



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **10-3-716**, as enacted by Chapter 48, Laws of Utah 1977
- 33 **26-2-22**, as last amended by Chapter 255, Laws of Utah 2001
- 34 **30-3-4**, as last amended by Chapters 47 and 157, Laws of Utah 1997
- 35 **30-3-15.3**, as last amended by Chapter 215, Laws of Utah 1997
- 36 **59-1-403**, as last amended by Chapter 204, Laws of Utah 2005
- 37 **59-10-540**, as last amended by Chapter 9, Laws of Utah 2001
- 38 **62A-4a-116.6**, as last amended by Chapter 210, Laws of Utah 2003
- 39 **62A-4a-202.2**, as last amended by Chapter 10, Laws of Utah 2001, First Special
- 40 Session
- 41 **62A-4a-202.6**, as last amended by Chapter 58, Laws of Utah 2001
- 42 **62A-11-104**, as last amended by Chapters 90 and 176, Laws of Utah 2003
- 43 **62A-11-328**, as enacted by Chapter 1, Laws of Utah 1988
- 44 **63A-11-102**, as enacted by Chapter 356, Laws of Utah 2004
- 45 **77-20-4**, as last amended by Chapter 287, Laws of Utah 2003
- 46 **78-3a-104**, as last amended by Chapter 2, Laws of Utah 2005
- 47 **78-3a-105**, as last amended by Chapter 356, Laws of Utah 2004
- 48 **78-3a-116**, as last amended by Chapters 190 and 324, Laws of Utah 2004
- 49 **78-3a-502**, as last amended by Chapter 212, Laws of Utah 2002
- 50 **78-30-4.14**, as last amended by Chapter 137, Laws of Utah 2005

51 REPEALS:

- 52 **59-10-545**, as last amended by Chapter 183, Laws of Utah 1990



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

55 Section 1. Section **10-3-716** is amended to read:

56 **10-3-716. Fines and forfeitures -- Disposition.**

57 All fines, penalties, and forfeitures for the violation of any ordinance, when collected,  
58 shall be paid [~~into the municipal treasury within seven days after the collection date~~] in

59 accordance with Section 51-4-2. A violation of this section constitutes a class C misdemeanor.  
60 The retention or use of any fine, penalty, or forfeiture by any person for personal use or benefit  
61 constitutes a class B misdemeanor, except that if the amount or amounts exceed \$1,000 the  
62 offense is a class A misdemeanor as defined in the Utah Criminal Code.

63 Section 2. Section **26-2-22** is amended to read:

64 **26-2-22. Inspection of vital records.**

65 (1) (a) The vital records shall be open to inspection, but only in compliance with the  
66 provisions of this chapter, department rules, and Section 78-30-18. It is unlawful for any state  
67 or local officer or employee to disclose data contained in vital records contrary to this chapter  
68 or department rule.

69 (b) A custodian of vital records may permit inspection of a vital record or issue a  
70 certified copy of a record or a part of it when the custodian is satisfied the applicant has  
71 demonstrated a direct, tangible, and legitimate interest.

72 (2) A direct, tangible, and legitimate interest in a vital record is present only if:

73 (a) the request is from the subject, a member of the subject's immediate family, the  
74 guardian of the subject, or a designated legal representative;

75 (b) the request involves a personal or property right of the subject of the record;

76 (c) the request is for official purposes of a state, local, or federal governmental agency;

77 (d) the request is for a statistical or medical research program and prior consent has  
78 been obtained from the state registrar; or

79 (e) the request is a certified copy of an order of a court of record specifying the record  
80 to be examined or copied.

81 (3) For purposes of Subsection (2):

82 (a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or  
83 grandchild;

84 (b) a designated legal representative means an attorney, physician, funeral director,  
85 genealogist, or other agent of the subject or the subject's immediate family who has been  
86 delegated the authority to access vital records;

87 (c) except as provided in Title 78, Chapter 30, Adoption, a parent, or the immediate  
88 family member of a parent, who does not have legal or physical custody of or visitation or  
89 parent-time rights for a child because of the termination of parental rights pursuant to Title 78,

90 Chapter 3a, Juvenile ~~Courts~~ Court Act of 1996, or by virtue of consenting to or relinquishing  
91 a child for adoption pursuant to Title 78, Chapter 30, Adoption, may not be considered as  
92 having a direct, tangible, and legitimate interest; and

93 (d) a commercial firm or agency requesting names, addresses, or similar information  
94 may not be considered as having a direct, tangible, and legitimate interest.

95 (4) Upon payment of a fee established in accordance with Section 63-38-3.2, the  
96 following records shall be available to the public:

97 (a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding  
98 confidential information collected for medical and health use, if 100 years or more have passed  
99 since the date of birth;

100 (b) a death record if 50 years or more have passed since the date of death; and

101 (c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed  
102 since the date of the event upon which the record is based.

103 Section 3. Section **30-3-4** is amended to read:

104 **30-3-4. Pleadings -- Findings -- Decree -- Use of affidavit -- Sealing.**

105 (1) (a) The complaint shall be in writing and signed by the petitioner or petitioner's  
106 attorney.

107 (b) A decree of divorce may not be granted upon default or otherwise except upon legal  
108 evidence taken in the cause. If the decree is to be entered upon the default of the respondent,  
109 evidence to support the decree may be submitted upon the affidavit of the petitioner with the  
110 approval of the court.

111 (c) If the petitioner and the respondent have a child or children, a decree of divorce  
112 may not be granted until both parties have attended the mandatory course described in Section  
113 30-3-11.3, and have presented a certificate of course completion to the court. The court may  
114 waive this requirement, on its own motion or on the motion of one of the parties, if it  
115 determines course attendance and completion are not necessary, appropriate, feasible, or in the  
116 best interest of the parties.

117 (d) All hearings and trials for divorce shall be held before the court or the court  
118 commissioner as provided by Section 78-3-31 and rules of the Judicial Council. The court or  
119 the commissioner in all divorce cases shall enter the decree upon the evidence or, in the case of  
120 a decree after default of the respondent, upon the petitioner's affidavit.

