

CUSTODY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions regarding custody.

Highlighted Provisions:

This bill:

- ▶ rewrites and consolidates some provisions regarding custody;
- ▶ addresses custody of children and factors the court shall consider;
- ▶ addresses joint legal custody, joint physical custody, and factors the court shall consider in making a determination;
- ▶ addresses parent-time; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-10, as last amended by Laws of Utah 2017, Chapters 67 and 224

30-3-10.2, as last amended by Laws of Utah 2005, Chapter 142

30-3-10.4, as last amended by Laws of Utah 2017, Chapter 224

30-3-34, as last amended by Laws of Utah 2015, Chapter 18



28 ~~30-3-35.1~~, as last amended by Laws of Utah 2017, Chapter 120

29 ~~78A-6-104~~, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

32 Section 1. Section **30-3-10** is amended to read:

33 **30-3-10. Custody of a child -- Custody factors.**

34 ~~[(1) If a married couple having one or more minor children are separated, or their~~
35 ~~marriage is declared void or dissolved, the court shall make an order for the future care and~~
36 ~~custody of the minor children as it considers appropriate.]~~

37 ~~[(a) In determining any form of custody, including a change in custody, the court shall~~
38 ~~consider the best interests of the child without preference for either parent solely because of the~~
39 ~~biological sex of the parent and, among other factors the court finds relevant, the following:]~~

40 ~~[(i) the past conduct and demonstrated moral standards of each of the parties;]~~

41 ~~[(ii) which parent is most likely to act in the best interest of the child, including~~
42 ~~allowing the child frequent and continuing contact with the noncustodial parent;]~~

43 ~~[(iii) the extent of bonding between the parent and child, meaning the depth, quality,~~
44 ~~and nature of the relationship between a parent and child;]~~

45 ~~[(iv) whether the parent has intentionally exposed the child to pornography or material~~
46 ~~harmful to a minor, as defined in Section ~~76-10-1201~~; and]~~

47 ~~[(v) those factors outlined in Section ~~30-3-10.2~~.]~~

48 (1) If a married couple having one or more minor children are separated, or the married
49 couple's marriage is declared void or dissolved, the court shall enter, and has continuing
50 jurisdiction to modify, an order of custody and parent-time based on the best interest of the
51 child and shall consider the following factors:

52 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
53 abuse of the child;

54 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
55 abuse of one or more of the following of the child:

56 (i) a household member;

57 (ii) an individual related by blood or marriage to the child as the child's parent,
58 grandparent, sibling, or any other individual related to the child by consanguinity or affinity to

59 the second degree; or
60 (iii) a cohabitant, as defined in Section 78B-7-102, of a parent;
61 (c) (i) the developmental needs of the child, including physical needs, emotional needs,
62 educational needs, medical needs, and any special needs; and
63 (ii) each parent's demonstrated understanding of, responsiveness to, and ability to meet
64 the developmental needs of the child;
65 (d) factors relating to a prospective custodian's character and the prospective
66 custodian's capacity and willingness to function as a parent, including:
67 (i) parenting skills;
68 (ii) co-parenting skills, including:
69 (A) the ability to appropriately communicate with the other parent;
70 (B) the ability to encourage the sharing of love and affection; and
71 (C) allowing frequent and continuing contact between the child and the other parent,
72 except that, if the court determines that a parent is acting to protect the child from domestic
73 violence, neglect, or abuse, the parent's protective actions may be taken into consideration;
74 (iii) ability to provide personal care rather than surrogate care;
75 (iv) the child's interaction and relationship with one or more of the following of the
76 child:
77 (A) step-parent or step-parents;
78 (B) extended family members; or
79 (C) other individuals who may significantly affect the child's best interest;
80 (v) moral character;
81 (vi) emotional stability;
82 (vii) significant impairment of ability to function as a parent because of drug abuse,
83 excessive drinking, or other causes;
84 (viii) whether the parent has intentionally exposed the child to pornography or material
85 harmful to minors, as "material" and "harmful to minors" are defined in Section 76-10-1201;
86 (ix) reasons for having relinquished custody or parent-time in the past;
87 (x) duration and depth of desire for custody or parent-time;
88 (xi) religious compatibility with the child; and
89 (xii) financial responsibility;

90 (e) who has been the primary caretaker of the child;

91 (f) previous parenting arrangements in which the child has been happy and

92 well-adjusted in the home, school, and community;

93 (g) the relative benefit of keeping siblings together;

94 (h) the stated wishes and concerns of the child, taking into consideration the child's

95 cognitive ability and emotional maturity;

96 (i) the relative strength of the child's bond with a prospective custodian, meaning the

97 depth, quality, and nature of the relationship between a prospective custodian and the child;

98 and

99 (j) any other factor the court finds relevant.

