insurance between the parents.
- (d) In designating primary coverage pursuant to Subsection (3)(c), the court may take into account:
 - (i) the birth dates of the parents;
 - (ii) a requirement in a court order, if any, for one of the parents to maintain health insurance coverage for a child;
 - (iii) the parent with physical custody of the child; or
 - (iv) any other factor the court considers relevant.

(8)

- (a) The parent who provides health insurance may receive credit against the base child support award or recover the other parent's share of the child's portion of the premium.
- (b) If the parent does not have health insurance but another member of the parent's household provides health insurance for the child, the parent may receive credit against the base child support award or recover the other parent's share of the child's portion of the premium.

(9)

- (a) The child's portion of the premium is a per capita share of the premium actually paid.
- (b) The premium expense for a child shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the result by the number of children in the instant case.

(10)

- (a) The parent maintaining health care coverage or insurance shall provide verification of coverage to the other parent, or to the office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., upon initial enrollment of the child, and after initial enrollment on or before January 2 of each calendar year.
- (b) The parent shall notify the other parent, or the office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., of any change of insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew or should have known of the change.
- (c) A parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

- (d) The court may deny a parent incurring medical expenses the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with this Subsection (10).
- (11)
 - (a) The court or administrative agency may issue an order determining the amount of a parent's liability for medical expenses of a child when the parent:
 - (i) is required by a prior court or administrative order to:
 - (A) share those expenses with the other parent of the child; or
 - (B) obtain insurance for medical expenses but fails to do so; or
 - (ii) receives direct payment from an insurer under insurance coverage obtained after the prior court or administrative order was issued.
 - (b) If the prior court or administrative order does not specify what proportions of the expenses are to be shared:
 - (i) the court may determine the amount of liability as may be reasonable and necessary; and
 - (ii) the administrative agency may determine the amount of liability in accordance with established rules.
 - (c) This Subsection (11) applies to an order without regard to when the order was issued.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) The court or administrative agency shall require in a child support order that each parent share equally the reasonable work-related child care expenses of the parents.
- (2)
 - (a) If an actual expense for child care is incurred, a parent shall begin paying the parent's share on a monthly basis immediately upon presentation of proof of the child care expense.
 - (b) If the child care expense ceases to be incurred, the parent may suspend making monthly payment of that expense, while the expense is not being incurred, without obtaining a modification of the child support order.
 - (c)
 - (i) In the absence of a court order to the contrary, a parent who incurs child care expense shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.
 - (ii) In the absence of a court order to the contrary, the parent shall notify the other parent of any change of child care provider or the monthly expense of child care within 30 calendar days after the day on which the change occurred.
- (3) The court may deny a parent incurring child care expenses the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with Subsection (2)(c).
- (4)
 - (a) The court or administrative agency shall presume that child care costs should be included in a child support order if a parent, during extended parent-time, is working and actually incurring the child care costs.
 - (b) The presumption under Subsection (4)(a) is rebutted if:
 - (i) the obligor's base child support award, in combination with the award of medical expenses, exceeds 50% of the obligor's adjusted gross income; or

- (ii) by adding the child care costs, the obligor's child support obligation would exceed 50% of the obligor's adjusted gross income.
- (5)
- (a) The court or administrative agency may award child care costs on a case-by-case basis if the child care costs are related to the career and occupational training of the custodial parent or the child care costs would be in the interest of justice.
 - (b) The court or administrative agency may assign financial responsibility in a child support order for all or a portion of child care expenses incurred on behalf of a child due to the employment or training of the custodial parent.
- (6)
- (a) The court or administrative agency may impute a monthly obligation for child care costs when the court imputes income to a parent who is providing child care for the child so that the parties are not incurring child care costs for the child.
 - (b) The court shall apply any monthly obligation imputed under Subsection (6)(a) towards any actual child care costs incurred within the same month for the child.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-210 Award of tax exemption for a child.

- (1) There is no presumption as to which parent should be awarded the right to claim a child as an exemption for federal and state income tax purposes.
- (2) Unless the parties otherwise stipulate in writing, the court shall award in any final order the exemption on a case-by-case basis.
- (3) In awarding the exemption, the court shall consider:
 - (a) as the primary factor, the relative contribution of each parent to the cost of raising the child; and
 - (b) among other factors, the relative tax benefit to each parent.
- (4)
 - (a) Notwithstanding Subsection (3), the court may not award any exemption to a parent if the parent is not current in the parent's child support obligation.
 - (b) If a parent is not current in the parent's child support obligation under Subsection (4)(a), the court may award an exemption to the other parent.
- (5) An exemption may not be awarded to a parent unless the award will result in a tax benefit to that parent.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-211 Reduction for extended parent-time.

- (1) The base child support award is:
 - (a) reduced by 50% for each child for time periods during which the child is with the noncustodial parent by order of the court or by written agreement of the parties for at least 25 of any 30 consecutive days of extended parent-time; or
 - (b) reduced by 25% for each child for time periods during which the child is with the noncustodial parent by order of the court or by written agreement of the parties for at least 12 of any 30 consecutive days of extended parent-time.

- (2) If the child is a client of cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program, the administrative agency shall approve any agreement by the parties for reduction of child support during extended parent-time.
- (3) For purposes of this section, normal parent-time and holiday visits to the custodial parent are not considered extended parent-time.
- (4) For cases receiving child support services in accordance with Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the noncustodial parent shall provide written documentation to the office of the extended parent-time schedule to receive the adjustment under Subsection (1), including the beginning and ending dates, in the form of a court order or a voluntary written agreement between the parties.
- (5) If the noncustodial parent complies with Subsection (4), owes no past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time and the following month, the office shall refund the difference from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due:
 - (a) from current child support received in the month following the month of scheduled extended parent-time; or
 - (b) from current child support received in the month following the month written documentation of the scheduled extended parent-time is provided to the office, whichever occurs later.
- (6) If the noncustodial parent complies with Subsection (4), owes past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time, the office shall apply the difference, from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due, to the past-due support obligation in the case.
- (7) For cases not receiving child support services in accordance with Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the court or the parents shall resolve, without involvement by the office, any potential adjustment of the child support payment during the month of extended visitation or any refund that is due to the noncustodial parent from the custodial parent.
- (8) For purposes of this section, the per child amount to which the abatement applies is calculated by dividing the base child support award by the number of children included in the award.
- (9) The reduction in this section does not apply to parents with joint physical custody obligations calculated in accordance with Section 81-6-206.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-212 Modification of child support order -- Adjustment of child support.

- (1) The amount of prospective child support is equal to the amount granted by a prior child support order unless:
 - (a) there is a substantial change of circumstances on the part of the obligor or obligee as described in this section; or
 - (b) an adjustment is made as described in this section or Section 81-6-213.
- (2) If the prior child support order contains a stipulated provision for the automatic adjustment for prospective child support, the prospective child support is the amount as stated in the order, without a showing of a substantial change of circumstances, if the stipulated provision:

- (a) is clear and unambiguous;
 - (b) is self-executing;
 - (c) provides for child support that equals or exceeds the base child support award required by the child support guidelines; and
 - (d) does not allow a decrease in child support as a result of the obligor's voluntary reduction of income.
- (3)
- (a) A parent, legal guardian, or the office may, at any time, petition the court to adjust the amount of a child support order if there has been a substantial change in circumstances.
 - (b) A change in the child support tables is not a substantial change in circumstances for the purposes of Subsection (3)(a).
 - (c) For purposes of this Subsection (3)(a), a substantial change in circumstances may include:
 - (i) material changes in custody;
 - (ii) material changes in the relative wealth or assets of the parties;
 - (iii) material changes of 30% or more in the income of a parent;
 - (iv) material changes in the employment potential and ability of a parent to earn;
 - (v) material changes in the medical needs of the child; or
 - (vi) material changes in the legal responsibilities of either parent for the support of others.
- (4) Upon receiving a petition under Subsection (3)(a), the court shall, taking into account the best interests of the child:
- (a) determine whether a substantial change has occurred;
 - (b) if a substantial change has occurred, determine whether the change results in a difference of 15% or more between the obligor's ordered support amount and the obligor's support amount that would be required under the child support guidelines; and
 - (c) adjust the obligor's ordered support amount to that which is provided for in the child support guidelines if:
 - (i) there is a difference of 15% or more; and
 - (ii) the difference is not of a temporary nature.
- (5)
- (a) If a child support order has not been issued or modified within the previous three years, a parent, legal guardian, or the office may move the court to adjust the amount of a child support order.
 - (b) Upon receiving a motion under Subsection (5)(a), the court shall, taking into account the best interests of the child:
 - (i) determine whether there is a difference between the obligor's ordered support amount and the obligor's support amount that would be required under the child support guidelines; and
 - (ii) if there is a difference as described in Subsection (5)(b)(i), adjust the obligor's ordered support amount to the obligor's support amount provided in the child support guidelines if:
 - (A) the difference is 10% or more;
 - (B) the difference is not of a temporary nature; and
 - (C) the order adjusting the obligor's ordered support amount does not deviate from the child support guidelines.
 - (c) A showing of a substantial change in circumstances is not necessary for an adjustment under this Subsection (5).

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-213 Adjustment to child support when child becomes emancipated.

- (1) Except as otherwise provided in the child support order, the base child support award is automatically adjusted to the base child support award for the remaining number of children due child support, without the need to modify the most recent child support order by a court, when a child:
 - (a) becomes 18 years old or graduates from high school during the child's normal and expected year of graduation, whichever occurs later;
 - (b) dies, marries, becomes a member of the armed forces of the United States; or
 - (c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.
- (2) The base child support award is adjusted as described in Subsection (1) by using the child support table that was used to establish the most recent child support order and by using the income of the parties as specified in the most recent child support order or the worksheets.
- (3) The base child support award may not be reduced by a per child amount derived from the base child support award originally ordered.
- (4) If the incomes of the parties are not specified in the most recent child support order or the worksheets, the information regarding the incomes is not consistent, or the order deviates from the child support guidelines, the base child support award is not automatically adjusted under Subsection (1) and the child support order will continue until modified by the issuing tribunal.
- (5) If the child support order is deviated and the parties subsequently obtain a court order that adjusts the amount of child support back to the date of the emancipation of the child, the office may not be required to repay any difference in the child support collected during the interim.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-214 Accountability of support provided to benefit child -- Accounting.

- (1) The court or administrative agency that issues the initial or modified order for child support may, upon the petition of the obligor, order prospectively the obligee to furnish an accounting of amounts provided for the child's benefit to the obligor, including an accounting or receipts.
- (2) The court or administrative agency may prescribe the frequency and the form of the accounting, including receipts.
- (3) The obligor may petition for the accounting only if current on all child support that has been ordered.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

**Part 3
Child Support Tables**

Effective 9/1/2024

81-6-301 Definitions for part.

Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024**81-6-302 Base combined child support obligation table -- Both parents -- Child support orders entered before January 1, 2023.**

The table in this section is used to:

- (1) establish a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;
- (2) modify a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;
- (3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or
- (4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010, but before January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
726 -	750	138	245	286	319	351	382
751 -	775	141	252	294	328	360	392
776 -	800	146	259	301	336	370	402
801 -	825	151	265	309	345	379	412
826 -	850	155	272	317	353	389	423
851 -	875	160	279	324	362	398	433
876 -	900	165	285	332	370	407	443
901 -	925	169	292	340	379	417	453
926 -	950	174	299	348	387	426	464
951 -	975	179	305	355	396	436	474
976 -	1,000	183	312	363	405	445	484
1,001 -	1,050	193	322	374	417	459	500
1,051 -	1,100	201	335	390	435	478	520
1,101 -	1,150	210	348	405	452	497	541
1,151 -	1,200	220	362	420	469	516	561
1,201 -	1,250	229	375	436	486	535	582
1,251 -	1,300	238	388	451	503	553	602
1,301 -	1,350	248	401	467	520	572	623
1,351 -	1,400	256	414	481	536	590	642

1,401 -	1,450	265	426	495	552	607	661
1,451 -	1,500	275	438	510	568	625	680
1,501 -	1,550	284	451	524	584	643	699
1,551 -	1,600	293	463	538	600	660	718
1,601 -	1,650	303	476	553	616	678	737
1,651 -	1,700	311	488	567	632	695	757
1,701 -	1,750	320	500	581	648	713	776
1,751 -	1,800	330	513	596	664	731	795
1,801 -	1,850	339	525	610	680	748	814
1,851 -	1,900	348	538	624	696	766	833
1,901 -	1,950	358	550	638	712	783	852
1,951 -	2,000	366	562	652	727	800	870
2,001 -	2,100	385	580	673	750	825	898
2,101 -	2,200	399	604	701	781	859	935
2,201 -	2,300	410	628	728	812	893	972
2,301 -	2,400	420	652	756	843	927	1,009
2,401 -	2,500	431	676	784	874	961	1,046
2,501 -	2,600	443	700	811	904	995	1,082
2,601 -	2,700	453	723	838	934	1,028	1,118
2,701 -	2,800	464	747	865	964	1,060	1,154
2,801 -	2,900	475	770	891	994	1,093	1,189
2,901 -	3,000	485	794	918	1,024	1,126	1,225
3,001 -	3,100	496	817	945	1,054	1,159	1,261
3,101 -	3,200	508	838	970	1,081	1,189	1,294
3,201 -	3,300	518	859	994	1,108	1,219	1,326
3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548

4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665
4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878
5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894
5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005
6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023
6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159

7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620

10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088

13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457

16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781

20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872

84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-303 Low income table -- Obligor parent only -- Child support orders entered before January 1, 2023.

