

Effective 9/1/2025

Chapter 11
Uniform Child Custody Jurisdiction and Enforcement Act

Part 1
General Provisions

81-11-101 Definitions for chapter.

As used in this chapter:

- (1) "Abandoned" means left without provision for reasonable and necessary care or supervision.
- (2)
 - (a) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or parent-time with respect to a minor child.
 - (b) "Child custody determination" includes a permanent, temporary, initial, and modification order.
 - (c) "Child custody determination" does not include an order relating to child support or other monetary obligation of an individual.
- (3)
 - (a) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or parent-time with respect to a minor child is an issue.
 - (b) "Child custody proceeding" includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear.
 - (c) "Child custody proceeding" does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Part 3, Enforcement.
- (4) "Commencement" means the filing of the first pleading in a proceeding.
- (5) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination.
- (6) "Home state" means:
 - (a) if the minor child is six months old or older, the state in which a minor child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding, including any period of temporary absence of the parent or the person acting as a parent during that time period; or
 - (b) if the minor child is younger than six months old, the state in which the minor child lived from birth with a parent or a person acting as parent, including any period of temporary absence of the parent or the person acting as a parent during that time period.
- (7) "Initial determination" means the first child custody determination concerning a particular minor child.
- (8) "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this chapter.
- (9) "Issuing state" means the state in which a child custody determination is made.
- (10) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same minor child, whether or not it is made by the court that made the previous determination.
- (11) "Person" includes government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (12) "Person acting as a parent" means a person, other than a parent, who:

- (a) has physical custody of the minor child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child custody proceeding; and
 - (b) has been awarded legal custody by a court or claims a right to legal custody under the law of this state.
- (13) "Physical custody" means the physical care and supervision of a minor child.
- (14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (15) "Tribe" means an Indian tribe, or band, or Alaskan Native village which is recognized by federal law or formally acknowledged by a state.
- (16) "Writ of assistance" means an order issued by a court authorizing law enforcement officers to take physical custody of a minor child.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-102 Proceedings governed by other law.

- (1) As used in this section, "adoption proceeding" means any proceeding under Chapter 13, Adoption.
- (2) This chapter does not govern:
 - (a) an adoption proceeding; or
 - (b) a proceeding pertaining to the authorization of emergency medical care for a minor child.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-103 Application to Indian tribes.

- (1) A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to this chapter to the extent that it is governed by the Indian Child Welfare Act.
- (2) A court of this state shall treat a tribe as a state of the United States for purposes of Part 1, General Provisions, and Part 2, Jurisdiction.
- (3) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this chapter shall be recognized and enforced under the provisions of Part 3, Enforcement.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-104 International application of chapter.

- (1) A court of this state shall treat a foreign country as a state of the United States for purposes of applying Part 1, General Provisions, and Part 2, Jurisdiction.
- (2) A child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter shall be recognized and enforced under Part 3, Enforcement.
- (3) The court need not apply the provisions of this chapter when the child custody law of the other country violates fundamental principles of human rights.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-105 Binding force of child custody determination.

- (1) A child custody determination made by a court of this state that had jurisdiction under this chapter binds all persons who have:
 - (a)
 - (i) been served in accordance with the laws of this state or notified in accordance with Section 81-11-107; or
 - (ii) submitted to the jurisdiction of the court; and
 - (b) been given an opportunity to be heard.
- (2) The determination is conclusive as to the persons described in Subsection (1) as to all decided issues of law and fact except to the extent the determination is modified.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-106 Priority.

If a question of existence or exercise of jurisdiction under this chapter is raised in a child custody proceeding, the question, upon request of a party, shall be given priority on the calendar and handled expeditiously.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-107 Notice to persons outside state.

- (1)
 - (a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for the service of process or by the law of the state in which the service is made.
 - (b) Notice shall be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.
- (2) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.
- (3) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-108 Appearance and limited immunity.

- (1) A party to a child custody proceeding who is not subject to personal jurisdiction in this state and is a responding party under Part 2, Jurisdiction, a party in a proceeding to modify a child custody determination under Part 2, Jurisdiction, or a petitioner in a proceeding to enforce or register a child custody determination under Part 3, Enforcement, may appear and participate in the proceeding without submitting to personal jurisdiction over the party for another proceeding or purpose.
- (2)
 - (a) A party is not subject to personal jurisdiction in this state solely by being physically present for the purpose of participating in a proceeding under this chapter.
 - (b) If a party is subject to personal jurisdiction in this state on a basis other than physical presence, the party may be served with process in this state.
 - (c) If a party present in this state is subject to the jurisdiction of another state, service of process allowable under the laws of that state may be accomplished in this state.