100 ~~[(b)]~~ (2) There is a rebuttable presumption that joint legal custody, as defined in

101 Section 30-3-10.1, is in the best interest of the child, except in cases ~~[where]~~ when there is:

102 ~~[(i) domestic violence in the home or in the presence of the child;]~~

103 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional

104 abuse of the child;

105 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional

106 abuse of one or more of the following of the child:

107 (i) a household member;

108 (ii) an individual related by blood or marriage to the child as the child's parent,

109 grandparent, sibling, or any other individual related to the child by consanguinity or affinity to

110 the second degree; or

111 (iii) a cohabitant, as defined in Section 78B-7-102, of a parent;

112 ~~[(iv)]~~ (c) special physical or mental needs of a parent or child, making joint legal

113 custody unreasonable;

114 ~~[(v)]~~ (d) physical distance between the residences of the parents, making joint decision

115 making impractical in certain circumstances; or

116 ~~[(vi)]~~ (e) any other factor the court considers relevant including those listed in this

117 section and Section 30-3-10.2.

118 ~~[(vii)]~~ (3) The person who desires joint legal custody shall file a proposed parenting plan

119 in accordance with Sections 30-3-10.8 and 30-3-10.9. A presumption for joint legal custody

120 may be rebutted by a showing by a preponderance of the evidence that it is not in the best

121 interest of the child.

122 ~~[(4)]~~ (4) (a) A child may not be required by either party to testify unless the trier of fact
123 determines that extenuating circumstances exist that would necessitate the testimony of the
124 child be heard and there is no other reasonable method to present the child's testimony.

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

130 ~~[(f)]~~ (c) If an interview with a child is conducted by the court pursuant to Subsection
131 ~~[(1)(e)]~~ (4)(b), the interview shall be conducted by the judge in camera. The prior consent of
132 the parties may be obtained but is not necessary if the court finds that an interview with a child
133 is the only method to ascertain the child's desires regarding custody.

134 ~~[(2) In awarding custody, the court shall consider, among other factors the court finds
135 relevant, which parent is most likely to act in the best interests of the child, including allowing
136 the child frequent and continuing contact with the noncustodial parent as the court finds
137 appropriate.]~~

138 ~~[(3) If the court finds that one parent does not desire custody of the child, the court
139 shall take that evidence into consideration in determining whether to award custody to the other
140 parent.]~~

141 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(b), a court may not discriminate
142 against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or
143 determining whether a substantial change has occurred for the purpose of modifying an award
144 of custody.

145 (b) The court may not consider the disability of a parent as a factor in awarding custody
146 or modifying an award of custody based on a determination of a substantial change in
147 circumstances, unless the court makes specific findings that:

148 (i) the disability significantly or substantially inhibits the parent's ability to provide for
149 the physical and emotional needs of the child at issue; and

150 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
151 available to supplement the parent's ability to provide for the physical and emotional needs of

152 the child at issue.

153 (c) Nothing in this section may be construed to apply to adoption proceedings under
154 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

155 (6) This section does not establish a preference for either parent solely because of the
156 gender of the parent.

157 ~~[(5)]~~ (7) This section establishes neither a preference nor a presumption for or against
158 joint physical custody or sole physical custody, but allows the court and the family the widest
159 discretion to choose a parenting plan that is in the best interest of the child.

160 ~~[(6)]~~ (8) When an issue before the court involves custodial responsibility in the event
161 of a deployment of one or both parents who are servicemembers, and the servicemember has
162 not yet been notified of deployment, the court shall resolve the issue based on the standards in
163 Sections [78B-20-306](#) through [78B-20-309](#).

164 Section 2. Section **30-3-10.2** is amended to read:

165 **30-3-10.2. Joint custody order -- Factors for court determination -- Public**
166 **assistance.**

167 (1) The court may order joint legal custody or joint physical custody or both if one or
168 both parents have filed a parenting plan in accordance with Section [30-3-10.8](#) and ~~[it]~~ the court
169 determines that joint legal custody or joint physical custody or both is in the best interest of the
170 child.