121 ~~[(2) The file, except the decree of divorce, may be sealed by order of the court upon the~~  
122 ~~motion of either party. The sealed portion of the file is available to the public only upon an~~  
123 ~~order of the court. The concerned parties, the attorneys of record or attorney filing a notice of~~  
124 ~~appearance in the action, the Office of Recovery Services if a party to the proceedings has~~  
125 ~~applied for or is receiving public assistance, or the court have full access to the entire record.~~  
126 ~~This sealing does not apply to subsequent filings to enforce or amend the decree.]~~

127 (2) (a) A party to an action brought under this title or to an action under Title 78,  
128 Chapter 45, Uniform Civil Liability for Support Act, Title 78, Chapter 45c, Utah Uniform  
129 Child Custody Jurisdiction and Enforcement Act, Title 78, Chapter 45f, Uniform Interstate  
130 Family Support Act, Title 78, Chapter 45g, Utah Uniform Parentage Act, or to an action to  
131 modify or enforce a judgment in the action may file a motion to have the file other than the  
132 final judgment, order, or decree classified as private.

133 (b) If the court finds that there are substantial interests favoring restricting access that  
134 clearly outweigh the interests favoring access, the court may classify the file, or any part  
135 thereof other than the final order, judgment, or decree, as private. An order classifying part of  
136 the file as private does not apply to subsequent filings.

137 (c) The record is private until the judge determines it is possible to release the record  
138 without prejudice to the interests that justified the closure. Any interested person may petition  
139 the court to permit access to a record classified as private under this section. The petition shall  
140 be served on the parties to the closure order.

141 Section 4. Section **30-3-15.3** is amended to read:

142 **30-3-15.3. Commissioners -- Powers.**

143 Commissioners shall:

144 (1) secure compliance with court orders;

145 (2) require attendance at the mandatory course as provided in Section 30-3-11.3;

146 (3) serve as judge pro tempore, master or referee on:

147 (a) assignment of the court; and

148 (b) with the written consent of the parties:

149 (i) orders to show cause where no contempt is alleged;

150 (ii) default divorces where the parties have had marriage counseling but there has been  
151 no reconciliation;

152 (iii) uncontested actions under [~~the~~] Title 78, Chapter 45g, Utah Uniform Parentage  
153 Act [~~on Paternity~~];

154 (iv) actions under [~~the~~] Title 78, Chapter 45, Uniform Civil Liability for Support Act;  
155 and

156 (v) actions under [~~the Reciprocal Enforcement of~~] Title 78, Chapter 45f, Uniform  
157 Interstate Family Support Act; and

158 (4) represent the interest of children in divorce or annulment actions, and the parties in  
159 appropriate cases.

160 Section 5. Section **59-1-403** is amended to read:

161 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

162 (1) (a) Except as provided in this section, any of the following may not divulge or  
163 make known in any manner any information gained by that person from any return filed with  
164 the commission:

165 (i) a tax commissioner;

166 (ii) an agent, clerk, or other officer or employee of the commission; or

167 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
168 town.

169 (b) Except as provided in Subsection (1)(c), an official charged with the custody of a  
170 return filed with the commission is not required to produce the return or evidence of anything  
171 contained in the return in any action or proceeding in any court, except:

172 (i) in accordance with judicial order;

173 (ii) on behalf of the commission in any action or proceeding under:

174 (A) this title; or

175 (B) other law under which persons are required to file returns with the commission;

176 (iii) on behalf of the commission in any action or proceeding to which the commission  
177 is a party; or

178 (iv) on behalf of any party to any action or proceeding under this title if the report or  
179 facts shown by the return are directly involved in the action or proceeding.

180 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
181 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
182 pertinent to the action or proceeding.

183 (2) This section does not prohibit:  
184 (a) a person or that person's duly authorized representative from receiving a copy of  
185 any return or report filed in connection with that person's own tax;  
186 (b) the publication of statistics as long as the statistics are classified to prevent the  
187 identification of particular reports or returns; and  
188 (c) the inspection by the attorney general or other legal representative of the state of the  
189 report or return of any taxpayer:  
190 (i) who brings action to set aside or review a tax based on the report or return;  
191 (ii) against whom an action or proceeding is contemplated or has been instituted under  
192 this title; or  
193 (iii) against whom the state has an unsatisfied money judgment.  
194 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
195 commission may by rule, made in accordance with Title 63, Chapter 46a, Utah Administrative  
196 Rulemaking Act, provide for a reciprocal exchange of information with:  
197 (i) the United States Internal Revenue Service; or  
198 (ii) the revenue service of any other state.  
199 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
200 corporate franchise tax, the commission may by rule, made in accordance with Title 63,  
201 Chapter 46a, Utah Administrative Rulemaking Act, share information gathered from returns  
202 and other written statements with the federal government, any other state, any of the political  
203 subdivisions of another state, or any political subdivision of this state, except as limited by  
204 Sections 59-12-209 and 59-12-210, if these political subdivisions or the federal government  
205 grant substantially similar privileges to this state.  
206 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
207 corporate franchise tax, the commission may by rule, in accordance with Title 63, Chapter 46a,  
208 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
209 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
210 due.  
211 (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and  
212 Hazardous Waste Control Board executive secretary, as defined in Section 19-6-102, as  
213 requested by the executive secretary, any records, returns, or other information filed with the

214 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5  
215 regarding the environmental assurance program participation fee.

216 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
217 provide that person sales and purchase volume data reported to the commission on a report,  
218 return, or other information filed with the commission under:

219 (i) Chapter 13, Part 2, Motor Fuel; or

220 (ii) Chapter 13, Part 4, Aviation Fuel.

221 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
222 as defined in Section 59-22-202, the commission shall report to the manufacturer:

223 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
224 manufacturer and reported to the commission for the previous calendar year under Section  
225 59-14-407; and

226 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
227 manufacturer for which a tax refund was granted during the previous calendar year under  
228 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

229 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
230 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
231 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

232 (h) Notwithstanding Subsection (1), the commission may:

233 (i) provide to the Division of Consumer Protection within the Department of  
234 Commerce and the attorney general data:

235 (A) reported to the commission under Section 59-14-212; or

236 (B) related to a violation under Section 59-14-211; and

237 (ii) upon request provide to any person data reported to the commission under  
238 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

239 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
240 of the Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of Planning  
241 and Budget, provide to the committee or office the total amount of revenues collected by the  
242 commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period  
243 specified by the committee or office.