- (3) The immunity granted by this section does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this chapter committed by an individual while present in this state.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-109 Communication between courts.

- (1) As used in this section:
 - (a) "Record" means information that is inscribed on a tangible medium or that which is stored in an electronic or other medium and is retrievable in perceivable form.
 - (b) "Record" includes:
 - (i) notes or transcripts of a court reporter who listened to a conference call between the courts;
 - (ii) an electronic recording of a telephone call;
 - (iii) a memorandum or an electronic record of the communication between the courts; or
 - (iv) a memorandum or an electronic record made by a court after the communication.
- (2) A court of this state may communicate with a court in another state concerning a proceeding arising under this chapter.
- (3)
 - (a) The court may allow the parties to participate in the communication.
 - (b) If the parties are not able to participate in the communication, the parties shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.
- (4)
 - (a) A communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties.
 - (b) A record need not be made of that communication.
- (5)
 - (a) Except as provided in Subsection (4), a record shall be made of the communication.
 - (b) The parties shall be informed promptly of the communication and granted access to the record.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-110 Taking testimony in another state.

- (1)
 - (a) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the minor child, by deposition or other means allowable in this state for testimony taken in another state.
 - (b) The court on the court's own motion may:
 - (i) order that the testimony of a person be taken in another state; and
 - (ii) prescribe the manner in which and the terms upon which the testimony is taken.
- (2)
 - (a) A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state.
 - (b) A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

- (3) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-111 Cooperation between courts -- Preservation of records.

- (1) A court of this state may request the appropriate court of another state to:
- (a) hold an evidentiary hearing;
 - (b) order a person to produce or give evidence under procedures of that state;
 - (c) order that an evaluation be made with respect to the custody of a minor child involved in a pending proceeding;
 - (d) forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and
 - (e) order a party to a child custody proceeding or any person having physical custody of the minor child to appear in the proceeding with or without the minor child.
- (2) Upon request of a court of another state, a court of this state may:
- (a) hold a hearing or enter an order described in Subsection (1); or
 - (b) order a person in this state to appear alone or with the minor child in a custody proceeding in another state.
- (3)
- (a) A court of this state may condition compliance with a request under Subsection (2)(b) upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.
 - (b) If an individual who has physical custody of the minor child cannot be served or fails to obey the order, or it appears the order will be ineffective, the court may issue a warrant of arrest against the individual to secure the individual's appearance with the minor child in the other state.
- (4) Travel and other necessary and reasonable expenses incurred under Subsections (1) and (2) may be assessed against the parties according to the law of this state.
- (5)
- (a) A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the minor child is 18 years old.
 - (b) Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of these records.

Renumbered and Amended by Chapter 426, 2025 General Session

**Part 2
Jurisdiction**

81-11-201 Initial child custody jurisdiction.

- (1) Except as otherwise provided in Section 81-11-204, a court of this state has jurisdiction to make an initial child custody determination only if:

- (a) this state is the home state of the minor child on the date of the commencement of the proceeding, or was the home state of the minor child within six months before the commencement of the proceeding and the minor child is absent from this state but a parent or person acting as a parent continues to live in this state;
 - (b) a court of another state does not have jurisdiction under Subsection (1)(a), or a court of the home state of the minor child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Section 81-11-207 or 81-11-208, and:
 - (i) the minor child and the minor child's parents, or the minor child and at least one parent or a person acting as a parent have a significant connection with this state other than mere physical presence; and
 - (ii) substantial evidence is available in this state concerning the minor child's care, protection, training, and personal relationships;
 - (c) all courts having jurisdiction under Subsection (1)(a) or (b) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the minor child under Section 81-11-207 or 81-11-208; or
 - (d) no state would have jurisdiction under Subsection (1)(a), (b), or (c).
- (2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.
- (3) Physical presence of, or personal jurisdiction over, a party or a minor child is neither necessary nor sufficient to make a child custody determination.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-202 Exclusive, continuing jurisdiction.