The table in this section is used to:

- (1) establish a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;
- (2) modify a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;
- (3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or
- (4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010, but before January 1, 2025.

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
0 -	649	30	30	30	30	30	30
650 -	675	30	30	30	30	31	31
676 -	700	58	60	60	61	61	62
701 -	725	88	88	90	91	92	92
726 -	750	117	118	119	120	122	123
751 -	775		148	149	151	153	155
776 -	800		178	179	182	183	186
801 -	825		207	209	212	214	216
826 -	850		236	239	242	244	247

851 -	875		266	269	272	275	278
876 -	900			299	303	305	309
901 -	925			329	333	337	339
926 -	950				363	366	370
951 -	975				393	398	402
976 -	1,000					428	433
1,001 -	1,050						494

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-304 Based combined child support obligation table -- Both parents -- Child support orders entered on or after January 1, 2023.

The following table is used to:

- (1) establish a child support order entered for the first time on or after January 1, 2023;
- (2) modify a child support order entered for the first time on or after January 1, 2023;
- (3) modify a temporary judicial child support order established on or before December 31, 2022, if the new order is entered on or after January 1, 2023; or
- (4) modify a final child support order entered on or before December 31, 2022, if the modification is made on or after January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
1,951 -	2,000	366					
2,001 -	2,100	385					
2,101 -	2,200	399					
2,201 -	2,300	410	628	728			
2,301 -	2,400	420	652	756	843	927	
2,401 -	2,500	431	676	784	874	961	1,046
2,501 -	2,600	443	700	811	904	995	1,082
2,601 -	2,700	453	723	838	934	1,028	1,118
2,701 -	2,800	464	747	865	964	1,060	1,154
2,801 -	2,900	475	770	891	994	1,093	1,189
2,901 -	3,000	485	794	918	1,024	1,126	1,225
3,001 -	3,100	496	817	945	1,054	1,159	1,261

3,101 -	3,200	508	838	970	1,081	1,189	1,294
3,201 -	3,300	518	859	994	1,108	1,219	1,326
3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665
4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878
5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894
5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005
6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023

6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453

9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967

12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365

15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690

19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072

66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-305 Low income table -- Obligor parent only -- Child support orders entered on or after January 1, 2023.

The following table is used to:

- (1) establish a child support order entered for the first time on or after January 1, 2023;
- (2) modify a child support order entered for the first time on or after January 1, 2023;
- (3) modify a temporary judicial child support order established on or before December 31, 2022, if the new order is entered on or after January 1, 2023; or
- (4) modify a final child support order entered on or before December 31, 2022, if the modification is made on or after January 1, 2025.

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
0 -	50	30	30	30	30	30	30
51 -	100	30	40	50	50	50	50

101 -	150	30	50	75	75	75	75
151 -	750	30	55	75	90	100	105
751 -	1,256	60	111	151	181	201	211
1,257 -	1,270	75	138	189	226	251	264
1,271 -	1,280	76	140	191	229	254	267
1,281 -	1,290	77	141	192	231	256	269
1,291 -	1,300	77	142	194	232	258	271
1,301 -	1,310	78	143	195	234	260	273
1,311 -	1,320	79	144	197	236	262	275
1,321 -	1,330	79	145	198	238	264	277
1,331 -	1,340	80	146	200	240	266	280
1,341 -	1,350	80	148	201	241	268	282
1,351 -	1,360	95	162	216	257	284	297
1,361 -	1,370	95	163	218	259	286	299
1,371 -	1,380	96	165	219	260	288	302
1,381 -	1,390	97	166	221	262	290	304
1,391 -	1,400	97	167	223	264	292	306
1,401 -	1,410	98	168	224	266	294	308
1,411 -	1,420	113	183	240	282	310	325
1,421 -	1,430	114	185	242	284	313	327
1,431 -	1,440	114	186	243	286	315	329
1,441 -	1,450	115	187	245	288	317	331
1,451 -	1,460	116	189	247	290	319	334
1,461 -	1,470	131	205	263	307	336	351
1,471 -	1,480	132	206	265	309	338	353
1,481 -	1,490	133	207	267	311	341	355
1,491 -	1,500	134	209	268	313	343	358
1,501 -	1,510	135	210	270	315	345	360
1,511 -	1,520	151	227	287	332	363	378
1,521 -	1,530	152	228	289	335	365	380
1,531 -	1,540	153	230	291	337	367	383
1,541 -	1,550	154	231	293	339	370	385

1,551 -	1,560	155	233	295	341	372	388
1,561 -	1,570	172	250	312	359	390	406
1,571 -	1,580	173	251	314	361	393	408
1,581 -	1,590	174	253	316	364	395	411
1,591 -	1,600	175	255	318	366	398	414
1,601 -	1,610	176	256	320	368	400	416
1,611 -	1,620	193	274	338	387	419	435
1,621 -	1,630	195	276	340	389	421	438
1,631 -	1,640	196	277	343	391	424	440
1,641 -	1,650	197	279	345	394	427	443
1,651 -	1,660	198	281	347	396	429	446
1,661 -	1,670	216	299	365	415	448	465
1,671 -	1,680	217	301	368	418	451	468
1,681 -	1,690	219	303	370	420	454	471
1,691 -	1,700	220	304	372	423	457	473
1,701 -	1,710	221	306	374	425	459	476
1,711 -	1,720	240	325	394	445	479	496
1,721 -	1,730	241	327	396	447	482	499
1,731 -	1,740	242	329	398	450	485	502
1,741 -	1,750	244	331	400	453	487	505
1,751 -	1,760	245	333	403	455	490	508
1,761 -	1,770	264	352	423	475	511	528
1,771 -	1,780	266	354	425	478	514	531
1,781 -	1,790	267	356	427	481	516	534
1,791 -	1,800	269	358	430	484	519	537
1,801 -	1,810	270	360	432	486	522	540
1,811 -	1,820	290	380	453	507	543	561
1,821 -	1,830	291	382	455	510	546	565
1,831 -	1,840	293	385	458	513	549	568
1,841 -	1,850	295	387	460	515	552	571
1,851 -	1,860	296	389	463	518	555	574
1,861 -	1,870	316	409	484	540	577	596

1,871 -	1,880	318	412	486	543	580	599
1,881 -	1,890	320	414	489	545	583	602
1,891 -	1,900	321	416	492	548	586	605
1,901 -	1,910	323	418	494	551	589	608
1,911 -	1,920	344	440	516	573	612	631
1,921 -	1,930	346	442	519	576	615	634
1,931 -	1,940	348	444	521	579	618	637
1,941 -	1,950	349	446	524	582	621	641
1,951 -	1,960	351	449	527	585	624	644
1,961 -	1,970		471	549	608	647	667
1,971 -	1,980		473	552	611	650	670
1,981 -	1,990		475	555	614	654	674
1,991 -	2,000		478	557	617	657	677
2,001 -	2,050		480	560	620	660	680
2,051 -	2,100		513	595	656	697	718
2,101 -	2,150		546	630	693	735	756
2,151 -	2,200		581	667	731	774	796
2,201 -	2,250		616	704	770	814	836
2,251 -	2,300				810	855	878
2,301 -	2,350					897	920
2,351 -	2,400						964
2,401 -	2,450						1,008

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 4
Child Support Guidelines Advisory Committee

Effective 9/1/2024

81-6-401 Definitions for part.

As used in this part, "advisory committee" means the Child Support Guidelines Advisory Committee.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-402 Creation of advisory committee.

- (1)
 - (a) There is created the advisory committee known as the "Child Support Guidelines Advisory Committee."
 - (b) The governor shall appoint the 11 members of the advisory committee as follows:
 - (i) one representative recommended by the Office of Recovery Services;
 - (ii) one representative recommended by the Judicial Council;
 - (iii) two representatives recommended by the Utah State Bar Association;
 - (iv) two representatives of noncustodial parents;
 - (v) two representatives of custodial parents;
 - (vi) one representative with expertise in economics; and
 - (vii) two representatives from diverse interests related to child support issues and who are not members of the Utah State Bar Association, as the governor may consider appropriate.
- (2)
 - (a) The term of a member of the advisory committee is four years.
 - (b) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term of the member.
 - (c) The governor may appoint a member of the advisory committee to more than one term.
- (3)
 - (a) Six members of the advisory committee constitute a quorum.
 - (b) The vote of a majority of a quorum present is an action of the advisory committee.
- (4) The advisory committee shall elect two members to serve as cochair of the advisory committee for a term of one year.
- (5) The advisory committee shall meet at the time and place designated by the cochair.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-403 Duties -- Report -- Staff.

- (1) The advisory committee shall review the child support guidelines to ensure the application of the guidelines results in the determination of appropriate child support award amounts.
- (2) The advisory committee shall submit, in accordance with Section 68-3-14, a written report to the Judiciary Interim Committee on or before October 1, 2021, and then on or before October 1 of every fourth year subsequently.
- (3) The advisory committee's report shall include recommendations of the majority of the advisory committee, as well as specific recommendations of individual members of the advisory committee.
- (4) Staff for the advisory committee shall be provided from the existing budget of the Department of Health and Human Services.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-6-404 Expenses for per diem and travel.

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and

(3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Chapter 7 Payment and Enforcement of Spousal and Child Support

Effective 9/1/2024

81-7-101 Definitions for chapter.

As used in this chapter:

- (1) "Alimony" means the same as that term is defined in Section 81-4-101.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.
- (3) "Child support services" means the same as that term is defined in Section 26B-9-101.
- (4) "Obligee" means the same as that term is defined in Section 81-6-101.
- (5) "Obligor" means the same as that term is defined in Section 81-6-101.
- (6) "Support order" means the same as that term is defined in Section 81-6-101.
- (7) "Tribunal" means the same as that term is defined in Section 81-6-101.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

81-7-102 Payment under child support or alimony order -- Judgment.

- (1) All monthly payments of child support and alimony are due on the 1st day of each month in accordance with Title 26B, Chapter 9, Recovery Services and Administration of Child Support.
- (2) For purposes of child support services and income withholding described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the 1st day of the following month.
- (3) For purposes other than those specified in Subsection (1), child support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month, unless the order or decree provides for a different time for payment.
- (4) Each payment or installment of child support or alimony under any support order is, on and after the date the payment or installment is due:
 - (a) a judgment with the same attributes and effect of any judgment of a district court, except as provided in Subsection (5);
 - (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction; and
 - (c) not subject to retroactive modification by this or any other jurisdiction, except as provided in Subsection (5).
- (5)
 - (a) A child support or alimony payment under a support order may be modified with respect to any period during which a modification is pending, but only from the date of service of the pleading on:
 - (i) the obligee if the obligor is the petitioner; or
 - (ii) the obligor if the obligee is the petitioner.

- (b) If the tribunal orders that the support order should be modified, the effective date of the modification shall be the month following service on the party whose support is affected.
 - (c) Once the tribunal determines that a modification is appropriate, the tribunal shall order a judgment to be entered for any difference in the original order and the modified amount for the period from the service of the pleading until the final order of modification is entered.
- (6) The judgment provided for in Subsection (4)(a), to be effective and enforceable as a lien against the real property interest of any third party relying on the public record, shall be docketed in the district court in accordance with Sections 78B-5-202 and 26B-9-214.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-7-103 Collection fee for past due child support or alimony.

- (1) As used in this section:
- (a) "Debtor" means a person obligated or allegedly obligated to pay a domestic relations debt.
 - (b) "Domestic relations debt" means an obligation or alleged obligation to pay past due child support or alimony.
- (2)
- (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:
 - (i) the court issues a judgment requiring the payment of a domestic relations debt by the debtor;
 - (ii) imposing a collection fee on the debtor or in relation to the domestic relations debt is not prohibited or otherwise restricted by another federal or state law; and
 - (iii) the person owed the domestic relations debt has a contingency arrangement with an attorney to collect the domestic relations debt.
 - (b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:
 - (i) the principal amount due;
 - (ii) applicable interest;
 - (iii) a collection fee equal to the amount provided in the contingency agreement, except that the collection fee may not exceed the lesser of:
 - (A) the actual amount the person owed the domestic relations debt is required to pay for collection costs, regardless of whether that amount is a specific dollar amount or a percentage of the principal amount owed for the domestic relations debt; or
 - (B) 40% of the principal amount owed to the person for the domestic relations debt;
 - (iv) reasonable attorney fees; and
 - (v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).
- (3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred at the time the person owed a domestic relations debt enters into an agreement with an attorney to collect the domestic relations debt.
- (4) An obligation to pay a collection fee imposed under this section is in addition to any obligation to pay reasonable attorney fees that may exist.
- (5) The Office of Recovery Services may not collect an order issued pursuant to Subsection (2).