244 (j) Notwithstanding Subsection (1), the commission shall at the request of the

245 Legislature provide to the Legislature the total amount of sales or uses exempt under  
246 Subsection 59-12-104 (50) reported to the commission in accordance with Section 59-12-105.

247 (k) Notwithstanding Subsection (1), the commission shall make the directory required  
248 by Section 59-14-603 available for public inspection.

249 (l) Notwithstanding Subsection (1), the commission shall comply with the reporting  
250 requirements of Section 10-1-409.

251 (m) Notwithstanding Subsection (1), the commission may share information with  
252 federal, state, or local agencies as provided in Subsection 59-14-606(3).

253 (n) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
254 Recovery Services within the Department of Human Services any relevant information  
255 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
256 who has become obligated to the Office of Recovery Services.

257 (ii) The information described in Subsection (3)(n)(i) may be provided by the Office of  
258 Recovery Services to any other state's child support collection agency involved in enforcing  
259 that support obligation.

260 (o) (i) Notwithstanding Subsection (1), upon request from the state court administrator,  
261 the commission shall provide to the state court administrator, the name, address, telephone  
262 number, county of residence, and Social Security number on resident returns filed under  
263 Chapter 10, Individual Income Tax Act.

264 (ii) The state court administrator may use the information described in Subsection  
265 (3)(o)(i) only as a source list for the master jury list described in Section 78-46-10.

266 (4) (a) Reports and returns shall be preserved for at least three years.

267 (b) After the three-year period provided in Subsection (4)(a) the commission may  
268 destroy a report or return.

269 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

270 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
271 the person shall be dismissed from office and be disqualified from holding public office in this  
272 state for a period of five years thereafter.

273 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.  
274 Section 6. Section **59-10-540** is amended to read:

275 **59-10-540. Transferees.**

276 (1) The liability at law or in equity of a transferee of property of any person liable in  
277 respect of any tax (including additions to tax, penalties or interest) imposed by this chapter,  
278 shall be assessed, paid, and collected in the same manner and subject to the same provisions  
279 and limitations as in the case of the tax to which the liability relates, except that the period of  
280 limitations for assessment against the transferee shall be extended by one year for each  
281 successive transfer, in order of transfer (from the person originally liable to the transferee  
282 involved), but not by more than three years in the aggregate. As used in this section,  
283 "transferee" includes donee, heir, legatee, devisee, and distributee.

284 (2) (a) If, before the expiration of the period of limitations for assessment of liability  
285 of the transferee, a claim has been filed by the commission in any court against the person  
286 originally liable or the last preceding transferee, based upon the liability of the person  
287 originally liable, then the period of limitation for assessment of liability of the transferee shall  
288 in no event expire prior to one year after such claim has been finally allowed, disallowed, or  
289 otherwise disposed of.

290 (b) If, before expiration of the time prescribed in Subsection (1) or (2)(a) for the  
291 assessment of the liability, the commission and the transferee have both consented in writing to  
292 its assessment after such time, the liability may be assessed at any time prior to the expiration  
293 of the period agreed upon. The period so agreed upon may be extended by subsequent  
294 agreements in writing made before the expiration of the period previously agreed upon. For the  
295 purpose of determining the period of limitation on credit or refund to the transferee of  
296 overpayments of tax made by such transferee or overpayments of tax made by the transferor as  
297 to which the transferee is legally entitled to credit or refund, such agreement and any extension  
298 thereof are considered an agreement and extension thereof referred to in Section 59-10-516. If  
299 the agreement is executed after the expiration of the period of limitation for assessment against  
300 the original taxpayer, then in applying the limitations under Section 59-10-529 on the amount  
301 of the credit or refund, the periods specified in Section 59-10-529 shall be increased by the  
302 period from the date of such expiration to the date of the agreement.

303 (3) If any person is deceased, the period of limitation for assessment against him shall  
304 be the period that would be in effect if he had lived.

305 (4) Notwithstanding the provisions of Section [~~59-10-545~~] 59-1-403 (relating to  
306 confidentiality of return information) the commission shall use its powers to make available to

307 a transferee evidence necessary to enable the transferee to determine the liability of the original  
308 taxpayer and of any preceding transferees, but without undue hardship to the original taxpayer  
309 or preceding transferee.

310 Section 7. Section **62A-4a-116.6** is amended to read:

311 **62A-4a-116.6. Notice and opportunity for court hearing for persons listed in**  
312 **Licensing Information System.**

313 (1) Persons whose names were listed on the Licensing Information System as of May  
314 6, 2002 and who have not been the subject of a court determination with respect to the alleged  
315 incident of abuse or neglect may at any time:

316 (a) request review by the division of their case and removal of their name from the  
317 Licensing Information System pursuant to Subsection (3); or

318 (b) file a petition for an evidentiary hearing and a request for a finding of  
319 unsubstantiated or without merit.

320 (2) Subsection (1) does not apply to an individual who has been the subject of any of  
321 the following court determinations with respect to the alleged incident of abuse or neglect:

322 (a) conviction;

323 (b) adjudication under Title 78, Chapter 3a, Juvenile ~~[Courts]~~ Court Act of 1996;

324 (c) plea of guilty;

325 (d) plea of guilty and mentally ill; or

326 (e) no contest.

327 (3) If an alleged perpetrator listed on the Licensing Information System prior to May 6,  
328 2002 requests removal of their name from the Licensing Information System, the division shall,  
329 within 30 days:

330 (a) review the case to determine whether the incident of alleged abuse or neglect  
331 qualifies as severe or chronic under Subsection 62A-4a-116.1(2) and if it does not, remove the  
332 name from the Licensing Information System; or

333 (b) determine whether to file a petition for substantiation.

334 (4) If the division decides to file a petition, that petition must be filed no more than 14  
335 days after the decision.

336 (5) The juvenile court shall act on the petition as provided in Subsection 78-3a-320(3).

337 (6) If a person whose name appears on the Licensing Information System prior to May

338 6, 2002 files a petition pursuant to Section 78-3a-320 during the time that an alleged  
339 perpetrator's application for clearance to work with children or vulnerable adults is pending, the  
340 court shall hear the matter on an expedited basis.