- (1) Except as otherwise provided in Section 81-11-204, a court of this state that has made a child custody determination consistent with Section 81-11-201 or 81-11-203 has exclusive, continuing jurisdiction over the determination until:
 - (a) a court of this state determines that the minor child, the minor child and one parent, and the minor child and a person acting as a parent do not have a significant connection with this state and that substantial evidence is no longer available in this state concerning the minor child's care, protection, training, and personal relationships; or
 - (b) a court of this state or a court of another state determines that the minor child, a parent, and any person acting as a parent do not presently reside in this state.
- (2) A court of this state that has exclusive, continuing jurisdiction under this section may decline to exercise the court's jurisdiction if the court determines that it is an inconvenient forum under Section 81-11-207.
- (3) A court of this state that has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if the court has jurisdiction to make an initial determination under Section 81-11-201.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-203 Jurisdiction to modify determination.

Except as otherwise provided in Section 81-11-204, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under Subsection 81-11-201(1)(a) or (b) and:

- (1) the court of the other state determines the court no longer has exclusive, continuing jurisdiction under Section 81-11-202 or that a court of this state would be a more convenient forum under Section 81-11-207; or
- (2) a court of this state or a court of the other state determines that the minor child, a parent, and any person acting as a parent presently do not reside in the other state.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-204 Temporary emergency jurisdiction.

- (1) A court of this state has temporary emergency jurisdiction if the minor child is present in this state and the minor child has been abandoned or it is necessary in an emergency to protect the minor child because the minor child, or a sibling or parent of the minor child, is subjected to or threatened with mistreatment or abuse.
- (2)
 - (a) If there is no previous child custody determination that is entitled to be enforced under this chapter, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 81-11-201 through 81-11-203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 81-11-201 through 81-11-203.
 - (b) If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 81-11-201 through 81-11-203, a child custody determination made under this section becomes a final determination, if:
 - (i) it so provides; and
 - (ii) this state becomes the home state of the minor child.
- (3)
 - (a) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 81-11-201 through 81-11-203, any order issued by a court of this state under this section shall specify in the order a period of time which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 81-11-201 through 81-11-203.
 - (b) The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.
- (4)
 - (a) A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made, by a court of a state having jurisdiction under Sections 81-11-201 through 81-11-203, shall immediately communicate with the other court.
 - (b) A court of this state that is exercising jurisdiction in accordance with Sections 81-11-201 through 81-11-203, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made by a court of another state under a statute similar to this section shall immediately communicate with the court of that state.
 - (c) The purpose of the communication is to resolve the emergency, protect the safety of the parties and the minor child, and determine a period for the duration of the temporary order.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-205 Notice -- Opportunity to be heard -- Joinder.

- (1) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of Section 81-11-107 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the minor child.
- (2) This chapter does not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.
- (3) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-206 Simultaneous proceedings.

- (1) Except as otherwise provided in Section 81-11-204, a court of this state may not exercise its jurisdiction under this chapter if at the time of the commencement of the proceeding a proceeding concerning the custody of the minor child had been previously commenced in a court of another state having jurisdiction substantially in conformity with this chapter, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under Section 81-11-207.
- (2)
 - (a) Except as otherwise provided in Section 81-11-204, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties in accordance with Section 81-11-209.
 - (b) If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with this chapter, the court of this state shall stay the court's proceeding and communicate with the court of the other state.
 - (c) If the court of the state having jurisdiction substantially in accordance with this chapter does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.
- (3)
 - (a) In a proceeding to modify a child custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state.
 - (b) If a proceeding to enforce a child custody determination has been commenced in another state, the court may:
 - (i) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;
 - (ii) enjoin the parties from continuing with the proceeding for enforcement; or
 - (iii) proceed with the modification under conditions it considers appropriate.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-207 Inconvenient forum.

- (1)
 - (a) A court of this state that has jurisdiction under this chapter to make a child custody determination may decline to exercise its jurisdiction at any time if the court determines that

the court is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum.

