

59 the ~~[children]~~ child be heard and there is no other reasonable method to present ~~[their]~~ the
60 child's testimony.

61 (e) The court may inquire of ~~[the children]~~ a child and take into consideration the
62 ~~[children's]~~ child's desires regarding future custody or parent-time schedules, but the expressed
63 desires are not controlling and the court may determine the ~~[children's]~~ child's custody or
64 parent-time otherwise. The desires of a child 14 years of age or older shall be given added
65 weight, but is not the single controlling factor.

66 (f) ~~[If interviews with the children are]~~ If an interview with a child is conducted by the
67 court pursuant to Subsection (1)(e), ~~[they]~~ the interview shall be conducted by the judge in
68 camera. The prior consent of the parties may be obtained but is not necessary if the court finds
69 that an interview with ~~[the children]~~ a child is the only method to ascertain the child's desires
70 regarding custody.

71 (2) In awarding custody, the court shall consider, among other factors the court finds
72 relevant, which parent is most likely to act in the best interests of the child, including allowing
73 the child frequent and continuing contact with the noncustodial parent as the court finds
74 appropriate.

75 (3) If the court finds that one parent does not desire custody of the child, the court shall
76 take that evidence into consideration in determining whether to award custody to the other
77 parent.

78 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a
79 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
80 whether a substantial change has occurred for the purpose of modifying an award of custody.

81 ~~[(b) If a court takes a parent's disability into account in awarding custody or~~
82 ~~determining whether a substantial change has occurred for the purpose of modifying an award~~
83 ~~of custody, the parent with a disability may rebut any evidence, presumption, or inference~~
84 ~~arising from the disability by showing that:]~~

85 (b) The court may not consider the disability of a parent as a factor in awarding
86 custody ~~Ĥ~~→ or modifying an award of custody based on a determination of a substantial
86a change in circumstances ←Ĥ, unless the court makes specific findings that:

87 (i) the disability ~~[does not]~~ significantly or substantially ~~[inhibit]~~ inhibits the parent's
88 ability to provide for the physical and emotional needs of the child at issue; ~~[or]~~ and

89 (ii) the parent with a disability ~~[has]~~ lacks sufficient human, monetary, or other