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Chapter 8

Uniform Interstate Family Support Act

Effective 9/1/2024
81-8-101 Reserved.
Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

Chapter 9 Custody, Parent-Time, and Visitation

Effective 9/1/2024

Part 1 General Provisions

Effective 9/1/2024

81-9-101 Definitions for chapter.

As used in this chapter:

- (1) "Abuse" means the same as that term is defined in Section 80-1-102.
- (2)
 - (a) "Custodial responsibility" means all powers and duties relating to caretaking authority and decision-making authority for a minor child.
 - (b) "Custodial responsibility" includes physical custody, legal custody, parenting time, right to access, parent-time, and authority to grant limited contact with a minor child.
- (3) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (4) "Joint legal custody" means the sharing of the rights, privileges, duties, and powers of a parent by both parents, where specified.
- (5) "Joint physical custody" means the minor child stays with each parent overnight for more than 30% of the year and both parents contribute to the expenses of the minor child in addition to paying child support.
- (6)
 - (a) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the minor child.
 - (b) "Parenting functions" include:
 - (i) maintaining a loving, stable, consistent, and nurturing relationship with the minor child;
 - (ii) attending to the daily needs of the minor child, such as feeding, clothing, physical care, grooming, supervision, health care, day care, and engaging in other activities which are appropriate to the developmental level of the minor child and that are within the social and economic circumstances of the particular family;
 - (iii) attending to adequate education for the minor child, including remedial or other education essential to the best interest of the minor child;
 - (iv) assisting the minor child in developing and maintaining appropriate interpersonal relationships;
 - (v) exercising appropriate judgment regarding the minor child's welfare, consistent with the minor child's developmental level and family social and economic circumstances; and

- (vi) providing for the financial support of the minor child.
- (7)
 - (a) "Parenting plan" means a plan for parenting a minor child.
 - (b) "Parenting plan" includes the allocation of parenting functions that are incorporated in any final decree or decree of modification including an action for dissolution of marriage, annulment, legal separation, or paternity.
- (8) "Protective order" means:
 - (a) a civil protective order, as that term is defined in Section 78B-7-102;
 - (b) an ex parte civil protective order, as that term is defined in Section 78B-7-102; or
 - (c) a foreign protection order, as that term is defined in Section 78B-7-302.
- (9) "Psychological maltreatment" means a repeated pattern or extreme incident of caretaker behavior that:
 - (a) intentionally thwarts a minor child's basic psychological needs, including physical and psychological safety, cognitive stimulation, and respect;
 - (b) conveys that a minor child is worthless, defective, or expendable; and
 - (c) may terrorize a minor child.
- (10) "Service member" means a member of a uniformed service.
- (11) "Sexual abuse" means the same as that term is defined in Section 80-1-102.
- (12) "Supervised parent-time" means parent-time that requires the noncustodial parent to be accompanied during parent-time by an individual approved by the court.
- (13) "Surrogate care" means care by any individual other than the parent of the minor child.
- (14) "Uniformed service" means:
 - (a) active and reserve components of the United States Armed Forces;
 - (b) the United States Merchant Marine;
 - (c) the commissioned corps of the United States Public Health Service;
 - (d) the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (e) the National Guard of a state.
- (15) "Uninterrupted time" means parent-time exercised by one parent without interruption at any time by the presence of the other parent.
- (16) "Virtual parent-time" means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media, to supplement in-person visits between a noncustodial parent and a minor child or between a minor child and the custodial parent when the minor child is staying with the noncustodial parent.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-102 Expedited Parent-time Enforcement Program.

- (1) As used in this section:
 - (a) "Mediator" means a person who:
 - (i) is qualified to mediate parent-time disputes under criteria established by the Administrative Office of the Courts; and
 - (ii) agrees to follow billing guidelines established by the Administrative Office of the Courts and this section.
 - (b) "Services to facilitate parent-time" or "services" means services designed to assist families in resolving parent-time problems through:

- (i) counseling;
 - (ii) supervised parent-time;
 - (iii) neutral drop-off and pick-up;
 - (iv) educational classes; and
 - (v) other related activities.
- (2) The Administrative Office of the Courts shall administer an Expedited Parent-time Enforcement Program in the third judicial district.
- (3)
- (a) If a parent files a motion in the third district court alleging that court-ordered parent-time rights are being violated, the clerk of the court, after assigning the case to a judge, shall refer the case to the administrator of this program for assignment to a mediator, unless a parent is incarcerated or otherwise unavailable.
 - (b) Unless the court rules otherwise, a parent residing outside of the state is not unavailable.
 - (c) The director of the program for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.
 - (d) Upon receipt of a case, the mediator shall:
 - (i) meet with the parents to address parent-time issues within 15 days of the motion being filed;
 - (ii) assess the situation;
 - (iii) facilitate an agreement on parent-time between the parents; and
 - (iv) determine whether a referral to a service provider under Subsection (3)(e) is warranted.
 - (e) While a case is in mediation, a mediator may refer the parents to a service provider designated by the Department of Health and Human Services for services to facilitate parent-time if:
 - (i) the services may be of significant benefit to the parents; or
 - (ii)
 - (A) a mediated agreement between the parents is unlikely; and
 - (B) the services may facilitate an agreement.
 - (f) At any time during mediation, a mediator shall terminate mediation and transfer the case to the administrator of the program for referral to the court to whom the case was assigned under Subsection (3)(a) if:
 - (i) a written agreement between the parents is reached; or
 - (ii) the parents are unable to reach an agreement through mediation and:
 - (A) the parents have received services to facilitate parent-time;
 - (B) both parents object to receiving services to facilitate parent-time; or
 - (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.
 - (g) Upon receiving a case from the administrator of the program, a court may:
 - (i) review the agreement of the parents and, if acceptable, sign it as an order;
 - (ii) order the parents to receive services to facilitate parent-time;
 - (iii) proceed with the case; or
 - (iv) take other appropriate action.
- (4)
- (a) If a parent makes a particularized allegation of physical or sexual abuse of a minor child who is the subject of a parent-time order against the other parent or a member of the other parent's household to a mediator or service provider, the mediator or service provider shall immediately report that information to:
 - (i) the court, which may immediately issue orders and take other appropriate action to resolve the allegation and protect the minor child; and

- (ii) the Division of Child and Family Services within the Department of Health and Human Services in the manner required by Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports.
 - (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time rights or a member of that parent's household, parent-time by that parent shall, pursuant to an order of the court, be supervised until:
 - (i) the allegation has been resolved; or
 - (ii) a court orders otherwise.
 - (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to mediate parent-time problems and a service provider may continue to provide services to facilitate parent-time unless otherwise ordered by a court.
- (5)
- (a) The Department of Health and Human Services may contract with one or more entities in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to provide:
 - (i) services to facilitate parent-time;
 - (ii) case management services; and
 - (iii) administrative services.
 - (b) An entity who contracts with the Department of Health and Human Services under Subsection (5)(a) shall:
 - (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and
 - (ii) agree to follow billing guidelines established by the Department of Health and Human Services and this section.
- (6)
- (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:
 - (i) reduced to a sum certain;
 - (ii) divided equally between the parents; and
 - (iii) charged against each parent taking into account the ability of that parent to pay under billing guidelines adopted in accordance with this section.
 - (b) A court may order a parent to pay an amount in excess of that provided for in Subsection (6)
 - (a) if the parent:
 - (i) failed to participate in good faith in mediation or services to facilitate parent-time; or
 - (ii) made an unfounded assertion or claim of physical or sexual abuse of a minor child.
 - (c)
 - (i) The cost of mediation and services to facilitate parent-time may be charged to parents at periodic intervals.
 - (ii) Mediation and services to facilitate parent-time may only be terminated on the ground of nonpayment if both parents are delinquent.
- (7)
- (a) The Judicial Council may make rules to implement and administer the provisions of this program related to mediation.
 - (b) The Department of Health and Human Services may make rules to implement and administer the provisions of this program related to services to facilitate parent-time.
- (8)
- (a)
 - (i) The Administrative Office of the Courts shall adopt outcome measures to evaluate the effectiveness of the mediation component of this program.
 - (ii) The Administrative Office of the Courts shall provide progress reports to the Judiciary Interim Committee as requested by the committee.

- (b)
 - (i) The Department of Health and Human Services shall adopt outcome measures to evaluate the effectiveness of the services component of this program.
 - (ii) The Department of Health and Human Services shall provide progress reports to the Judiciary Interim Committee as requested by the committee.
- (c) The Administrative Office of the Courts and the Department of Health and Human Services may adopt joint outcome measures and file joint reports to satisfy the requirements of Subsections (8)(a) and (b).
- (9) The Department of Health and Human Services shall, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, apply for federal funds as available.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-103 Mandatory parenting course for parties in a divorce or parentage action.

- (1) The Judicial Council shall approve and implement:
 - (a) a mandatory parenting course in all judicial districts for married parties in a divorce action determining issues of child custody and parent-time; and
 - (b) a mandatory parenting course in all judicial districts for unmarried parties in a parentage action determining issues of child custody and parent-time.
- (2) The Judicial Council shall adopt rules to implement and administer the mandatory parenting courses described in Subsection (1).
- (3) The mandatory parenting courses shall educate and sensitize parties to the needs of the parties' minor child during and after the court process, including instructing the parties:
 - (a) about the impact of the court process, and its outcome, on:
 - (i) the minor child;
 - (ii) the family relationship; and
 - (iii) the financial responsibilities of the parties to the minor child; and
 - (b) that domestic violence has a harmful effect on a minor child and family relationships.
- (4)
 - (a) The mandatory parenting course may be provided through live instruction, video instruction, or an online provider.
 - (b) The online and video options under Subsection (4)(a) must be formatted as interactive presentations that ensure active participation and learning by the party.
- (5)
 - (a) The Administrative Office of the Courts shall administer the mandatory parenting courses, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts.
 - (b) The contracts shall provide for the recoupment of administrative expenses through the costs charged to individual parties as described in Subsection (7).
- (6) A certificate of completion constitutes evidence to the court of completion of a parenting course under this section by the parties.
- (7)
 - (a) Each party shall pay the cost of the parenting course to the independent contractor providing the course at the time and place of the course.
 - (b) A fee of \$8 shall be collected, as part of a parenting course fee paid by each participant, and deposited in the Children's Legal Defense Account, described in Section 51-9-408.

- (c) Each party who is unable to pay the cost of a parenting course may attend the parenting course, without payment, upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the court in accordance with Section 78A-2-302.
 - (d) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to reimburse an independent contractor for the costs of a party who is unable to pay for a parenting course under Subsection (7)(c).
- (8) The Administrative Office of the Courts shall:
- (a) adopt a program to evaluate the effectiveness of the mandatory parenting courses; and
 - (b) provide progress reports to the Judiciary Interim Committee if requested.

Effective 9/1/2024

81-9-104 Expert evidence -- Violence or abuse findings -- Child relationship and reunification.

(1) As used in this section:

- (a)
 - (i) "Child custody proceeding" means a civil proceeding between the parents of a minor child that involves the care or custody of the minor child, including proceedings involving:
 - (A) divorce;
 - (B) separation;
 - (C) parent-time;
 - (D) paternity;
 - (E) child support; or
 - (F) legal or physical custody of the minor child.
 - (ii) "Child custody proceeding" does not include:
 - (A) a child protective, abuse, or neglect proceeding;
 - (B) a juvenile justice proceeding; or
 - (C) a child placement proceeding in which a state, local, or tribal government, a designee of such a government, or any contracted child welfare agency or child protective services agency of such a government is a party to the proceeding.
- (b) "Forensic" means professional activities undertaken pursuant to a court order or for use in litigation, including the evaluation or treatment of a parent, minor child, or other individual who is involved in a child custody proceeding.
- (c) "Reunification treatment" means a treatment or therapy aimed at reuniting or reestablishing a relationship between a minor child and an estranged or rejected parent or other family member of the minor child.

(2) In a child custody proceeding, if a parent is alleged to have committed domestic violence or abuse, including sexual abuse:

- (a) the court may admit expert evidence from a court-appointed or outside professional relating to alleged domestic violence or abuse only if the professional possesses demonstrated expertise and adequate experience in working with victims of domestic violence or abuse, including sexual abuse, that is not solely of a forensic nature; and
- (b) in making a finding regarding an allegation of domestic violence or abuse, including sexual abuse, the court shall consider evidence of past domestic violence, sexual violence, or abuse committed by the accused parent, including:
 - (i) any past or current protective order against the accused parent; or
 - (ii) any charge, arrest, or conviction of the accused parent for domestic violence, sexual violence, or abuse.

- (3) Subsection (2) does not preclude the court from:
 - (a) admitting expert evidence, subject to rules of evidence, from a court-appointed or outside professional relating to issues other than alleged domestic violence or abuse; or
 - (b) admitting evidence, subject to rules of evidence, that is discovered or otherwise becomes available through treatment or therapy after the court enters an order of custody or parent-time.
- (4) As part of a child custody proceeding, a court may not, solely in order to improve a deficient relationship between a parent and a minor child, including in the context of reunification treatment:
 - (a) remove the minor child from a parent or litigating party:
 - (i) who is competent and not physically or sexually abusive; and
 - (ii) with whom the minor child is bonded; or
 - (b) restrict reasonable contact between the minor child and a parent or litigating party:
 - (i) who is competent and not physically or sexually abusive; and
 - (ii) with whom the minor child is bonded.
- (5) As part of a child custody proceeding where the court has reasonable cause to believe that there is domestic violence, child abuse, or an ongoing risk to the child:
 - (a) a court may not order a reunification treatment or program unless there is generally accepted proof:
 - (i) of the physical and psychological safety, effectiveness, and therapeutic value of the reunification treatment; and
 - (ii) that the reunification treatment is not associated with causing harm to a child;
 - (b) a court may not order a reunification treatment that is predicated on cutting off a minor child from a parent:
 - (i) who is competent and not physically or sexually abusive; and
 - (ii) with whom the minor child is bonded;
 - (c) any order to remediate the resistance of a minor child to have contact with a violent or abusive parent shall primarily address the behavior of that parent or the contributions of that parent to the resistance of the minor child; and
 - (d) any order to a parent who meets the criteria in Subsections (5)(b)(i) and (ii), and that requires the parent to take steps to potentially improve the minor child's relationship with a violent or abusive parent, shall:
 - (i) prioritize the minor child's physical and psychological safety and needs; and
 - (ii) be narrowly tailored to address specific behavior.
- (6) Subject to Subsection (4), Subsection (5) does not preclude the court from ordering mental health treatment by a licensed mental health professional that is generally accepted by and meets the standards of practice for mental health professions if:
 - (a) the court does not have reasonable cause to believe that there is domestic violence, child abuse, or an ongoing risk to the child; and
 - (b) the treatment does not pose a risk to the child or parent.

Enacted by Chapter 453, 2024 General Session

Effective 9/1/2024

Part 2
Custody and Parent-time Between Parents

Effective 9/1/2024

81-9-201 Definitions for part.

Reserved.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern a custody and parent-time arrangement between parents.
- (2) A parent-time schedule mutually agreed upon by both parents is preferable to a court-imposed solution.
- (3) A parent-time schedule shall be used to maximize the continuity and stability of the minor child's life.
- (4) Each parent shall give special consideration to make the minor child available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the minor child or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- (5)
 - (a) The court shall determine the responsibility for the pick up, delivery, and return of the minor child when the parent-time order is entered.
 - (b) The court may change the responsibility described in Subsection (5)(a) at any time a subsequent modification is made to the parent-time order.
 - (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
 - (i) have the minor child ready for parent-time at the time the minor child is to be picked up ; and
 - (ii) be present at the custodial home or make reasonable alternate arrangements to receive the minor child at the time the minor child is returned.
 - (d) If the custodial parent will be transporting the minor child, the noncustodial parent shall:
 - (i) be at the appointed place at the time the noncustodial parent is to receive the minor child; and
 - (ii) have the minor child ready to be picked up at the appointed time and place or have made reasonable alternate arrangements for the custodial parent to pick up the minor child.
- (6) A parent may not interrupt regular school hours for a school-age minor child for the exercise of parent-time.
- (7) The court may:
 - (a) make alterations in the parent-time schedule to reasonably accommodate the work schedule of both parents; and
 - (b) increase the parent-time allowed to the noncustodial parent but may not diminish the standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- (8) The court may make alterations in the parent-time schedule to reasonably accommodate the distance between the parties and the expense of exercising parent-time.
- (9) A parent may not withhold parent-time or child support due to the other parent's failure to comply with a court-ordered parent-time schedule.
- (10)

- (a) The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the minor child is participating or being honored.
 - (b) The noncustodial parent is entitled to attend and participate fully in the functions described in Subsection (10)(a).
 - (c) The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records.
 - (d) A parent shall immediately notify the other parent in the event of a medical emergency.
- (11) Each parent shall provide the other with the parent's current address and telephone number, email address, and other virtual parent-time access information within 24 hours of any change.
- (12)
- (a) Each parent shall permit and encourage, during reasonable hours, reasonable and uncensored communications with the minor child, in the form of mail privileges and virtual parent-time if the equipment is reasonably available.
 - (b) If the parents cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available by taking into consideration:
 - (i) the best interests of the minor child;
 - (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (iii) any other factors the court considers material.
- (13)
- (a) Parental care is presumed to be better care for the minor child than surrogate care.
 - (b) The court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the minor child, to provide the child care.
 - (c) Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.
- (14) Each parent shall:
- (a) provide all surrogate care providers with the name, current address, and telephone number of the other parent; and
 - (b) provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers unless the court for good cause orders otherwise.
- (15)
- (a) Each parent is entitled to an equal division of major religious holidays celebrated by the parents.
 - (b) The parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the minor child on the religious holiday.
- (16) If the minor child is on a different parent-time schedule than a sibling, based on Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for parent-time with all the minor children so that parent-time is uniform between school aged and nonschool aged children, is appropriate.
- (17)
- (a) When one or both parents are servicemembers or contemplating joining a uniformed service, the parents should resolve issues of custodial responsibility in the event of deployment as soon as practicable through reaching a voluntary agreement pursuant to Section 78B-20-201 or through court order obtained pursuant to this part.
 - (b) Service members shall ensure their family care plan reflects orders and agreements entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and Visitation Act.

- (18) A parent shall immediately notify the other parent if:
- (a) the parent resides with an individual or provides an individual with access to the minor child; and
 - (b) the parent knows that the individual:
 - (i) is required to register as a sex offender or a kidnap offender for an offense against a minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;
 - (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse Offender Registry; or
 - (iii) has been convicted of:
 - (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114, or 76-5-208;
 - (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses;
 - (C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
 - (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation Act; or
 - (E) an offense that is substantially similar to an offense under Subsections (18)(b)(iii)(A) through (D).
- (19)
- (a) For emergency purposes, whenever the minor child travels with a parent, the parent shall provide the following information to the other parent:
 - (i) an itinerary of travel dates;
 - (ii) destinations;
 - (iii) places where the minor child or traveling parent can be reached; and
 - (iv) the name and telephone number of an available third person who would be knowledgeable of the minor child's location.
 - (b) Unchaperoned travel of a minor child under the age of five years is not recommended.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-203 Custody and parent-time proceedings -- Requirements for parenting plan.

- (1) In a custody or parent-time proceeding that is not a divorce action, the court may require the parents to attend the mandatory educational course described in Section 81-4-106.
- (2)
 - (a) In a proceeding between parents regarding the custody or parent-time for a minor child, the parent shall file and serve a proposed parenting plan at the time of the filing of the parent's original petition or at the time of filing the parent's answer or counterclaim.
 - (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting plan, the parent shall file the proposed parenting plan with the petition to modify or the answer or counterclaim to the petition to modify.
 - (c) A parent who desires joint legal custody shall file a proposed parenting plan in accordance with this section.
- (3) If a parent files a proposed parenting plan in compliance with this section, the parent may move the court for an order of default to adopt the plan if the other parent fails to file a proposed parenting plan as required by this section.
- (4) A parent may file and serve an amended proposed parenting plan according to the Utah Rules of Civil Procedure.

- (5) The parent submitting a proposed parenting plan shall attach a verified statement that the plan is proposed by that parent in good faith.
- (6)
 - (a) Both parents may submit a parenting plan which has been agreed upon.
 - (b) The parents shall attach a verified statement to the parenting plan that is signed by both parents.
- (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad litem to represent the best interests of the minor child, who may, if necessary, file a separate parenting plan reflecting the best interests of the minor child.
- (8)
 - (a) If a parent is a service member, the parenting plan shall be consistent with Subsection (16).
 - (b) If a parent becomes a service member after a parenting plan is adopted, the parents shall amend the existing parenting plan as soon as practical to comply with Subsection (16).
- (9) The objectives of a parenting plan are to:
 - (a) provide for the minor child's physical care;
 - (b) maintain the minor child's emotional stability;
 - (c) provide for the minor child's changing needs as the minor child grows and matures in a way that minimizes the need for future modifications to the parenting plan;
 - (d) set forth the authority and responsibilities of each parent with respect to the minor child consistent with the definitions outlined in this chapter;
 - (e) minimize the minor child's exposure to harmful parental conflict;
 - (f) encourage the parents, where appropriate, to meet the responsibilities to their minor child through agreements in the parenting plan rather than relying on judicial intervention; and
 - (g) protect the best interests of the minor child.
- (10)
 - (a) The parenting plan shall contain:
 - (i) provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the minor child;
 - (ii) provisions addressing notice and parent-time responsibilities in the event of the relocation of a party; and
 - (iii) a process for resolving disputes, unless precluded or limited by statute.
 - (b) A dispute resolution process under Subsection (10)(a)(iii) may include:
 - (i) counseling;
 - (ii) mediation or arbitration by a specified individual or agency; or
 - (iii) court action.
 - (c) In the dispute resolution process under Subsection (10)(b):
 - (i) preference shall be given to the provisions in the parenting plan;
 - (ii) parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;
 - (iii) a written record shall be prepared of any agreement reached in counseling or mediation and provided to each party;
 - (iv) if arbitration becomes necessary, a written record shall be prepared and a copy of the arbitration award shall be provided to each party;
 - (v) if the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney fees and financial sanctions to the prevailing parent;
 - (vi) the district court has the right of review from the dispute resolution process; and
 - (vii) the provisions of this Subsection (10)(c) shall be set forth in any final decree or order.

(11)

- (a) Subject to the other provisions of this Subsection (11), the parenting plan shall allocate decision-making authority to one or both parties regarding the minor child's education, healthcare, and religious upbringing.
- (b) The parties may incorporate an agreement related to the care and growth of the minor child in these specified areas or in other areas into the plan that are consistent with parenting functions and the criteria outlined in Subsection (9).
- (c) Regardless of the allocation of decision-making in the parenting plan, a parent may make emergency decisions affecting the health or safety of the minor child.
- (d) A minor child's education plan shall designate the following:
 - (i) the home residence for purposes of identifying the appropriate school or another specific plan that provides for where the minor child will attend school;
 - (ii) which parent has authority to make education decisions for the minor child if the parents cannot agree; and
 - (iii) whether one or both parents have access to the minor child during school and authority to check the minor child out of school.
- (e) If an education provision is not included in the parenting plan:
 - (i) a parent with sole physical custody shall make the decisions listed in Subsection (11)(d);
 - (ii) in the event of joint physical custody when one parent has custody a majority of the time as described in Subsection 81-9-205(10):
 - (A) the parent having the minor child the majority of the time shall make the decisions listed in Subsections (11)(d)(i) and (ii); and
 - (B) both parents with joint physical custody shall have access to the minor child during school and authority to check the child out of school; or
 - (iii) in the event of joint physical custody when the parents have custody an equal amount of time:
 - (A) the court shall determine how the decisions listed in Subsections (11)(d)(i) and (ii) are made; and
 - (B) both parents with joint physical custody shall have access to the minor child during school and authority to check the minor child out of school.

(12) Each parent may make decisions regarding the day-to-day care and control of the minor child while the minor child is residing with that parent.

(13) When mutual decision-making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

(14) The parenting plan shall include a residential schedule that designates in which parent's home a minor child shall reside on given days of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions.

(15)

- (a) If a parent fails to comply with a provision of the parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected.
- (b) Failure to comply with a provision of the parenting plan or a child support order may result in a finding of contempt of court.

(16)

- (a) If a parent is a service member, the parenting plan shall contain provisions that address the foreseeable parenting and custodial issues likely to arise in the event of notification of deployment or other contingency, including long-term deployments, short-term deployments, death, incapacity, and noncombatant evacuation operations.