- (b) The issue of inconvenient forum may be raised upon the court's own motion, request of another court, or motion of a party.
- (2)
- (a) Before determining whether the court is an inconvenient forum, a court of this state shall consider whether it is appropriate that a court of another state exercise jurisdiction.
 - (b) In making a determination under Subsection (2)(a), the court shall:
 - (i) allow the parties to submit information; and
 - (ii) consider all relevant factors, including:
 - (A) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the minor child;
 - (B) the length of time the minor child has resided outside this state;
 - (C) the distance between the court in this state and the court in the state that would assume jurisdiction;
 - (D) the relative financial circumstances of the parties;
 - (E) any agreement of the parties as to which state should assume jurisdiction;
 - (F) the nature and location of the evidence required to resolve the pending litigation, including the testimony of the minor child;
 - (G) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
 - (H) the familiarity of the court of each state with the facts and issues of the pending litigation.
 - (3) If a court of this state determines that the court is an inconvenient forum and that a court of another state is a more appropriate forum, the court shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.
 - (4) A court of this state may decline to exercise the court's jurisdiction under this chapter if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-208 Jurisdiction declined by reason of conduct.

- (1) Except as otherwise provided in Section 81-11-204 or by other law of this state, if a court of this state has jurisdiction under this chapter because a person invoking the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise the court's jurisdiction unless:
 - (a) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;
 - (b) a court of the state otherwise having jurisdiction under Sections 81-11-201 through 81-11-203 determines that this state is a more appropriate forum under Section 81-11-207; or
 - (c) no other state would have jurisdiction under Sections 81-11-201 through 81-11-203.
- (2) If a court of this state declines to exercise the court's jurisdiction in accordance with Subsection (1), the court may fashion an appropriate remedy to ensure the safety of the minor child and prevent a repetition of the wrongful conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under Sections 81-11-201 through 81-11-203.
- (3)
 - (a) If a court dismisses a petition or stays a proceeding because it declines to exercise the court's jurisdiction in accordance with Subsection (1), the court shall charge the party

invoking the jurisdiction of the court with necessary and reasonable expenses including costs, communication expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the award would be clearly inappropriate.

- (b) The court may not assess fees, costs, or expenses against this state except as otherwise provided by law other than this chapter.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-209 Information to be submitted to court.

- (1)
 - (a) In a child custody proceeding, each party, in the party's first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the minor child's present address, the places where the minor child has lived during the last five years, and the names and present addresses of the persons with whom the minor child has lived during that period.
 - (b) The pleading or affidavit shall state whether the party:
 - (i) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or parent-time with the minor child and, if so, identify the court, the case number of the proceeding, and the date of the child custody determination, if any;
 - (ii) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court and the case number and the nature of the proceeding; and
 - (iii) knows the names and addresses of any person not a party to the proceeding who has physical custody of the minor child or claims rights of legal custody or physical custody of, or parent-time with, the minor child and, if so, the names and addresses of those persons.
- (2) If the information required by Subsection (1) is not furnished, the court, upon the court's own motion or that of a party, may stay the proceeding until the information is furnished.
- (3)
 - (a) If the declaration as to any of the items described in Subsection (1) is in the affirmative, the declarant shall give additional information under oath as required by the court.
 - (b) The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.
- (4) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.
- (5) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or minor child would be put at risk by the disclosure of identifying information, that information shall be sealed and not disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or minor child and determines that the disclosure is in the interest of justice.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-210 Appearance of parties and child.

- (1)

- (a) A court of this state may order a party to a child custody proceeding who is in this state to appear before the court personally with or without the minor child.
- (b) The court may order any person who is in this state and who has physical custody or control of the minor child to appear physically with the minor child.
- (2) If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given in accordance with Section 81-11-107 include a statement directing the party to appear personally with or without the minor child and declaring that failure to appear may result in a decision adverse to the party.
- (3) The court may enter any orders necessary to ensure the safety of the minor child and of any person ordered to appear under this section.
- (4) If a party to a child custody proceeding who is outside this state is directed to appear under Subsection (2) or desires to appear personally before the court with or without the minor child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the minor child.

Renumbered and Amended by Chapter 426, 2025 General Session

Part 3 Enforcement

81-11-301 Definitions for part.

As used in this part:

- (1) "Petitioner" means a person who seeks enforcement of a child custody determination or enforcement of an order for the return of the minor child under the Hague Convention on the Civil Aspects of International Child Abduction.
- (2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of a child custody determination or enforcement of an order for the return of the minor child under the Hague Convention on the Civil Aspects of International Child Abduction.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-302 Scope -- Hague Convention Enforcement.