341 Section 8. Section **62A-4a-202.2** is amended to read:

342 **62A-4a-202.2. Notice to parents upon removal of child -- Locating noncustodial**  
343 **parent -- Written statement of procedural rights and preliminary proceedings.**

344 (1) (a) Any peace officer or caseworker who takes a minor into protective custody  
345 pursuant to Section 62A-4a-202.1 shall immediately use reasonable efforts to locate and  
346 inform, through the most efficient means available, the parents, including a noncustodial  
347 parent, the guardian, or responsible relative:

348 (i) that the minor has been taken into protective custody;

349 (ii) the reasons for removal and placement in protective custody;

350 (iii) that a written statement is available that explains the parent's procedural rights and  
351 the preliminary stages of the investigation and shelter hearing; and

352 (iv) of a telephone number where the parent may access further information.

353 (b) For purposes of locating and informing the noncustodial parent as required in  
354 Subsection (1)(a), the division shall search for the noncustodial parent through the national  
355 parent locator database if the division is unable to locate the noncustodial parent through other  
356 reasonable efforts.

357 (2) The attorney general's office shall adopt, print, and distribute a form for the written  
358 statement described in Subsection (1) (a)(iii). The statement shall be made available to the  
359 division and for distribution in schools, health care facilities, local police and sheriff's offices,  
360 the division, and any other appropriate office within the Department of Human Services. The  
361 notice shall be in simple language and include at least the following information:

362 (a) the conditions under which a minor may be released, hearings that may be required,  
363 and the means by which the parent may access further specific information about a minor's case  
364 and conditions of protective and temporary custody; and

365 (b) the rights of a minor and of the parent or guardian to legal counsel and to appeal.

366 (3) If a good faith attempt was made by the peace officer or caseworker to notify the  
367 parent or guardian in accordance with the requirements of Subsection (1), failure to notify shall  
368 be considered to be due to circumstances beyond the control of the peace officer or caseworker

369 and may not be construed to permit a new defense to any juvenile or judicial proceeding or to  
370 interfere with any rights, procedures, or investigations provided for by this chapter or Title 78,  
371 Chapter 3a, Juvenile [Courts] Court Act of 1996.

372 Section 9. Section **62A-4a-202.6** is amended to read:

373 **62A-4a-202.6. Child protective services investigators within the Office of**  
374 **Attorney General -- Authority.**

375 (1) (a) Pursuant to Section 67-5-16 the attorney general may employ, with the consent  
376 of the division, child protective services investigators to investigate reports of abuse or neglect  
377 of a child that occur while the child is in the custody of the division.

378 (b) (i) Under the direction of the Board of Child and Family Services, the division shall,  
379 in accordance with Subsection 62A-4a-409(5), contract with an independent child protective  
380 service investigator to investigate reports of abuse or neglect of a child that occur while the  
381 child is in the custody of the division.

382 (ii) The executive director of the department shall designate an entity within the  
383 department, other than the division, to monitor the contract for the investigators described in  
384 Subsection (1)(b)(i).

385 (2) The investigators described in Subsection (1) may also investigate allegations of  
386 abuse or neglect of a child by a department employee or a licensed substitute care provider.

387 (3) The investigators described in Subsection (1), if not peace officers, shall have the  
388 same rights, duties, and authority of a child protective services investigator employed by the  
389 division to:

390 (a) make a thorough investigation upon receiving either an oral or written report of  
391 alleged abuse or neglect of a child, with the primary purpose of that investigation being the  
392 protection of the child;

393 (b) make an inquiry into the child's home environment, emotional, or mental health, the  
394 nature and extent of the child's injuries, and the child's physical safety;

395 (c) make a written report of their investigation, including determination regarding  
396 whether the alleged abuse or neglect was substantiated, unsubstantiated, or without merit, and  
397 forward a copy of that report to the division within the time mandates for investigations  
398 established by the division;

399 (d) immediately consult with school authorities to verify the child's status in

400 accordance with Sections 53A-11-101 through 53A-11-103 when a report is based upon or  
401 includes an allegation of educational neglect;

402 (e) enter upon public or private premises, using appropriate legal processes, to  
403 investigate reports of alleged child abuse or neglect; and

404 (f) take a child into protective custody, and deliver the child to a law enforcement  
405 officer, or to the division. Control and jurisdiction over the child shall be determined by the  
406 provisions of Title 62A, Chapter 4a, Part 2, Child Welfare Services, Title 78, Chapter 3a,  
407 Juvenile ~~[Courts]~~ Court Act of 1996, and as otherwise provided by law.

408 Section 10. Section **62A-11-104** is amended to read:

409 **62A-11-104. Duties of office.**

410 The office has the following duties:

411 (1) to provide child support services if:

412 (a) the office has received an application for child support services;

413 (b) the state has provided public assistance; or

414 (c) a child lives out of the home in the protective custody, temporary custody, or  
415 custody or care of the state;

416 (2) to carry out the obligations of the department contained in this chapter and in Title  
417 78, Chapters 45, Uniform Civil Liability for Support Act, Chapter ~~[45a]~~ 45g, Utah Uniform  
418 Parentage Act ~~[on Paternity]~~, and Chapter 45f, Uniform Interstate Family Support Act, for the  
419 purpose of collecting child support;

420 (3) to collect money due the department which could act to offset expenditures by the  
421 state;

422 (4) to cooperate with the federal government in programs designed to recover health  
423 and social service funds;

424 (5) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,  
425 and reimbursable expenses owed to the state or any of its political subdivisions, if the office  
426 has contracted to provide collection services;

427 (6) to implement income withholding for collection of child support in accordance with  
428 Part 4, Income Withholding in IV-D Cases, of this chapter;

429 (7) to enter into agreements with financial institutions doing business in the state to  
430 develop and operate, in coordination with such financial institutions, a data match system in the

431 manner provided for in Section 62A-11-304.5;

432 (8) to establish and maintain the state case registry in the manner required by the Social  
433 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:

434 (a) the amount of monthly or other periodic support owed under the order, and other  
435 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under  
436 the order;

437 (b) any amount described in Subsection (8)(a) that has been collected;

438 (c) the distribution of collected amounts;

439 (d) the birth date of any child for whom the order requires the provision of support; and

440 (e) the amount of any lien imposed with respect to the order pursuant to this part;

441 (9) to contract with the Department of Workforce Services to establish and maintain  
442 the new hire registry created under Section 35A-7-103;

443 (10) to determine whether an individual who has applied for or is receiving cash  
444 assistance or Medicaid is cooperating in good faith with the office as required by Section  
445 62A-11-307.2;

446 (11) to finance any costs incurred from collections, fees, General Fund appropriation,  
447 contracts, and federal financial participation; and

448 (12) to provide notice to a noncustodial parent in accordance with Section  
449 62A-11-304.4 of the opportunity to contest the accuracy of allegations by a custodial parent of  
450 nonpayment of past-due child support, prior to taking action against a noncustodial parent to  
451 collect the alleged past-due support.