- (b) The provisions in the parenting plan described in Subsection (16)(a) shall comport substantially with the requirements of an agreement made pursuant to Section 78B-20-201.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) In a proceeding between parents in which the custody and parent-time of a minor child is at issue, the court shall consider the best interests of the minor child in determining any form of custody and parent-time.
- (2) The court shall determine whether an order for custody or parent-time is in the best interests of the minor child by a preponderance of the evidence.
- (3) In determining any form of custody and parent-time under Subsection (1), the court shall consider:
 - (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, the parent, or a household member of the parent;
 - (b) whether the parent has intentionally exposed the minor child to pornography or material harmful to minors, as "material" and "harmful to minors" are defined in Section 76-10-1201; and
 - (c) whether custody and parent-time would endanger the minor child's health or physical or psychological safety.
- (4) In determining the form of custody and parent-time that is in the best interests of the minor child, the court may consider, among other factors the court finds relevant, the following for each parent:
 - (a) evidence of psychological maltreatment;
 - (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the developmental needs of the minor child, including the minor child's:
 - (i) physical needs;
 - (ii) emotional needs;
 - (iii) educational needs;
 - (iv) medical needs; and
 - (v) any special needs;
 - (c) the parent's capacity and willingness to function as a parent, including:
 - (i) parenting skills;
 - (ii) co-parenting skills, including:
 - (A) ability to appropriately communicate with the other parent;
 - (B) ability to encourage the sharing of love and affection; and
 - (C) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration; and
 - (iii) ability to provide personal care rather than surrogate care;
 - (d) the past conduct and demonstrated moral character of the parent as described in Subsection (9);
 - (e) the emotional stability of the parent;
 - (f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other causes;

- (g) the parent's reason for having relinquished custody or parent-time in the past;
 - (h) duration and depth of desire for custody or parent-time;
 - (i) the parent's religious compatibility with the minor child;
 - (j) the parent's financial responsibility;
 - (k) the child's interaction and relationship with step-parents, extended family members of other individuals who may significantly affect the minor child's best interests;
 - (l) who has been the primary caretaker of the minor child;
 - (m) previous parenting arrangements in which the minor child has been happy and well-adjusted in the home, school, and community;
 - (nn) the relative benefit of keeping siblings together;
 - (oo) the stated wishes and concerns of the minor child, taking into consideration the minor child's cognitive ability and emotional maturity;
 - (pp) the relative strength of the minor child's bond with the parent, meaning the depth, quality, and nature of the relationship between the parent and the minor child; and
 - (qq) any other factor the court finds relevant.
- (5)
- (a) A minor child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the minor child be heard and there is no other reasonable method to present the minor child's testimony.
 - (b)
 - (i) The court may inquire and take into consideration the minor child's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the minor child's custody or parent-time otherwise.
 - (ii) The desires of a minor child who is 14 years old or older shall be given added weight, but is not the single controlling factor.
 - (c)
 - (i) If an interview with a minor child is conducted by the court in accordance with Subsection (5) (b), the interview shall be conducted by the court in camera.
 - (ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a minor child is the only method to ascertain the minor child's desires regarding custody.
- (6)
- (a) Except as provided in Subsection (6)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.
 - (b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:
 - (i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the minor child at issue; and
 - (ii) the parent with a disability lacks sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the minor child at issue.
 - (c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.
- (7) This section does not establish:
- (a) a preference for either parent solely because of the gender of the parent; or

- (b) a preference for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the minor child.
- (8) When an issue before the court involves custodial responsibility in the event of a deployment of a parent who is a service member and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.
- (9) In considering the past conduct and demonstrated moral standards of each party under Subsection (4)(d) or any other factor a court finds relevant, the court may not:
 - (a)
 - (i) consider or treat a parent's lawful possession or use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently than the court would consider or treat the lawful possession or use of any prescribed controlled substance; or
 - (ii) discriminate against a parent because of the parent's status as a:
 - (A) cannabis production establishment agent, as that term is defined in Section 4-41a-102;
 - (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
 - (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or
 - (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
 - (b) discriminate against a parent based upon the parent's agreement or disagreement with a minor child of the couple's:
 - (i) assertion that the minor child's gender identity is different from the minor child's biological sex; or
 - (ii) practice of having or expressing a different gender identity than the minor child's biological sex.
- (10)
 - (a) The court shall consider evidence of domestic violence if evidence of domestic violence is presented.
 - (b) The court shall consider as primary, the safety and well-being of the minor child and the parent who experiences domestic violence.
 - (c) A court shall consider an order issued by a court in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or substantiated potential harm to the minor child.
 - (d) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regards to the application of Section 81-9-209.
- (11) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the minor child:
 - (a) it is in the best interest of the minor child to have frequent, meaningful, and continuing access to each parent following separation or divorce;
 - (b) each parent is entitled to and responsible for frequent, meaningful, and continuing access with the parent's minor child consistent with the minor child's best interests; and
 - (c) it is in the best interest of the minor child to have both parents actively involved in parenting the minor child.

- (12) Notwithstanding any other provision of this chapter, the court may not grant custody or parent-time of a minor child to a parent convicted of a sexual offense, as defined in Section 77-37-2, that resulted in the conception of the minor child unless:
- (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents to custody or parent-time and the court determines it is in the best interest of the minor child to award custody or parent-time to the convicted parent; or
 - (b) after the date of the conviction, the convicted parent and the nonconvicted parent cohabit and establish a mutual custodial environment for the minor child.
- (13) A denial of custody or parent-time under Subsection (12) does not:
- (a) terminate the parental rights of the parent denied parent-time or custody; or
 - (b) affect the obligation of the convicted parent to financially support the minor child.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-205 Presumption of joint legal custody -- Joint custody factors -- Order for joint custody.

- (1) The court may order joint legal custody or joint physical custody or both joint legal custody and joint physical custody if:
- (a) one or both parents have filed a parenting plan as described in Section 81-9-203; and
 - (b) the court determines that, by a preponderance of the evidence, joint legal custody or joint physical custody or both joint legal custody and joint physical custody is in the best interest of the minor child in accordance with Subsection (5) and Section 81-9-204.
- (2)
- (a) There is a rebuttable presumption that joint legal custody is in the best interest of the minor child, except in cases when there is:
 - (i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional abuse involving the minor child, a parent, or a household member of the parent in accordance with Section 81-9-104;
 - (ii) special physical or mental needs of a parent or minor child, making joint legal custody unreasonable;
 - (iii) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or
 - (iv) any other factor the court considers relevant, including the factors described in Subsection (5) and Section 81-9-204.
 - (b) A presumption for joint legal custody may be rebutted by showing by a preponderance of the evidence that it is not in the best interest of the minor child.
- (3)
- (a) Joint legal custody does not affect the physical custody of the minor child except as specified in the order of joint legal custody.
 - (b) Joint legal custody is not based on awarding equal or nearly equal periods of physical custody of and access to the minor child to each of the parents because the best interest of the minor child often requires that a primary physical residence for the minor child be designated.
 - (c) In ordering joint legal custody, the court:
 - (i) may include an award of exclusive authority by the court to one parent to make specific decisions regarding the minor child; and
 - (ii) is not prohibited from specifying one parent as the primary caretaker and one home as the primary residence of the minor child.

- (4)
 - (a) Joint physical custody may result in equal or nearly equal periods of physical custody of and access to the minor child by each of the parents to meet the best interest of the minor child.
 - (b) Joint physical custody may require that a physical residence for the minor child be designated.
 - (c) In ordering joint physical custody, the court is not prohibited from specifying one parent as the primary caretaker and one home as the primary residence of the minor child.
- (5) In addition to the factors described in Section 81-9-204, the court shall consider the following factors in determining whether joint legal custody, joint physical custody, or both joint legal custody and joint physical custody, is in the best interest of the minor child:
 - (a) whether the physical, psychological, and emotional needs and development of the minor child will benefit from joint legal custody or joint physical custody or both joint legal custody and joint physical custody;
 - (b) the ability of the parents to give first priority to the welfare of the minor child and reach shared decisions in the minor child's best interest;
 - (c) co-parenting skills, including:
 - (i) ability to appropriately communicate with the other parent;
 - (ii) ability to encourage the sharing of love and affection; and
 - (iii) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration;
 - (d) whether both parents participated in raising the minor child before the divorce;
 - (e) the geographical proximity of the homes of the parents;
 - (f) the preference of the minor child if the minor child is of sufficient age and capacity to reason so as to form an intelligent preference as to joint legal custody or joint physical custody or both joint legal custody and joint physical custody;
 - (g) the maturity of the parents and their willingness and ability to protect the minor child from conflict that may arise between the parents;
 - (h) the past and present ability of the parents to cooperate with each other and make decisions jointly; and
 - (i) any other factor the court finds relevant.
- (6) The court shall inform both parties that an order for joint physical custody may preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment Support Act.
- (7) An order of joint legal custody or joint physical custody shall provide terms the court determines appropriate, which may include specifying:
 - (a) the county of residence of the minor child, until altered by further order of the court, or the custodian who has the sole legal right to determine the residence of the minor child;
 - (b) that the parents shall exchange information concerning the health, education, and welfare of the minor child, and where possible, confer before making decisions concerning any of these areas;
 - (c) the rights and duties of each parent regarding the minor child's present and future physical care, support, and education;
 - (d) provisions to minimize disruption of the minor child's attendance at school and other activities, the minor child's daily routine, and the minor child's association with friends; and
 - (e) as necessary, the remaining parental rights, privileges, duties, and powers to be exercised by the parents solely, concurrently, or jointly.

- (8) An order of joint legal custody or joint physical custody shall require the parenting plan contain a dispute resolution procedure that the parties agree to use:
 - (a) in accordance with Subsection 81-9-203(10); and
 - (b) before seeking enforcement or modification of the terms and conditions of the order of joint legal custody or joint physical custody through litigation, except in emergency situations requiring ex parte orders to protect the minor child.
- (9) The court shall, where possible, include in the order the terms of the parenting plan provided in accordance with Section 81-9-203.
- (10) Any parental rights not specifically addressed by the court order may be exercised by the parent having physical custody of the minor child the majority of the time.
- (11) The appointment of joint legal or physical custodians does not impair or limit the authority of the court to order support of the child, as defined in Section 81-6-101, including payments by one custodian to the other.
- (12) An order of joint legal custody, in itself, is not grounds for modifying a support order.
- (13) The court may order that when possible the parties attempt to settle future disputes by a dispute resolution method before seeking enforcement or modification of the terms and conditions of the order of joint legal custody or joint physical custody through litigation, except in emergency situations requiring ex parte orders to protect the minor child.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) If the parties are unable to agree on a parent-time schedule, the court may:
 - (a) establish a parent-time schedule; or
 - (b) order a parent-time schedule described in Part 3, Parent-time Schedules.
- (2) There is a presumption that the advisory guidelines described in Section 81-9-202 and the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which the noncustodial parent and the minor child are entitled.
- (3) In accordance with Section 81-9-104, when ordering a parent-time schedule a court shall consider:
 - (a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, a parent, or a household member of the parent; and
 - (b) whether parent-time would endanger the minor child's health or physical or psychological safety.
- (4) A court may consider the following when ordering a parent-time schedule:
 - (a) evidence of psychological maltreatment;
 - (b) the distance between the residency of the minor child and the noncustodial parent;
 - (c) the lack of demonstrated parenting skills without safeguards to ensure the minor child's well-being during parent-time;
 - (d) the financial inability of the noncustodial parent to provide adequate food and shelter for the minor child during periods of parent-time;
 - (e) the preference of the minor child if the court determines the minor child is of sufficient maturity;
 - (f) the incarceration of the noncustodial parent in a county jail, secure youth corrections facility, or an adult corrections facility;
 - (g) shared interests between the minor child and the noncustodial parent;

- (h) the involvement or lack of involvement of the noncustodial parent in the school, community, religious, or other related activities of the minor child;
 - (i) the availability of the noncustodial parent to care for the minor child when the custodial parent is unavailable to do so because of work or other circumstances;
 - (j) a substantial and chronic pattern of missing, canceling, or denying regularly scheduled parent-time;
 - (k) the minimal duration of and lack of significant bonding in the parents' relationship before the conception of the minor child;
 - (l) the parent-time schedule of siblings;
 - (m) the lack of reasonable alternatives to the needs of a nursing minor child; and
 - (nn) any other criteria the court determines relevant to the best interests of the minor child.
- (5) The court shall enter the reasons underlying the court's order for parent-time that:
- (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or
 - (b) provides more or less parent-time than a parent-time schedule described in Section 81-9-302 or 81-9-304.
- (6) A court may not order a parent-time schedule unless the court determines by a preponderance of the evidence that the parent-time schedule is in the best interest of the minor child.
- (7) Once the parent-time schedule has been established, the parties may not alter the parent-time schedule except by mutual consent of the parties or a court order.
- (8)
- (a) If the court orders parent-time and a protective order or stalking injunction is still in place, the court shall consider whether to order the parents to conduct parent-time pick-up and transfer through a third party.
 - (b) The parent who is the stated victim in the protective order or stalking injunction may submit to the court, and the court shall consider, the name of a person considered suitable to act as the third party.
 - (c) If the court orders the parents to conduct parent-time through a third party, the parenting plan shall specify the time, day, place, manner, and the third party to be used to implement the exchange.
- (9) If there is a protective order, stalking injunction, or the court finds that a parent has committed domestic violence, the court shall:
- (a) consider the impact of domestic violence in awarding parent-time; and
 - (b) make specific findings regarding the award of parent-time.
- (10) Upon a specific finding by the court of the need for peace officer enforcement, the court may include a provision in an order for parent-time that authorizes a peace officer to enforce the order for parent-time.
- (11) When parent-time has not taken place for an extended period of time and the minor child lacks an appropriate bond with the noncustodial parent, both parents shall consider the possible adverse effects upon the minor child and gradually reintroduce an appropriate parent-time plan for the noncustodial parent.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-207 Supervised parent-time.

- (1) If it is necessary to protect a minor child and there is no less restrictive means reasonably available, and in accordance with Section 81-9-104, a court may order supervised parent-time if the court finds evidence that the minor child would be subject to physical or emotional

- harm or child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114, and 80-1-102, from the noncustodial parent if left unsupervised with the noncustodial parent.
- (2) If the court finds evidence of domestic violence, child abuse, or an ongoing risk to a child, and orders supervised parent-time, the court shall give preference to supervision by a professional individual or private agency trained in child abuse reporting laws, the developmental needs of a child, and the dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.
 - (3) If a professional individual or private agency described in Subsection (2) is not available, affordable, or practicable under the circumstances, a court shall give preference to supervision by an individual who is:
 - (a) capable and willing to provide physical and psychological safety and security to the minor child, and to assist in the avoidance and prevention of domestic and family violence; and
 - (b) is trained in child abuse reporting laws, the developmental needs of a child, and the dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.
 - (4) If an individual described in Subsection (2) or (3) is not available, affordable, or practicable under the circumstances, or if the court does not find evidence of domestic violence, child abuse, or an ongoing risk to a minor child, a court may order supervised parent-time that is supervised by an individual who is willing to supervise, and is capable of protecting the minor child from physical or emotional harm, or child abuse, and the court shall give preference to individuals suggested by the parties, including relatives.
 - (5) At the time supervised parent-time is imposed, the court shall consider:
 - (a) whether the cost of professional or agency services is likely to prevent the noncustodial parent from exercising parent-time; and
 - (b) whether the requirement for supervised parent-time should expire after a set period of time.
 - (6)
 - (a) Except when the court makes a finding that, due to abuse by or the incapacity of the noncustodial parent, supervised parent-time will be necessary indefinitely to ensure the physical or psychological safety and protection of the minor child, the court shall, in its order for supervised parent-time, provide specific goals and expectations for the noncustodial parent to accomplish before unsupervised parent-time may be granted.
 - (b) The court shall schedule one or more follow-up hearings to revisit the issue of supervised parent-time.
 - (7) A noncustodial parent may, at any time, petition the court to modify the order for supervised parent-time if the noncustodial parent can demonstrate that the specific goals and expectations set by the court as described in Subsection (6) have been accomplished.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-208 Modification or termination of a custody or parent-time order -- Noncompliance with a parent-time order.

- (1) The court has continuing jurisdiction to make subsequent changes to modify:
 - (a) custody of a minor child if there is a showing of a substantial and material change in circumstances since the entry of the order; and
 - (b) parent-time for a minor child if there is a showing that there is a change in circumstances since the entry of the order.
- (2) A substantial and material change in circumstances under Subsection (1)(a) includes a showing by a parent that the other parent:
 - (a) resides with an individual or provides an individual with access to the minor child; and

- (b) knows that the individual:
 - (i) is required to register as a sex offender or a kidnap offender for an offense against a minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;
 - (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse Offender Registry; or
 - (iii) has been convicted of:
 - (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114, or 76-5-208;
 - (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses;
 - (C) an offense for kidnaping or human trafficking of a minor child under Title 76, Chapter 5, Part 3, Kidnaping, Trafficking, and Smuggling;
 - (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation Act; or
 - (E) an offense that is substantially similar to an offense under Subsections (2)(b)(iii)(A) through (D).
- (3) On the petition of one or both of the parents, or the joint legal or physical custodians if they are not the parents, the court may, after a hearing, modify or terminate an order that established joint legal custody or joint physical custody if:
 - (a) the verified petition or accompanying affidavit initially alleges that admissible evidence will show that there has been a substantial and material change in the circumstances of the minor child or one or both parents or joint legal or physical custodians since the entry of the order to be modified;
 - (b) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child; and
 - (c)
 - (i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 81-9-205(8); or
 - (ii) if no dispute resolution procedure is contained in the order that established joint legal custody or joint physical custody, the court orders the parents to participate in a dispute resolution procedure in accordance with Subsection 81-9-205(13) unless the parents certify that, in good faith, they have used a dispute resolution procedure to resolve their dispute.
- (4)
 - (a) In determining whether the best interest of a minor child will be served by either modifying or terminating the joint legal custody or joint physical custody order, the court shall, in addition to other factors the court considers relevant, consider the factors described in Sections 81-9-204 and 81-9-205.
 - (b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:
 - (i) a substantial and material change of circumstance has occurred; and
 - (ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child.
 - (c) The court shall give substantial weight to the existing joint legal custody or joint physical custody order when the minor child is thriving, happy, and well-adjusted.
- (5) The court shall, in every case regarding a petition for termination of a joint legal custody or joint physical custody order, consider reasonable alternatives to preserve the existing order in accordance with Section 81-9-204.
- (6) The court may modify the terms and conditions of the existing order in accordance with this chapter and may order the parents to file a parenting plan in accordance with Section 81-9-203.

- (7) A parent requesting a modification from sole custody to joint legal custody or joint physical custody or both, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan with the petition to modify in accordance with Section 81-9-203.
- (8) If an issue before the court involves custodial responsibility in the event of deployment of one or both parents who are service members, and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.
- (9) If the court finds that an action to modify custody or parent-time is filed or answered frivolously and, in a manner, designed to harass the other party, the court shall assess attorney fees as costs against the offending party.
- (10) If a petition to modify custody or parent-time provisions of a court order is made and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by the prevailing party in that action if the court determines that the petition was without merit and not asserted or defended against in good faith.
- (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a visitation order by a grandparent or other member of the immediate family where a visitation or parent-time right has been previously granted by the court, the court:
 - (a) may award to the prevailing party:
 - (i) actual attorney fees incurred;
 - (ii) the costs incurred by the prevailing party because of the other party's failure to provide or exercise court-ordered visitation or parent-time, including:
 - (A) court costs;
 - (B) child care expenses;
 - (C) transportation expenses actually incurred;
 - (D) lost wages, if ascertainable; or
 - (E) counseling for a parent or a minor child if ordered or approved by the court; or
 - (iii) any other appropriate equitable remedy; and
 - (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up parent-time is not in the best interest of the minor child.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) As used in this section, "relocation" means moving 150 miles or more from the residence of the other parent.
- (2) The relocating parent shall provide written notice to the other parent at least 60 days before the day on which the relocating parent intends to relocate.
- (3) The written notice of relocation under Subsection (2) shall contain statements affirming :
 - (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by both parties will be followed; and
 - (b) that a parent will not interfere with the other's parental rights pursuant to court ordered parent-time arrangements or the parent-time schedule approved by both parties.
- (4) The court shall, upon motion of any party or upon the court's own motion, schedule a hearing with notice to:
 - (a) review the notice of relocation and the relevant parent-time schedule under Section 81-8-302 or 81-8-304; and

- (b) make appropriate orders regarding the parent-time schedule and costs for parent-time transportation.
- (5) In a hearing to review the notice of relocation, the court shall, in determining if the relocation of a custodial parent is in the best interest of the minor child, consider any other factors that the court considers relevant to the determination.
- (6) If the court determines that relocation is not in the best interest of the minor child, and the custodial parent relocates, the court may order a change of custody.
- (7)
 - (a) If the court finds that the relocation is in the best interest of the minor child, the court shall determine the parent-time schedule and allocate the transportation costs that will be incurred for the minor child to visit the noncustodial parent.
 - (b) In making a determination under Subsection (7)(a), the court shall consider:
 - (i) the reason for the parent's relocation;
 - (ii) the additional costs or difficulty to both parents in exercising parent-time;
 - (iii) the economic resources of both parents; and
 - (iv) other factors the court considers necessary and relevant.
- (8) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regard to the application of this section.
- (9) Unless otherwise ordered by the court, upon the relocation of one of the parties, the following schedule is the minimum parent-time the noncustodial parent is entitled to a minor child who is five to 18 years old:
 - (a) in years ending in an odd number, the minor child shall spend the following holidays with the noncustodial parent:
 - (i) Thanksgiving holiday beginning Wednesday until Sunday; and
 - (ii) Spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;
 - (b) in years ending in an even number, the minor child shall spend the following holidays with the noncustodial parent:
 - (i) the entire winter school break period; and
 - (ii) the Fall school break beginning the last day of school before the holiday until the day before school resumes;
 - (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks; and
 - (d) one weekend per month, at the option and expense of the noncustodial parent.
- (10) For extended parent-time under Subsection (9)(c), the minor child should be returned to the custodial home no later than seven days before school begins, except that this week is counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period.
- (11)
 - (a) The court may also set a parent-time schedule for a minor child who is younger than five years old.
 - (b) The schedule shall take into consideration the following:
 - (i) the age of the minor child;
 - (ii) the developmental needs of the minor child;
 - (iii) the distance between the parents' homes;
 - (iv) the travel arrangements and cost;
 - (v) the level of attachment between the minor child and the noncustodial parent; and
 - (vi) any other factors relevant to the best interest of the minor child.

- (12) The noncustodial parent's monthly weekend entitlement is subject to the following restrictions.
- (a)
- (i) If the noncustodial parent has not designated a specific weekend for parent-time, the noncustodial parent shall receive the last weekend of each month unless a holiday assigned to the custodial parent falls on that particular weekend.
 - (ii) If a holiday assigned to the custodial parent falls on the last weekend of the month, the noncustodial parent is entitled to the next to the last weekend of the month.
- (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends into or through the first weekend of the next month, that weekend shall be considered the noncustodial parent's monthly weekend entitlement for that month.
- (c) If a minor child is out of school for teacher development days or snow days after the minor child begins the school year, or other days not included in the list of holidays in Subsection (9) and those days are contiguous with the noncustodial parent's monthly weekend parent-time, those days shall be included in the weekend parent-time.
- (13) The custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent.
- (14) In the event finances and distance preclude the exercise of minimum parent-time for the noncustodial parent during the school year, the court should consider awarding more time for the noncustodial parent during the summer time if it is in the best interests of the the minor child.
- (15)
- (a) Upon the motion of any party, the court may order uninterrupted parent-time with the noncustodial parent for a minimum of 30 days during extended parent-time, unless the court finds it is not in the best interest of the minor child.
 - (b) If the court orders uninterrupted parent-time during a period not covered by this section, the court shall specify in its order which parent is responsible for the minor child's travel expenses.
- (16)
- (a) Unless otherwise ordered by the court the relocating party shall be responsible for all the minor child's travel expenses relating to Subsections (9)(a) and (b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided the noncustodial parent is current on all support obligations.
 - (b) If the noncustodial parent has been found in contempt for not being current on all support obligations, the noncustodial parent is responsible for all of the minor child's travel expenses under Subsection (9), unless the court rules otherwise.
 - (c) A responsible party shall make a reimbursement to the other for the minor child's travel expenses within 30 days of receipt of documents detailing those expenses.
- (17) The court may apply this provision to any preexisting decree of divorce.
- (18) Any action under this section may be set for an expedited hearing.
- (19) A parent who fails to comply with the notice of relocation in Subsection (2) is in contempt of the court's order.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 3

Parent-time Schedules

Effective 9/1/2024

81-9-301 Definitions for part.

As used in this part:

- (1) "Juneteenth National Freedom Day" means the day on which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.
- (2) "Weekends" include, for a parent-time schedule under Sections 81-9-302 and 81-9-303, any snow days, teacher development days, or other days when school is not scheduled and that are contiguous to the weekend period.

Enacted by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) The parent-time schedule in this section applies to a minor child who is five to 18 years old.
- (2) If the parties do not agree to a parent-time schedule for a minor child described in Subsection (1), the following schedule is considered the minimum parent-time to which the noncustodial parent is entitled to the minor child:
 - (a)
 - (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or
 - (ii) at the election of the noncustodial parent, one weekday to be specified by the noncustodial parent or the court:
 - (A) beginning at the time that the minor child's school is regularly dismissed and ending at 8:30 p.m.; or
 - (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at 9 a.m. and ending at 8:30 p.m.;
 - (b)
 - (i) beginning on the first weekend after entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or
 - (ii) at the election of the noncustodial parent and beginning on the first weekend after the entry of the decree, alternating weekends:
 - (A) beginning at the time that the minor child's school is regularly dismissed on Friday and ending on Sunday at 7 p.m.; or
 - (B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m. and ending on Sunday at 7 p.m.;
 - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (12); and
 - (d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection (3).
- (3)
 - (a) For extended parent-time with the minor child under Subsection (2)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time

with the minor child, which may be consecutive, when school is not in session for summer break.