This chapter may be invoked to enforce:

- (1) a child custody determination; and
- (2) an order for the return of the minor child made under the Hague Convention on the Civil Aspects of International Child Abduction.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-303 Duty to enforce.

- (1) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction that was in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.
- (2)

- (a) A court may utilize any remedy available under other law of this state to enforce a child custody determination made by a court of another state.
- (b) The procedure provided by this part does not affect the availability of other remedies to enforce a child custody determination.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-304 Temporary parent-time.

- (1) A court of this state which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:
 - (a) a parent-time schedule made by a court of another state; or
 - (b) the parent-time provisions of a child custody determination of another state that does not provide for a specific parent-time schedule.
- (2)
 - (a) If a court of this state makes an order under Subsection (1)(b), the court shall specify in the order a period that the court considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in Part 2, Jurisdiction.
 - (b) The order remains in effect until an order is obtained from the other court or the period expires.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-305 Registration of child custody determination.

- (1) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the district court in this state:
 - (a) a letter or other document requesting registration;
 - (b) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and
 - (c) except as otherwise provided in Section 81-11-209, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or parent-time in the child custody determination sought to be registered.
- (2) On receipt of the documents required by Subsection (1), the registering court shall:
 - (a) cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and
 - (b) serve notice upon a person named as described in Subsection (1)(c) and provide the person with an opportunity to contest the registration in accordance with this section.
- (3) The notice required by Subsection (2)(b) shall state:
 - (a) that a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;
 - (b) that a hearing to contest the validity of the registered determination shall be requested within 20 days after service of notice; and
 - (c) that failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.
- (4)

- (a) A person seeking to contest the validity of a registered order shall request a hearing within 20 days after service of the notice.
- (b) At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:
 - (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
 - (ii) the child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction; or
 - (iii) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of Section 81-11-107 in the proceedings before the court that issued the order for which registration is sought.
- (5) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served shall be notified of the confirmation.
- (6) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter which could have been asserted at the time of registration.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-306 Enforcement of registered determination.

- (1) A court of this state may grant any relief normally available under the law of this state to enforce a registered child custody determination made by a court of another state.
- (2) A court of this state shall recognize and enforce, but may not modify except in accordance with Part 2, Jurisdiction, a registered child custody determination of another state.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-307 Simultaneous proceedings.

- (1) If a proceeding for enforcement under this part has been or is commenced in this state and a court of this state determines that a proceeding to modify the determination has been commenced in another state having jurisdiction to modify the determination under Part 2, Jurisdiction, the enforcing court shall immediately communicate with the modifying court.
- (2) The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-308 Expedited enforcement of child custody determination.

- (1)
 - (a) A petition under this part shall be verified.
 - (b) Certified copies of all orders sought to be enforced and of the order confirming registration, if any, shall be attached to the petition.
 - (c) A copy of a certified copy of an order may be attached instead of the original.
- (2) A petition for enforcement of a child custody determination shall state:
 - (a) whether the court that issued the determination identified the jurisdictional basis the court relied upon in exercising jurisdiction and, if so, what the basis was;

- (b) whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision shall be enforced under this chapter or federal law and, if so, identify the court, the case number of the proceeding, and the action taken;
 - (c) whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court and the case number and the nature of the proceeding;
 - (d) the present physical address of the minor child and the respondent, if known; and
 - (e) whether relief in addition to the immediate physical custody of the minor child and attorney fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought.
- (3) If the child custody determination has been registered and confirmed under Section 81-11-305, the petition shall also state the date and place of registration.
- (4) The court shall issue an order directing the respondent to appear with or without the minor child at a hearing and may enter any orders necessary to ensure the safety of the parties and the minor child.
- (5)
- (a) The hearing shall be held on the next judicial day following service of process unless that date is impossible.
 - (b) In that event, the court shall hold the hearing on the first day possible.
 - (c) The court may extend the date of hearing at the request of the petitioner.
- (6) The order shall:
- (a) state the time and place of the hearing; and
 - (b) advise the respondent that at the hearing the court will order the delivery of the child and the payment of fees, costs, and expenses under Section 81-11-312.
- (7) The order may set an additional hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:
- (a) the child custody determination has not been registered and confirmed under Section 81-11-305, and that:
 - (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
 - (ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction, or federal law; or
 - (iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 81-11-107 in the proceedings before the court that issued the order for which enforcement is sought; or
 - (b) the child custody determination for which enforcement is sought was registered and confirmed under Section 81-11-305, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction, or federal law.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-309 Service of petition and order.

