

PARENT AND CHILD AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

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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;

34 ▶ provides that in loco parentis may not be maintained or legally recognized contrary
35 to the expressed desires of a parent of a minor child; and

36 ▶ provides that this bill does not effect any rights provided under Title 30, Husband
37 and Wife.

38 **Monies Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 ENACTS:

44 **78-62-1**, Utah Code Annotated 1953



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

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

48 **78-62-1. In loco parentis.**

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

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

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

55 (a) parent-time or visitation;

56 (b) legal or physical custody;

57 (c) status as a legal guardian;

58 (d) child support; or

59 (e) an adoption.

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

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

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