452 Section 11. Section **62A-11-328** is amended to read:

453 **62A-11-328. Information received from State Tax Commission provided to other**  
454 **states' child support collection agencies.**

455 The office shall, upon request, provide to any other state's child support collection  
456 agency the information which it receives from the State Tax Commission under Subsection  
457 [~~59-10-545(2)~~] 59-1-403(3)(n), with regard to a support debt which that agency is involved in  
458 enforcing.

459 Section 12. Section **63A-11-102** is amended to read:

460 **63A-11-102. Definitions.**

461 For purposes of this chapter:

462 (1) "Child welfare case" means a proceeding under Title 78, Chapter 3a, Juvenile  
463 [Courts] Court Act of 1996, Part 3, Abuse, Neglect, and Dependency Proceedings, or 4,  
464 Termination of Parental Rights Act.

465 (2) "Contracted parental defense attorney" means an attorney or law firm authorized to  
466 practice law in Utah who is under contract with the office to provide parental defense in child  
467 welfare cases.

468 (3) "Director" means the director of the office.

469 (4) "Fund" means the Child Welfare Parental Defense Fund established in Section  
470 63A-11-203.

471 (5) "Office" means the Office of Child Welfare Parental Defense created in Section  
472 63A-11-103.

473 Section 13. Section **77-20-4** is amended to read:

474 **77-20-4. Bail to be posted in cash, by credit or debit card, or written undertaking.**

475 (1) Bail may be posted:

476 (a) in cash;

477 (b) by written undertaking with or without sureties at the discretion of the magistrate;

478 or

479 (c) by credit or debit card, at the discretion of the judge or bail commissioner.

480 [~~(2)~~] A written undertaking shall substantially conform to any form approved by the  
481 Supreme Court.]

482 [~~(3)~~] (2) A bail bond may not be accepted without receiving in writing at the time the  
483 bail is posted the current mailing address and telephone number of the surety.

484 [~~(4)~~] (3) Bail posted by debit or credit card, less the fee charged by the financial  
485 institution, shall be tendered to the courts.

486 [~~(5)~~] (4) Bail refunded by the court may be refunded by credit to the debit or credit  
487 card, or cash. The amount refunded shall be the full amount received by the court under  
488 Subsection [~~(4)~~] (3), which may be less than the full amount of the bail set by the court.

489 Section 14. Section **78-3a-104** is amended to read:

490 **78-3a-104. Jurisdiction of juvenile court -- Original -- Exclusive.**

491 (1) Except as otherwise provided by law, the juvenile court has exclusive original  
492 jurisdiction in proceedings concerning:

493 (a) a minor who has violated any federal, state, or local law or municipal ordinance or a  
494 person younger than 21 years of age who has violated any law or ordinance before becoming  
495 18 years of age, regardless of where the violation occurred, excluding traffic laws and boating  
496 and ordinances;

497 (b) a person 21 years of age or older who has failed or refused to comply with an order  
498 of the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's  
499 21st birthday; however, the continuing jurisdiction is limited to causing compliance with  
500 existing orders;

501 (c) a minor who is an abused child, neglected child, or dependent child, as those terms  
502 are defined in Section 78-3a-103;

503 (d) a protective order for a minor pursuant to the provisions of Title 78, Chapter 3h,  
504 Child Protective Orders, which the juvenile court may transfer to the district court if the  
505 juvenile court has entered an ex parte protective order and finds that:

506 (i) the petitioner and the respondent are the natural parent, adoptive parent, or step  
507 parent of the child who is the object of the petition;

508 (ii) the district court has a petition pending or an order related to custody or parent-time  
509 entered under Title 30, Chapter 3, Divorce, Title 30, Chapter 6, Cohabitant Abuse Act, or Title  
510 78, Chapter [45a] 45g, Utah Uniform Parentage Act [~~on Paternity~~], in which the petitioner and  
511 the respondent are parties; and

512 (iii) the best interests of the child will be better served in the district court;

513 (e) appointment of a guardian of the person or other guardian of a minor who comes  
514 within the court's jurisdiction under other provisions of this section;

515 (f) the termination of the legal parent-child relationship in accordance with Part 4,  
516 Termination of Parental Rights Act, including termination of residual parental rights and  
517 duties;

518 (g) the treatment or commitment of a mentally retarded minor;

519 (h) a minor who is a habitual truant from school;

520 (i) the judicial consent to the marriage of a minor under age 16 upon a determination of  
521 voluntariness or where otherwise required by law, employment, or enlistment of a minor when  
522 consent is required by law;

523 (j) any parent or parents of a minor committed to a secure youth corrections facility, to

524 order, at the discretion of the court and on the recommendation of a secure youth corrections  
525 facility, the parent or parents of a minor committed to a secure youth corrections facility for a  
526 custodial term, to undergo group rehabilitation therapy under the direction of a secure youth  
527 corrections facility therapist, who has supervision of that parent's or parents' minor, or any  
528 other therapist the court may direct, for a period directed by the court as recommended by a  
529 secure youth corrections facility;

530 (k) a minor under Title 55, Chapter 12, Interstate Compact ~~[on]~~ for Juveniles;

531 (l) the treatment or commitment of a mentally ill child. The court may commit a child  
532 to the physical custody of a local mental health authority in accordance with the procedures and  
533 requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to  
534 Division of Substance Abuse and Mental Health. The court may not commit a child directly to  
535 the Utah State Hospital;

536 (m) the commitment of a minor in accordance with Section 62A-15-301;

537 (n) de novo review of final agency actions resulting from an informal adjudicative  
538 proceeding as provided in Section 63-46b-15; and

539 (o) adoptions conducted in accordance with the procedures described in Title 78,  
540 Chapter 30, Adoption, when the juvenile court has previously entered an order terminating the  
541 rights of a parent and finds that adoption is in the best interest of the minor.

542 (2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive  
543 jurisdiction over any traffic or boating offense committed by a minor under 16 years of age and  
544 concurrent jurisdiction over all other traffic or boating offenses committed by a minor 16 years  
545 of age or older, except that the court shall have exclusive jurisdiction over the following  
546 offenses committed by a minor under 18 years of age:

547 (a) Section 76-5-207, automobile homicide;

548 (b) Section 41-6a-502, operating a vehicle while under the influence of alcohol or  
549 drugs;

550 (c) Section 41-6a-528, reckless driving or Section 73-18-12, reckless operation;

551 (d) Section 41-1a-1314, unauthorized control over a motor vehicle, trailer, or  
552 semitrailer for an extended period of time; and

553 (e) Section ~~[41-6a-206]~~ 41-6a-210 or 73-18-20, fleeing a peace officer.

554 (3) The court also has jurisdiction over traffic and boating offenses that are part of a

555 single criminal episode filed in a petition that contains an offense over which the court has  
556 jurisdiction.

557 (4) The juvenile court has jurisdiction over an ungovernable or runaway minor who is  
558 referred to it by the Division of Child and Family Services or by public or private agencies that  
559 contract with the division to provide services to that minor where, despite earnest and  
560 persistent efforts by the division or agency, the minor has demonstrated that he:

561 (a) is beyond the control of his parent, guardian, lawful custodian, or school authorities  
562 to the extent that his behavior or condition endangers his own welfare or the welfare of others;

563 or

564 (b) has run away from home.

565 (5) This section does not restrict the right of access to the juvenile court by private  
566 agencies or other persons.

567 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases  
568 arising under Section 78-3a-602.

569 (7) The juvenile court has jurisdiction to make a finding of substantiated,  
570 unsubstantiated, or without merit, in accordance with Section 78-3a-320.

571 Section 15. Section **78-3a-105** is amended to read:

572 **78-3a-105. Concurrent jurisdiction -- District court and juvenile court.**

573 (1) The district court or other court has concurrent jurisdiction with the juvenile court  
574 as follows:

575 (a) when a person who is 18 years of age or older and who is under the continuing  
576 jurisdiction of the juvenile court under Section 78-3a-118 violates any federal, state, or local  
577 law or municipal ordinance; and

578 (b) in establishing paternity and ordering testing for the purposes of establishing  
579 paternity, in accordance with Title 78, Chapter [45a] 45g, Utah Uniform Parentage Act [on  
580 Paternity], with regard to proceedings initiated under Part 3, Abuse, Neglect, and Dependency  
581 Proceedings, or Part 4, Termination of Parental Rights Act.

582 (2) The juvenile court has jurisdiction over petitions to modify a minor's birth  
583 certificate if the court otherwise has jurisdiction over the minor.

584 (3) This section does not deprive the district court of jurisdiction to appoint a guardian  
585 for a minor, or to determine the support, custody, and parent-time of a minor upon writ of

586 habeas corpus or when the question of support, custody, and parent-time is incidental to the  
587 determination of a cause in the district court.

588 (4) (a) Where a support, custody, or parent-time award has been made by a district  
589 court in a divorce action or other proceeding, and the jurisdiction of the district court in the  
590 case is continuing, the juvenile court may acquire jurisdiction in a case involving the same  
591 minor if the minor is dependent, abused, neglected, or otherwise comes within the jurisdiction  
592 of the juvenile court under Section 78-3a-104.

593 (b) The juvenile court may, by order, change the custody, subject to Subsection  
594 30-3-10(4), support, parent-time, and visitation rights previously ordered in the district court as  
595 necessary to implement the order of the juvenile court for the safety and welfare of the minor.  
596 The juvenile court order remains in effect so long as the jurisdiction of the juvenile court  
597 continues.

598 (c) When a copy of the findings and order of the juvenile court has been filed with the  
599 district court, the findings and order of the juvenile court are binding on the parties to the  
600 divorce action as though entered in the district court.

601 (5) The juvenile court has jurisdiction over questions of custody, support, and  
602 parent-time, of a minor who comes within the court's jurisdiction under this section or Section  
603 78-3a-104.

604 Section 16. Section **78-3a-116** is amended to read:

605 **78-3a-116. Hearings -- Record -- County attorney or district attorney**  
606 **responsibilities -- Attorney general responsibilities -- Disclosure -- Admissibility of**  
607 **evidence.**

608 (1) (a) A verbatim record of the proceedings shall be taken by an official court reporter  
609 or by means of a mechanical recording device in all cases that might result in deprivation of  
610 custody as defined in this chapter. In all other cases a verbatim record shall also be made  
611 unless dispensed with by the court.

612 (b) (i) Notwithstanding any other provision, including Title 63, Chapter 2, Government  
613 Records Access and Management Act, a record of a proceeding made under Subsection (1)(a)  
614 shall be released by the court to any person upon a finding on the record for good cause.

615 (ii) Following a petition for a record of a proceeding made under Subsection (1)(a), the  
616 court shall:

617 (A) provide notice to all subjects of the record that a request for release of the record  
618 has been made; and

619 (B) allow sufficient time for the subjects of the record to respond before making a  
620 finding on the petition.

621 (iii) A record of a proceeding may not be released under this Subsection (1)(b) if the  
622 court's jurisdiction over the subjects of the proceeding ended more than 12 months prior to the  
623 request.

624 (iv) For purposes of this Subsection (1)(b):

625 (A) "record of a proceeding" does not include documentary materials of any type  
626 submitted to the court as part of the proceeding, including items submitted under Subsection  
627 (4)(a); and

628 (B) "subjects of the record" includes the child's guardian ad litem, the child's legal  
629 guardian, the Division of Child and Family Services, and any other party to the proceeding.

630 (v) This Subsection (1)(b) applies:

631 (A) to records of proceedings made on or after November 1, 2003 in districts selected  
632 by the Judicial Council as pilot districts under Subsection 78-3-21(15)(a); and

633 (B) to records of proceedings made on or after July 1, 2004 in all other districts.

634 (2) (a) Except as provided in Subsection (2)(b), the county attorney or, if within a  
635 prosecution district, the district attorney shall represent the state in any proceeding in a minor's  
636 case.

637 (b) The attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child  
638 and Family Services, and Title 78, Chapter 3a, Juvenile ~~Courts~~ Court Act of 1996, relating to:

639 (i) protection or custody of an abused, neglected, or dependent child; and

640 (ii) petitions for termination of parental rights.

641 (c) The attorney general shall represent the Division of Child and Family Services in  
642 actions involving minors who have not been adjudicated as abused or neglected, but who are  
643 otherwise committed to the custody of that division by the juvenile court, and who are  
644 classified in the division's management information system as having been placed in custody  
645 primarily on the basis of delinquent behavior or a status offense. Nothing in this Subsection  
646 (2)(c) may be construed to affect the responsibility of the county attorney or district attorney to  
647 represent the state in those matters, in accordance with the provisions of Subsection (2)(a).

648 (3) The board may adopt special rules of procedure to govern proceedings involving  
649 violations of traffic laws or ordinances, fish and game laws, and boating laws. However,  
650 proceedings involving offenses under Section 78-3a-506 are governed by that section regarding  
651 suspension of driving privileges.

652 (4) (a) For the purposes of determining proper disposition of the minor in dispositional  
653 hearings and establishing the fact of abuse, neglect, or dependency in adjudication hearings and  
654 in hearings upon petitions for termination of parental rights, written reports and other material  
655 relating to the minor's mental, physical, and social history and condition may be received in  
656 evidence and may be considered by the court along with other evidence. The court may require  
657 that the person who wrote the report or prepared the material appear as a witness if the person  
658 is reasonably available.

659 (b) For the purpose of determining proper disposition of a minor alleged to be or  
660 adjudicated as abused, neglected, or dependent, dispositional reports prepared by Foster Care  
661 Citizen Review Boards pursuant to Section 78-3g-103 may be received in evidence and may be  
662 considered by the court along with other evidence. The court may require any person who  
663 participated in preparing the dispositional report to appear as a witness, if the person is  
664 reasonably available.

665 (5) (a) In an abuse, neglect, or dependency proceeding occurring after the  
666 commencement of a shelter hearing under Section 78-3a-306 or the filing of a petition under  
667 Section 78-3a-305, each party to the proceeding shall provide in writing to the other parties or  
668 their counsel any information which the party:

669 (i) plans to report to the court at the proceeding; or

670 (ii) could reasonably expect would be requested of the party by the court at the  
671 proceeding.

672 (b) The disclosure required under Subsection (5)(a) shall be made:

673 (i) for dispositional hearings under Sections 78-3a-310 and 78-3a-311, no less than five  
674 days before the proceeding;

675 (ii) for proceedings under Title 78, Chapter 3a, Part 4, Termination of Parental Rights  
676 Act, in accordance with Utah Rules of Civil Procedure; and

677 (iii) for all other proceedings, no less than five days before the proceeding.

678 (c) If a party to a proceeding obtains information after the deadline in Subsection

679 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the  
680 party certifies to the court that the information was obtained after the deadline.

681 (d) Subsection (5)(a) does not apply to:

682 (i) pretrial hearings; and

683 (ii) the frequent, periodic review hearings held in a dependency drug court case to  
684 assess and promote the parent's progress in substance abuse treatment.

685 (6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court  
686 may, in its discretion, consider evidence of statements made by a minor under eight years of  
687 age to a person in a trust relationship.

688 Section 17. Section **78-3a-502** is amended to read:

689 **78-3a-502. Petition -- Preliminary inquiry -- Nonjudicial adjustments -- Formal**  
690 **referral -- Citation -- Failure to appear.**

691 (1) Proceedings in minor's cases are commenced by petition.

692 (2) (a) A peace officer or any public official of the state, any county, city, or town  
693 charged with the enforcement of the laws of the state or local jurisdiction shall file a formal  
694 referral with the juvenile court within ten days of the minor's arrest. If the arrested minor is  
695 taken to a detention facility, the formal referral shall be filed with the juvenile court within 72  
696 hours, excluding weekends and holidays. There shall be no requirement to file a formal  
697 referral with the juvenile court on an offense that would be a class B misdemeanor or less if  
698 committed by an adult.

699 (b) When the court is informed by a peace officer or other person that a minor is or  
700 appears to be within the court's jurisdiction, the probation department shall make a preliminary  
701 inquiry to determine whether the interests of the public or of the minor require that further  
702 action be taken.

703 (c) Based on the preliminary inquiry, the court may authorize the filing of or request  
704 that the county attorney or district attorney as provided under Sections 17-18-1 and 17-18-1.7  
705 file a petition. In its discretion, the court may, through its probation department, enter into a  
706 written consent agreement with the minor and the minor's parent, guardian, or custodian for the  
707 nonjudicial adjustment of the case if the facts are admitted and establish prima facie  
708 jurisdiction. Efforts to effect a nonjudicial adjustment may not extend for a period of more  
709 than [~~two months~~] 90 days without leave of a judge of the court, who may extend the period for

710 an additional [~~two months~~] 90 days. [~~The probation department may not in connection with~~  
711 ~~any nonjudicial adjustment compel any person to appear at any conference, produce any papers,~~  
712 ~~or visit any place.~~]

713 (d) The nonjudicial adjustment of a case may include conditions agreed upon as part of  
714 the nonjudicial closure:

715 (i) payment of a financial penalty of not more than [~~\$100~~] \$250 to the Juvenile Court;

716 (ii) payment of victim restitution;

717 (iii) satisfactory completion of compensatory service;

718 (iv) referral to an appropriate provider for counseling or treatment;

719 (v) attendance at substance abuse programs or counseling programs;

720 (vi) compliance with specified restrictions on activities and associations; and

721 (vii) other reasonable actions that are in the interest of the minor and the community.

722 (e) Proceedings involving offenses under Section 78-3a-506 are governed by that  
723 section regarding suspension of driving privileges.

724 (f) A violation of Section 76-10-105 that is subject to the jurisdiction of the Juvenile  
725 Court shall include a minimum fine or penalty of \$60 and participation in a court-approved  
726 tobacco education program, which may include a participation fee.

727 (3) Except as provided in Section 78-3a-602, in the case of a minor 14 years of age or  
728 older, the county attorney, district attorney, or attorney general may commence an action by  
729 filing a criminal information and a motion requesting the juvenile court to waive its jurisdiction  
730 and certify the minor to the district court.

731 (4) (a) In cases of violations of fish and game laws, boating laws, class B and class C  
732 misdemeanors, other infractions or misdemeanors as designated by general order of the Board  
733 of Juvenile Court Judges, and violations of Section 76-10-105 subject to the jurisdiction of the  
734 Juvenile Court, a petition is not required and the issuance of a citation as provided in Section  
735 78-3a-503 is sufficient to invoke the jurisdiction of the court. A preliminary inquiry is not  
736 required unless requested by the court.

737 (b) Any failure to comply with the time deadline on a formal referral may not be the  
738 basis of dismissing the formal referral.

739 Section 18. Section **78-30-4.14** is amended to read:

740 **78-30-4.14. Necessary consent to adoption or relinquishment for adoption.**

741 (1) Either relinquishment of a child for adoption or consent to adoption of a child is  
742 required from:

743 (a) the adoptee, if he is more than 12 years of age, unless he does not have the mental  
744 capacity to consent;

745 (b) both parents or the surviving parent of an adoptee who was conceived or born  
746 within a marriage, unless the adoptee is 18 years of age or older;

747 (c) the mother of an adoptee born outside of marriage;

748 (d) any biological parent who has been adjudicated to be the child's biological father by  
749 a court of competent jurisdiction prior to the mother's execution of consent to adoption or her  
750 relinquishment of the child for adoption;

751 (e) any biological parent who has executed and filed a voluntary declaration of  
752 paternity with the state registrar of vital statistics within the Department of Health in  
753 accordance with Title 78, Chapter 45e, Voluntary Declaration of Paternity Act, prior to the  
754 mother's execution of consent to adoption or her relinquishment of the child for adoption,  
755 which voluntary declaration of paternity is considered filed when entered into a database that  
756 can be accessed by the Department of Health;

757 (f) an unmarried biological father of an adoptee, only if the requirements and  
758 conditions of Subsection (2)(a) or (b) have been proven; and

759 (g) the person or agency to whom an adoptee has been relinquished and that is placing  
760 the child for adoption.

761 (2) In accordance with Subsection (1), the consent of an unmarried, biological father is  
762 necessary only if the father has strictly complied with the requirements of this section.

763 (a) (i) With regard to a child who is placed with adoptive parents more than six months  
764 after birth, an unmarried biological father shall have developed a substantial relationship with  
765 the child, taken some measure of responsibility for the child and the child's future, and  
766 demonstrated a full commitment to the responsibilities of parenthood by financial support of  
767 the child, of a fair and reasonable sum and in accordance with the father's ability, when not  
768 prevented from doing so by the person or authorized agency having lawful custody of the child,  
769 and either:

770 (A) visiting the child at least monthly when physically and financially able to do so,  
771 and when not prevented from doing so by the person or authorized agency having lawful

772 custody of the child; or

773 (B) regular communication with the child or with the person or agency having the care  
774 or custody of the child, when physically and financially unable to visit the child, and when not  
775 prevented from doing so by the person or authorized agency having lawful custody of the child.

776 (ii) The subjective intent of an unmarried biological father, whether expressed or  
777 otherwise, unsupported by evidence of acts specified in this Subsection (2) shall not preclude a  
778 determination that the father failed to meet the requirements of Subsection (2)(a)(i).

779 (iii) An unmarried biological father who openly lived with the child for a period of six  
780 months within the one-year period after the birth of the child and immediately preceding  
781 placement of the child with adoptive parents, and openly held himself out to be the father of the  
782 child during that period, shall be considered to have developed a substantial relationship with  
783 the child and to have otherwise met the requirements of Subsection (2)(a)(i).

784 (b) With regard to a child who is under six months of age at the time he is placed with  
785 adoptive parents, an unmarried biological father shall have manifested a full commitment to his  
786 parental responsibilities by performing all of the acts described in this Subsection (2) prior to  
787 the time the mother executes her consent for adoption or relinquishes the child for adoption.

788 The father shall:

789 (i) initiate proceedings to establish paternity under Title 78, Chapter ~~[45a]~~ 45g, Utah  
790 Uniform Parentage Act ~~[on Paternity]~~, and file with that court a sworn affidavit stating that he  
791 is fully able and willing to have full custody of the child, setting forth his plans for care of the  
792 child, and agreeing to a court order of child support and the payment of expenses incurred in  
793 connection with the mother's pregnancy and the child's birth;

794 (ii) file notice of the commencement of paternity proceedings with the state registrar of  
795 vital statistics within the Department of Health, in a confidential registry established by the  
796 department for that purpose, which notice is considered filed when the notice is entered in the  
797 registry of notices from unmarried biological fathers; and

798 (iii) if he had actual knowledge of the pregnancy, paid a fair and reasonable amount of  
799 the expenses incurred in connection with the mother's pregnancy and the child's birth, in  
800 accordance with his means, and when not prevented from doing so by the person or authorized  
801 agency having lawful custody of the child.

802 (3) An unmarried biological father whose consent is required under Subsection (1) or

803 (2) may nevertheless lose his right to consent if the court determines, in accordance with the  
804 requirements and procedures of Title 78, Chapter 3a, Part 4, Termination of Parental Rights  
805 Act, that his rights should be terminated, based on the petition of any interested party.

806 (4) If there is no showing that an unmarried biological father has consented to or  
807 waived his rights regarding a proposed adoption, the petitioner shall file with the court a  
808 certificate from the state registrar of vital statistics within the Department of Health, stating  
809 that a diligent search has been made of the registry of notices from unmarried biological fathers  
810 described in Subsection (2)(b)(ii), and that no filing has been found pertaining to the father of  
811 the child in question, or if a filing is found, stating the name of the putative father and the time  
812 and date of filing. That certificate shall be filed with the court prior to entrance of a final  
813 decree of adoption.

814 (5) An unmarried biological father who does not fully and strictly comply with each of  
815 the conditions provided in this section, is considered to have waived and surrendered any right  
816 in relation to the child, including the right to notice of any judicial proceeding in connection  
817 with the adoption of the child, and his consent to the adoption of the child is not required.

818 Section 19. **Repealer.**

819 This bill repeals:

820 Section **59-10-545, Confidentiality of information.**

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**Legislative Review Note**  
**as of 1-19-06 6:00 PM**

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**