Except as otherwise provided in Section 81-11-311, the petition and order shall be served, by any method authorized by the law of this state, upon respondent and any person who has physical custody of the minor child.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-310 Hearing and order.

- (1) Unless the court enters a temporary emergency order in accordance with Section 81-11-204, upon a finding that a petitioner is entitled to the physical custody of the minor child immediately, the court shall order the minor child delivered to the petitioner unless the respondent establishes that:
 - (a) the child custody determination has not been registered and confirmed under Section 81-11-305, and that:
 - (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
 - (ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction, or federal law; or
 - (iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 81-11-107 in the proceedings before the court that issued the order for which enforcement is sought; or
 - (b) the child custody determination for which enforcement is sought was registered and confirmed under Section 81-11-305, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction, or federal law.
- (2) The court shall award the fees, costs, and expenses authorized under Section 81-11-312 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.
- (3) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.
- (4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and minor child may not be invoked in a proceeding under this chapter.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-311 Writ to take physical custody of child.

- (1) Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a writ of assistance to take physical custody of the minor child if the minor child is likely to suffer serious imminent physical harm or removal from this state.
- (2)
 - (a) If the court, upon the testimony of the petitioner or other witness, finds that the minor child is likely to suffer serious imminent physical harm or be imminently removed from this state, the court may issue a writ of assistance to take physical custody of the minor child.
 - (b) The petition shall be heard within 72 hours after the writ is executed.
 - (c) The writ shall include the statements required by Subsection 81-11-308(2).
- (3) A writ to take physical custody of a minor child shall:
 - (a) recite the facts upon which a conclusion of serious imminent physical harm or removal from the jurisdiction is based;
 - (b) direct law enforcement officers to take physical custody of the minor child immediately; and
 - (c) provide for the placement of the minor child pending final relief.
- (4) The respondent shall be served with the petition, writ, and order immediately after the minor child is taken into physical custody.
- (5)

- (a) A writ of assistance to take physical custody of a minor child is enforceable throughout this state.
 - (b) If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the minor child.
 - (c) If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.
- (6) The court may impose conditions upon placement of a minor child to ensure the appearance of the minor child and the minor child's custodian.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-312 Costs, fees, and expenses.

- (1) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.
- (2) The court may not assess fees, costs, or expenses against a state except as otherwise provided by law other than this chapter.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-313 Recognition and enforcement.

A court of this state shall accord full faith and credit to an order made consistently with this chapter which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court authorized to do so under Part 2, Jurisdiction.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-314 Appeals.

- (1) An appeal may be taken from an order in a proceeding under this chapter in accordance with expedited appellate procedures in other civil cases.
- (2) Unless the court enters a temporary emergency order under Section 81-11-204, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-315 Role of prosecutor or attorney general.

- (1) In a case arising under this chapter or involving the Hague Convention on the Civil Aspects of International Child Abduction, the prosecutor or attorney general may take any lawful action, including resort to a proceeding under this chapter or any other available civil proceeding to locate a minor child, obtain the return of a minor child, or enforce a child custody determination if there is:
 - (a) an existing child custody determination;
 - (b) a request from a court in a pending child custody case;
 - (c) a reasonable belief that a criminal statute has been violated; or

- (d) a reasonable belief that the minor child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.
- (2) A prosecutor or attorney general acts on behalf of the court and may not represent any party to a child custody determination.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-316 Role of law enforcement.

At the request of a prosecutor or the attorney general acting under Section 81-11-315, a law enforcement officer may take any lawful action reasonably necessary to locate a minor child or a party and assist a prosecutor or attorney general with responsibilities under Section 81-11-315.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-317 Costs and expenses.

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor or attorney general and law enforcement officers under Section 81-11-315 or 81-11-316.

Renumbered and Amended by Chapter 426, 2025 General Session

81-11-318 Transitional provision.

A motion or other request for relief made in a child custody or enforcement proceeding that was commenced before July 1, 2000, is governed by the law in effect at the time the motion or other request was made.

Renumbered and Amended by Chapter 426, 2025 General Session