- (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (3)(a):
 - (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the noncustodial parent; and
 - (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.
 - (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks, which may be consecutive, when school is not in session for summer break.
- (4)
- (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of extended parent-time for summer break under Subsection (3).
 - (b) For the notification requirement under Subsection (4)(a):
 - (i) in odd-numbered years:
 - (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
 - (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
 - (ii) in even-numbered years:
 - (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and
 - (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
 - (c)
 - (i) If a parent fails to provide a notification within the time periods described in Subsection (4)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.
 - (ii) If both parents fail to provide notice within the time periods described in Subsection (4)(b), the first parent to provide notice may determine the schedule for summer break for the other parent.
 - (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (3)(b)(ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.
- (5)
- (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.
 - (b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.
- (6)
- (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
 - (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);
 - (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (3) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
 - (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's Day, Mother's Day, or the minor child's birthday;

- (iv) extended parent-time under Subsection (3); and
- (v) the schedule for weekday or weekend parent-time.
- (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- (7) A stepparent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the minor child for parent-time if the custodial parent is aware of the identity of the individual and the noncustodial parent will be with the minor child by 7 p.m.
- (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.
- (9) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.
- (10)
 - (a) Telephone contact shall be at reasonable hours and for a reasonable duration.
 - (b)
 - (i) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.
 - (ii) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
 - (A) the best interests of the minor child;
 - (B) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (C) any other factors the court considers material.
 - (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- (11) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.
- (12) The following table is the holiday schedule for parent-time under this section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years

President's 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 (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
Memorial 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 (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.	Even years	Odd years
Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial 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.
Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.
Juneteenth National Freedom Day	(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	Even years	Odd years

	(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.		
Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
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) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
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
Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
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 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years

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
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. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day on that school dismisses for winter break; or (b) the time school is regularly dismissed 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 p.m.	Odd years	Even years
Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1)
- (a) The optional parent-time schedule in this section applies to a minor child who is five to 18 years old.
 - (b) For purposes of calculating child support, the optional parent-time schedule in this section is 145 overnights.
 - (c) Any impact on child support shall be consistent with joint physical custody.

- (2) The parents and the court may consider the increased parent-time schedule in this section as a minimum parent-time schedule when the parties agree or the noncustodial parent can demonstrate:
 - (a) the noncustodial parent has been actively involved in the minor child's life;
 - (b) the parties can communicate effectively regarding the minor child or the noncustodial parent has a plan to accomplish effective communications regarding the minor child;
 - (c) the noncustodial parent has the ability to facilitate the increased parent-time;
 - (d) the increased parent-time would be in the best interest of the minor child; and
 - (e) any other factor the court considers relevant.
- (3) In determining whether a noncustodial parent has been actively involved in the minor child's life, the court shall consider:
 - (a) demonstrated responsibility in caring for the minor child;
 - (b) involvement in childcare;
 - (c) presence or volunteer efforts in the minor child's school and at extracurricular activities;
 - (d) assistance with the minor child's homework;
 - (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
 - (f) bonding with the minor child; and
 - (g) any other factor the court considers relevant.
- (4) In determining whether a noncustodial parent has the ability to facilitate the increased parent-time, the court shall consider:
 - (a) the geographic distance between the residences of the parents and the distance between the parents' residences and the minor child's school;
 - (b) the noncustodial parent's ability to assist with after school care;
 - (c) the health of the minor child and the noncustodial parent in accordance with Subsection 81-9-204(5);
 - (d) flexibility of employment or another schedule of the noncustodial parent;
 - (e) ability to provide appropriate playtime with the minor child;
 - (f) history and ability of the noncustodial parent to implement a flexible schedule for the minor child;
 - (g) physical facilities of the noncustodial parent's residence; and
 - (h) any other factor the court considers relevant.
- (5) If the parties agree or the court enters an order for the optional parent-time schedule under this section, a parenting plan in compliance with Section 81-9-203 shall be filed with any order incorporating the optional parent-time schedule described in Subsection (6).
- (6) The following schedule is considered the optional parent-time to which the noncustodial parent is entitled to the minor child:
 - (a)
 - (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon delivering the minor child to school or at 8 a.m. if there is no school; or
 - (ii) at the election of the noncustodial parent, one weekday specified by the noncustodial parent or the court:
 - (A) beginning at the time the minor child's school is regularly dismissed until the following day upon delivering the minor child to school or at 8 a.m. if there is no school; or
 - (B) if there is no school, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on the following day upon delivering the minor child to school or at 8 a.m. if there is no school;

- (b)
 - (i) beginning the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or
 - (ii) at the election of the noncustodial parent, beginning the first weekend after the entry of the decree, alternating weekends:
 - (A) beginning at the time the minor child's school is regularly dismissed on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or
 - (B) if there is no school, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m. and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;
 - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (15); and
 - (d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection (7).
- (7)
- (a) For extended parent-time with the minor child under Subsection (6)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with the minor child, which may be consecutive, when school is not in session for summer break.
 - (b) For the four weeks of extended parent-time for a noncustodial parent under Subsection (7)(a):
 - (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the noncustodial parent; and
 - (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.
 - (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks, which may be consecutive, when school is not in session for summer break.
- (8)
- (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of parent-time for summer break under Subsection (7).
 - (b) For the notification requirement under Subsection (8)(a):
 - (i) in odd-numbered years:
 - (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and
 - (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and
 - (ii) in even-numbered years:
 - (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and
 - (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
 - (c)
 - (i) If a parent fails to provide a notification within the time periods described in Subsection (8)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.
 - (ii) If both parents fail to provide notice within the time periods described in Subsection (8)(b), the first parent to provide notice may determine the schedule for summer break for the other parent.
 - (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection (7)(b)(ii), the custodial parent shall provide notification to the noncustodial parent of the intent

to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.

- (9)
 - (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.
 - (b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.
- (10)
 - (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
 - (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
 - (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (7) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
 - (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day, Mother's Day, or the minor child's birthday;
 - (iv) extended parent-time under Subsection (7); and
 - (v) the schedule for weekday or weekend parent-time.
 - (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- (11) A stepparent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the minor child for parent-time if the custodial parent is aware of the identity of the individual and the noncustodial parent will be with the minor child by 7 p.m.
- (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.
- (13) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.
- (14) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.
- (15) The following table is the holiday schedule for parent-time under this section.

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

	<p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or</p> <p>(b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.</p>		
President's 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>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following President's Day; or</p> <p>(b) at 8 a.m. on the day following President's Day if there is no school.</p>	Even years	Odd years
Spring Break	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following the end of spring break; or</p> <p>(b) at 8 a.m. on the day following the end of spring break if there is no school.</p>	Odd years	Even years
Memorial Day	<p>(1) Holiday begins Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the minor child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p>	Even years	Odd years

	(a) upon delivering the minor child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.		
Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial 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.
Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial 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.
Juneteenth National Freedom Day	(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.	Even years	Odd years
Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
Labor 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	Odd years	Even years

	<p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following Labor Day; or</p> <p>(b) at 8 a.m. on the day following Labor Day if there is no school.</p>		
Columbus Day	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</p> <p>(2) Holiday ends at 7 p.m. on Columbus Day.</p>	Even years	Odd years
Fall Break	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following the end of fall break; or</p> <p>(b) at 8 a.m. on the day following the end of fall break if there is no school.</p>	Odd years	Even years
Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at 4 p.m. if there is no school.</p> <p>(2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	Even years	Odd years
Veterans Day	<p>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</p> <p>(2) Holiday ends at 7 p.m. on Veterans Day.</p>	Odd years	Even years
Thanksgiving	<p>(1) Holiday begins on Wednesday at:</p> <p>(a) 6 p.m.; or</p> <p>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the Monday following Thanksgiving; or</p>	Even years	Odd years

	(b) at 8 a.m. on the Monday following Thanksgiving if there is no school.		
Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day that school dismisses for winter break; or (b) the time school is regularly dismissed 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 p.m.	Odd years	Even years
Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.	Even years	Odd years
Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1) The parent-time schedule in this section applies to a minor child who is younger than five years old.
- (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections (3) through (8) are considered the minimum parent-time to which the noncustodial parent is entitled to the minor child.
- (3) For a minor child who is younger than five months old, the noncustodial parent is entitled to:
 - (a) three two-hour visits every week; and
 - (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).
- (4) For a minor child who is at least five months old but younger than nine months old, the noncustodial parent is entitled to:
 - (a) three three-hour visits every week; and
 - (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).

- (5) For a minor child who is at least nine months old but younger than 12 months old, the noncustodial parent is entitled to:
 - (a) one eight-hour visit every week;
 - (b) one three-hour visit every week; and
 - (c) eight hours for each holiday granted to the noncustodial parent in accordance with the holiday schedule under Subsection (15).
- (6) For a minor child who is at least 12 months old but younger than 18 months old, the noncustodial parent is entitled to:
 - (a) one three-hour visit every week;
 - (b) one eight-hour visit on alternating weekends to be specified by the noncustodial parent or court;
 - (c) an overnight visit on opposite weekends from Subsection (6)(b) beginning at 6 p.m. on Friday and ending at noon on Saturday; and
 - (d) eight hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection (15).
- (7) For a minor child who is at least 18 months old but younger than three years old, the noncustodial parent is entitled to:
 - (a) one weekday evening to be specified by the noncustodial parent or the court:
 - (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or
 - (ii) if the minor child is being cared for during the day outside the minor child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the minor child is picked up from the caregiver and ending at 8:30 p.m.;
 - (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
 - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (15); and
 - (d) extended parent-time for two one-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:
 - (i) one week of uninterrupted parent-time for the noncustodial parent; and
 - (ii) one week of interrupted parent-time where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection (7)(a).
- (8) For a minor child who is at least three years old but younger than five years old, the noncustodial parent is entitled to:
 - (a) one weekday evening to be specified by the noncustodial parent or the court:
 - (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or
 - (ii) if the minor child is being cared for during the day outside the minor child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the minor child is picked up from the caregiver and ending at 8:30 p.m.;
 - (b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;
 - (c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection (15); and
 - (d) extended parent-time for two two-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:
 - (i) two weeks of uninterrupted parent-time, which may be consecutive, for the noncustodial parent; and

- (ii) two weeks of interrupted parent-time, which may be consecutive, where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection (8) (a).
- (9) For a minor child who is at least 18 months old but younger than five years old, the custodial parent is entitled to one week of uninterrupted extended parent-time.
- (10)
 - (a) For a minor child who is nine months old or older, the noncustodial parent shall have at least two times a week:
 - (i) brief telephone contact at reasonable hours and for a reasonable duration; and
 - (ii) virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, at reasonable hours and for reasonable duration.
 - (b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
 - (i) the best interests of the minor child;
 - (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (iii) any other factors the court considers material.
 - (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- (11) For a minor child who is younger than nine months old, unless the parents agree otherwise, parent-time should take place in the home of the custodial parent, an established child-care setting, or other environment familiar to the minor child.
- (12)
 - (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:
 - (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
 - (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
 - (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's Day, Mother's Day, or the minor child's birthday;
 - (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
 - (v) the schedule for weekday or weekend parent-time.
 - (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.
- (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.
- (14) A parent shall notify the other parent at least 30 days in advance of the parent's plans for the exercise of extended parent-time under Subsection (7)(d), (8)(d), or (9).
- (15) The following table is the holiday schedule for parent-time under this section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday

Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at:(a) 9 a.m. if the parent is available to be with the minor child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
President's Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the minor child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on President's Day.	Even years	Odd years
Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
Memorial Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the minor child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.	Even years	Odd years
Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial 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.
Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial 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.
Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if	Even years	Odd years

	<p>the day before Juneteenth National Freedom Day is not Father's Day; or</p> <p>(b) 9 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 p.m. on the day following Juneteenth National Freedom Day.</p>		
Independence Day	<p>(1) Holiday begins on July 3rd at 6 p.m.</p> <p>(2) Holiday ends on July 5th at 6 p.m.</p>	Odd years	Even years
Pioneer Day	<p>(1) Holiday begins on July 23rd at 6 p.m.</p> <p>(2) Holiday ends on July 25th at 6 p.m.</p>	Even years	Odd years
Labor Day	<p>(1) Holiday begins on Friday at:</p> <p>(a) 9 a.m. if the parent is available to be with the minor child; or</p> <p>(b) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 7 p.m. on Labor Day.</p>	Odd years	Even years
Columbus Day	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</p> <p>(2) Holiday ends at 7 p.m. on Columbus Day.</p>	Even years	Odd years
Fall Break	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.</p> <p>(2) Holiday ends at 7 p.m. on the day before school resumes.</p>	Odd years	Even years
Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at 4 p.m. if there is no school.</p> <p>(2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	Even years	Odd years
Veterans Day	<p>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</p>	Odd years	Even years

	(2) Holiday ends at 7 p.m. on Veterans Day.		
Thanksgiving	(1) Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at 7 p.m. on day before school resumes.	Even years	Odd years
Winter Break (First Half)	(1) Holiday begins at 6 p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-305 Equal parent-time schedule.

