

Representative LaVar Christensen proposes the following substitute bill:

PARENT AND CHILD AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: David L. Thomas

LONG TITLE

General Description:

This bill defines "in loco parentis" as a voluntary and temporary delegation of parental authority.

Highlighted Provisions:

This bill:

- ▶ defines "in loco parentis" to be a legally recognized, voluntary and temporary delegation of parental power;
- ▶ prohibits the use of "in loco parentis" to grant parent-time, visitation, custody, legal guardianship, child support, or an adoption of a minor child;
- ▶ allows a biological or adoptive parent to terminate the temporary and voluntary delegation of parental authority between a person standing in "loco parentis" and their minor child or children;
- ▶ provides that in loco parentis may not be maintained or legally recognized contrary to the expressed desires of a parent of a minor child; and
- ▶ provides that this bill does not effect any rights provided under Title 30, Husband and Wife.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **78-62-1**, Utah Code Annotated 1953

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

33 Section 11. Section **78-62-1** is enacted to read:

34 **78-62-1. In loco parentis.**

35 (1) "In loco parentis" means the legal recognition of a voluntary and temporary
36 delegation to another person of parental authority for a minor child.

37 (2) "Person" means an individual acting on their own behalf or in such capacity as
38 provided by statute.

39 (3) Unless specifically authorized by statute, in loco parentis may not be used as the
40 basis for granting to any person:

41 (a) parent-time or visitation;

42 (b) legal or physical custody;

43 (c) status as a legal guardian;

44 (d) child support; or

45 (e) an adoption.

46 (4) In loco parentis may not be maintained or legally recognized contrary to the
47 expressed desires of a parent of a minor child.

48 (5) A biological or adoptive parent who has not been adjudicated as an unfit parent
49 may at any time terminate a relationship between a person standing in loco parentis and their
50 minor child or children.

51 (6) This section does not effect any rights provided under Title 30, Husband and Wife ~~§~~ ,
51a or any right of a grandparent ~~←~~§ .

Fiscal Note
Bill Number HB0148S01

Parent and Child Amendments

14-Feb-06

10:11 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst