

PARENT AND CHILD AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill establishes public policy regarding in loco parentis.

Highlighted Provisions:

This bill:

▶ defines in loco parentis as a legally recognized, voluntary and temporary delegation of parental power and preserves common law meaning of "in loco parentis";

▶ provides that in loco parentis, unless authorized by statute, may not be used to grant parent-time, visitation, custody, or legal guardianship of a minor child or in a manner that violates public policy;

▶ allows a court of competent jurisdiction, under limited circumstances and through clear and convincing evidence, to prevent the termination of an in loco parentis relationship by a parent; and

▶ provides that this bill does not affect any established rights of a step parent or grandparent.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



28 78-62-1, Utah Code Annotated 1953

29

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

31 Section 1. Section 78-62-1 is enacted to read:

32 **78-62-1. In loco parentis.**

33 (1) As used in this section:

34 (a) (i) Except as provided in this section, "in loco parentis" has the same meaning and
35 application accorded that term under common law.

36 (ii) "In loco parentis" means the voluntary and temporary delegation to another person
37 of parental authority and responsibility for a minor child.

38 (b) "Person" means an individual acting on their own behalf or in a capacity provided
39 for by statute.

40 (2) Unless specifically authorized by statute, an in loco parentis relationship that
41 violates public policy may not be used as the basis for granting to any person:

42 (a) parent-time or visitation;

43 (b) legal or physical custody; or

44 (c) status as a legal guardian.

45 (3) A biological or adoptive parent may at any time terminate a relationship between a
46 person standing in loco parentis and their minor child or children, unless a court of competent
47 jurisdiction concludes, based on clear and convincing evidence, that:

48 (a) the parent attempting to terminate an in loco parentis relationship is an unfit parent:

49 or

50 (b) the decision to terminate an in loco parentis relationship would harm the child.

51 (4) This section does not effect any established rights of a step parent or grandparent.

Legislative Review Note
as of 2-6-07 3:57 PM

Office of Legislative Research and General Counsel