- (1)
- (a) A court may order the equal parent-time schedule described in this section if the court determines that:
- (i) the equal parent-time schedule is in the minor child's best interest;
 - (ii) each parent has been actively involved in the minor child's life; and
 - (iii) each parent can effectively facilitate the equal parent-time schedule.
- (b) To determine whether each parent has been actively involved in the minor child's life, the court shall consider:
- (i) each parent's demonstrated responsibility in caring for the minor child;
 - (ii) each parent's involvement in child care;
 - (iii) each parent's presence or volunteer efforts in the minor child's school and at extracurricular activities;
 - (iv) each parent's assistance with the minor child's homework;
 - (v) each parent's involvement in preparation of meals, bath time, and bedtime for the minor child;
 - (vi) each parent's bond with the minor child; and
 - (vii) any other factor the court considers relevant.

- (c) To determine whether each parent can effectively facilitate the equal parent-time schedule, the court shall consider:
 - (i) the geographic distance between the residence of each parent and the distance between each residence and the minor child's school;
 - (ii) each parent's ability to assist with the minor child's after school care;
 - (iii) the health of the minor child and each parent, consistent with Subsection 81-9-204(5);
 - (iv) the flexibility of each parent's employment or other schedule;
 - (v) each parent's ability to provide appropriate playtime with the minor child;
 - (vi) each parent's history and ability to implement a flexible schedule for the minor child;
 - (vii) physical facilities of each parent's residence; and
 - (viii) any other factor the court considers relevant.
- (2)
 - (a) If the parties agree to or the court orders the equal parent-time schedule described in this section, a parenting plan in accordance with Section 81-9-203 shall be filed with an order incorporating the equal parent-time schedule.
 - (b) An order under this section shall result in 182 overnights per year for one parent, and 183 overnights per year for the other parent.
 - (c) Under the equal parent-time schedule, a parent is not considered to have the minor child the majority of the time for the purposes of Subsection 81-9-203(11)(e)(ii) or 81-9-205(10).
 - (d) Child support for the equal parent-time schedule shall be consistent with Section 81-6-206.
 - (e) A court shall determine which parent receives 182 overnights and which parent receives 183 overnights for parent-time.
- (3)
 - (a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time schedule is as follows:
 - (i) one parent shall exercise parent-time starting Monday morning and ending Wednesday morning;
 - (ii) the other parent shall exercise parent-time starting Wednesday morning and ending Friday morning; and
 - (iii) each parent shall alternate weeks exercising parent-time starting Friday morning and ending Monday morning.
 - (b) The child exchange shall take place:
 - (i) at the time the minor child's school begins; or
 - (ii) if school is not in session, at 9 a.m.
- (4)
 - (a) The parents may create a holiday schedule.
 - (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the court shall:
 - (i) order the holiday schedule described in Section 81-9-302 or 81-9-304; and
 - (ii) designate which parent shall exercise parent-time for each holiday described in Section 81-9-302 or 81-9-304.
- (5)
 - (a) Each year, a parent may designate two consecutive weeks to exercise uninterrupted parent-time during the summer when school is not in session.
 - (b)
 - (i) One parent may make a designation at any time and the other parent may make a designation after May 1.
 - (ii) A parent shall make a designation at least 30 days before the day on which the designated two-week period begins.

- (c) The court shall designate which parent may make the earlier designation described in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the earlier designation in an odd numbered year.
- (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all holidays except for Mother's Day and Father's Day.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

Part 4 Custody and Visitation by Individual Other than a Parent

Effective 9/1/2024

81-9-401 Definitions for part.

As used in this part:

- (1) "District court" means the district court with proper jurisdiction over the minor child.
- (2) "Grandchild" means the minor child with respect to whom a grandparent is seeking visitation rights under this part.
- (3) "Grandparent" means an individual whose child, either by blood, marriage, or adoption, is the parent of the grandchild.
- (4) "Individual other than a parent" means an individual who is not a parent and is related to the minor child by marriage or blood, including:
 - (a) siblings;
 - (b) aunts;
 - (c) uncles;
 - (d) grandparents;
 - (e) current or former step-parents; or
 - (f) any of the individuals described in Subsections (4)(a) through (d) in a step relationship to the minor child.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

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

- (1)
 - (a) In accordance with Section 80-2a-201, it is the public policy of this state that a parent retain the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of a minor child of the parent.
 - (b) There is a rebuttable presumption that a parent's decisions are in the minor child's best interests.
- (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or visitation rights to an individual other than a parent who, by clear and convincing evidence, establishes that:
 - (a) the individual has intentionally assumed the role and obligations of a parent;
 - (b) the individual and the minor child have formed a substantial emotional bond and created a parent-child type relationship;

- (c) the individual substantially contributed emotionally or financially to the minor child's well being;
- (d) the assumption of the parental role is not the result of a financially compensated surrogate care arrangement;
- (e) the continuation of the relationship between the individual and the minor child is in the minor child's best interest;
- (f) the loss or cessation of the relationship between the individual and the minor child would substantially harm the minor child; and
- (g) the parent:
 - (i) is absent; or
 - (ii) is found by a court to have abused or neglected the minor child.
- (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350, an individual shall file a verified petition, or a petition supported by an affidavit, for custodial or visitation rights to the minor child in the juvenile court if a matter is pending in the juvenile court, or in the district court in the county where the minor child:
 - (a) currently resides; or
 - (b) lived with a parent or an individual other than a parent who acted as a parent within six months before the commencement of the action.
- (4) An individual may file a petition under this section in a pending divorce, parentage action, or other proceeding, including a proceeding in the juvenile court involving custody of or visitation with a minor child.
- (5) The petition shall include detailed facts supporting the petitioner's right to file the petition including the criteria set forth in Subsection (2) and residency information described in Section 78B-13-209.
- (6) An individual may not file a petition under this section against a parent who is actively serving outside the state in any branch of the military.
- (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the Utah Rules of Civil Procedure on all of the following:
 - (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
 - (b) any individual who has court-ordered custody or visitation rights;
 - (c) the minor child's guardian;
 - (d) the guardian ad litem, if one has been appointed;
 - (e) an individual or agency that has physical custody of the minor child or that claims to have custody or visitation rights; and
 - (f) any other individual or agency that has previously appeared in any action regarding custody of or visitation with the minor child.
- (8) The court may order a custody evaluation to be conducted in any proceeding brought under this section.
- (9) The court may enter temporary orders in a proceeding brought under this section pending the entry of final orders.
- (10) Except as provided in Subsection (11), a court may not grant custody of a minor child under this section to an individual:
 - (a) who is not the parent of the minor child; and
 - (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no contest to a felony or attempted felony involving conduct that constitutes any of the following:
 - (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114;
 - (ii) child abuse homicide, as described in Section 76-5-208;
 - (iii) child kidnapping, as described in Section 76-5-301.1;
 - (iv) human trafficking of a child, as described in Section 76-5-308.5;

- (v) sexual abuse of a minor, as described in Section 76-5-401.1;
 - (vi) rape of a child, as described in Section 76-5-402.1;
 - (vii) object rape of a child, as described in Section 76-5-402.3;
 - (viii) sodomy on a child, as described in Section 76-5-403.1;
 - (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual abuse of a child, as described in Section 76-5-404.3;
 - (x) sexual exploitation of a minor, as described in Section 76-5b-201;
 - (xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
 - (xii) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (10).
- (11)
- (a) As used in this Subsection (11), "disqualifying offense" means an offense listed in Subsection (10) that prevents a court from granting custody except as provided in this Subsection (11).
 - (b) An individual described in Subsection (10) may only be considered for custody of a minor child if the following criteria are met by clear and convincing evidence:
 - (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
 - (ii) at least 10 years have elapsed from the day on which the individual is successfully released from prison, jail, parole, or probation related to a disqualifying offense;
 - (iii) during the 10 years before the day on which the individual files a petition with the court seeking custody the individual has not been convicted, plead guilty, or plead no contest to an offense greater than an infraction or traffic violation that would likely impact the health, safety, or well-being of the minor child;
 - (iv) the individual can provide evidence of successful treatment or rehabilitation directly related to the disqualifying offense;
 - (v) the court determines that the risk related to the disqualifying offense is unlikely to cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at any time in the future when considering all of the following:
 - (A) the minor child's age;
 - (B) the minor child's gender;
 - (C) the minor child's development;
 - (D) the nature and seriousness of the disqualifying offense;
 - (E) the preferences of a minor child who is 12 years old or older;
 - (F) any available assessments, including custody evaluations, parenting assessments, psychological or mental health assessments, and bonding assessments; and
 - (G) any other relevant information;
 - (vi) the individual can provide evidence of the following:
 - (A) the relationship with the minor child is of long duration;
 - (B) that an emotional bond exists with the minor child; and
 - (C) that custody by the individual who has committed the disqualifying offense ensures the best interests of the minor child are met;
 - (vii)
 - (A) there is no other responsible relative known to the court who has or likely could develop an emotional bond with the minor child and does not have a disqualifying offense; or
 - (B) if there is a responsible relative known to the court that does not have a disqualifying offense, Subsection (11)(d) applies; and
 - (viii) that the continuation of the relationship between the individual with the disqualifying offense and the minor child could not be sufficiently maintained through any type of

visitation if custody were given to the relative with no disqualifying offense described in Subsection (11)(d).

- (c) The individual with the disqualifying offense bears the burden of proof regarding why placement with that individual is in the best interest of the minor child over another responsible relative or equally situated individual who does not have a disqualifying offense.
 - (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to the court who does not have a disqualifying offense:
 - (i) preference for custody is given to a relative who does not have a disqualifying offense; and
 - (ii) before the court may place custody with the individual who has the disqualifying offense over another responsible, willing, and able relative:
 - (A) an impartial custody evaluation shall be completed; and
 - (B) a guardian ad litem shall be assigned.
- (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final decision on custody has not been made and to a case filed on or after March 25, 2017.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-403 Visitation rights of grandparents.

- (1) In accordance with the provisions and requirements of this section:
 - (a) a grandparent has standing to bring an action requesting visitation in district court by petition; and
 - (b) a grandparent may file a petition for visitation rights in the juvenile court or district court where a divorce proceeding or other proceeding involving custody and visitation issues is pending.
- (2)
 - (a) In accordance with Section 80-2a-201, it is the public policy of this state that a parent retains the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of a minor child of the parent.
 - (b) A court shall presume that a parent's decision in regard to grandparent visitation is in the best interest of the parent's minor child.
- (3) A court may find the presumption in Subsection (2)(b) rebutted if the grandparent, by clear and convincing evidence, establishes that:
 - (a) the grandparent has filled the role of custodian or caregiver to the grandchild that:
 - (i) is in a manner akin to a parent; and
 - (ii) the loss of the relationship between the grandparent and the grandchild would cause substantial harm to the grandchild; or
 - (b) both parents are unfit or incompetent in a manner that causes potential harm to the grandchild.
- (4)
 - (a) If the court finds the presumption in Subsection (2)(b) is rebutted, the court may consider whether grandparent visitation is in the best interest of the grandchild.
 - (b) If the court considers whether grandparent visitation is in the best interest of the child, the court shall take into account the totality of the circumstances, including:
 - (i) the reasonableness of the parent's decision to deny grandparent visitation;
 - (ii) the age of the grandchild;
 - (iii) the death or unavailability of a parent; and
 - (iv) if the grandchild is 14 years old or older, the grandchild's desires regarding visitation after the court inquires of the grandchild.

- (5) If the court finds the presumption in Subsection (2)(b) is rebutted and grandparent visitation is in the best interest of the grandchild, the court may issue an order for grandparent visitation.
- (6) Notwithstanding Section 81-9-404, the adoption of a grandchild by the grandchild's stepparent does not diminish or alter visitation rights previously ordered under this section.
- (7) On the petition of a grandparent or the legal custodian of a grandchild the court may, after a hearing, modify an order regarding grandparent visitation if:
 - (a) the circumstances of the grandchild, the grandparent, or the custodian have materially and substantially changed since the entry of the order to be modified, or the order has become unworkable or inappropriate under existing circumstances; and
 - (b) the court determines that a modification is appropriate based upon the factors set forth in Subsections (3) and (4).
- (8) A grandparent may petition the court to remedy a parent's wrongful noncompliance with a visitation order.

Renumbered and Amended by Chapter 366, 2024 General Session

Effective 9/1/2024

81-9-404 Exceptions to visitation by nonparent.

This part may not be used to seek, obtain, maintain or continue custody of, or visitation with, a minor child who has been relinquished for adoption, or adopted in accordance with a court order.

Renumbered and Amended by Chapter 366, 2024 General Session