

1                                   **PARENT AND CHILD AMENDMENTS**

2                                   2006 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: LaVar Christensen**

5                                   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill establishes when a person may stand in the place of a parent and defines "in  
10 loco parentis."

11 **Highlighted Provisions:**

12           This bill:

13           ▶ defines "in loco parentis," requiring that a voluntary and temporary delegation of  
14 parental power has occurred and that the person has accepted the obligations of  
15 parenthood created by the delegation;

16           ▶ prohibits the legal establishment of "in loco parentis" when it is clearly contrary to  
17 the known desires of a parent of the minor child; and

18           ▶ prohibits the use of "in loco parentis" to grant parent-time, visitation, custody, legal  
19 guardianship, child support, or an adoption of a minor child.

20 **Monies Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           None

24 **Utah Code Sections Affected:**

25 ENACTS:

26           **78-62-1**, Utah Code Annotated 1953



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

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

30 **78-62-1. In loco parentis.**

31 (1) "In loco parentis" means the legal recognition of a voluntary and temporary  
32 delegation of parental authority to another person, where that person has accepted the  
33 obligations of parenthood by taking significant responsibility for the minor child's maintenance,  
34 care, and education, including contributing toward the minor child's support, without  
35 expectation of financial compensation.

36 (2) "Person" means an individual.

37 (3) In loco parentis may not be established or legally recognized contrary to the  
38 expressed desires of a parent of a minor child.

39 (4) (a) Agreements, arrangements, transactions, or relationships that are outside the law  
40 or which are in violation of public policy are not recognized, and may not be the basis to,  
41 establish in loco parentis.

42 (b) In loco parentis may not be used to grant a person:

43 (i) parent-time or visitation;

44 (ii) legal or physical custody;

45 (iii) status as a legal guardian;

46 (iv) child support; or

47 (v) an adoption.

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.

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**Legislative Review Note**  
**as of 1-24-06 9:51 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0148**

**Parent and Child Amendments**

*30-Jan-06*

*11:16 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**