171 (2) In determining whether the best interest of a child will be served by ordering joint
172 legal custody or joint physical custody or both, the court shall consider the custody factors in
173 Section [30-3-10](#) and the following factors:

174 (a) whether the physical, psychological, and emotional needs and development of the
175 child will benefit from joint legal or physical custody or both;

176 (b) the ability of the parents to give first priority to the welfare of the child and reach
177 shared decisions in the child's best interest;

178 ~~[(c) whether each parent is capable of encouraging and accepting a positive~~
179 ~~relationship between the child and the other parent, including the sharing of love, affection, and~~
180 ~~contact between the child and the other parent;]~~

181 (c) co-parenting skills, including:

182 (i) the ability to appropriately communicate with the other parent;

183 (ii) the ability to encourage the sharing of love and affection; and
 184 (iii) allowing frequent and continuing contact between the child and the other parent,
 185 except that, if the court determines that a parent is acting to protect the child from domestic
 186 violence, neglect, or abuse, the parent's protective actions may be taken into consideration;
 187 (d) whether both parents participated in raising the child before the divorce;
 188 (e) the geographical proximity of the homes of the parents;
 189 (f) the preference of the child if the child is of sufficient age and capacity to reason so
 190 as to form an intelligent preference as to joint legal custody or joint physical custody or both;
 191 (g) the maturity of the parents and their willingness and ability to protect the child from
 192 conflict that may arise between the parents;

193 (h) the past and present ability of the parents to cooperate with each other and make
 194 decisions jointly; and
 195 [~~(i) any history of, or potential for, child abuse, spouse abuse, or kidnaping; and~~]
 196 [~~(j)~~] (i) any other [factors] factor the court finds relevant.

197 (3) The determination of the best interest of the child shall be by a preponderance of
 198 the evidence.
 199 (4) The court shall inform both parties that an order for joint physical custody may
 200 preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment
 201 Support Act.

202 (5) The court may order that [~~where~~] when possible the parties attempt to settle future
 203 disputes by a dispute resolution method before seeking enforcement or modification of the
 204 terms and conditions of the order of joint legal custody or joint physical custody through
 205 litigation, except in emergency situations requiring ex parte orders to protect the child.

206 Section 3. Section **30-3-10.4** is amended to read:

207 **30-3-10.4. Modification or termination of order.**

208 (1) On the petition of one or both of the parents, or the joint legal or physical
 209 custodians if they are not the parents, the court may, after a hearing, modify or terminate an
 210 order that established joint legal custody or joint physical custody if:

211 (a) the verified petition or accompanying affidavit initially alleges that admissible
 212 evidence will show that the circumstances of the child or one or both parents or joint legal or
 213 physical custodians have materially and substantially changed since the entry of the order to be

214 modified;

215 (b) a modification of the terms and conditions of the order would be an improvement
216 for and in the best interest of the child; and

217 (c) (i) both parents have complied in good faith with the dispute resolution procedure
218 in accordance with Subsection 30-3-10.3(7); or

219 (ii) if no dispute resolution procedure is contained in the order that established joint
220 legal custody or joint physical custody, the court orders the parents to participate in a dispute
221 resolution procedure in accordance with Subsection 30-3-10.2(5) unless the parents certify that,
222 in good faith, they have used a dispute resolution procedure to resolve their dispute.

223 (2) (a) In determining whether the best interest of a child will be served by either
224 modifying or terminating the joint legal custody or joint physical custody order, the court shall,
225 in addition to other factors the court considers relevant, consider the factors outlined in Section
226 30-3-10 and Subsection 30-3-10.2(2).

227 (b) A court order modifying or terminating an existing joint legal custody or joint
228 physical custody order shall contain written findings that:

229 (i) a material and substantial change of circumstance has occurred; and

230 (ii) a modification of the terms and conditions of the order would be an improvement
231 for and in the best interest of the child.

232 (c) The court shall give substantial weight to the existing joint legal custody or joint
233 physical custody order when the child is thriving, happy, and well-adjusted.

234 (3) The court shall, in every case regarding a petition for termination of a joint legal
235 custody or joint physical custody order, consider reasonable alternatives to preserve the
236 existing order in accordance with Subsection 30-3-10~~[(1)(b)]~~(2). The court may modify the
237 terms and conditions of the existing order in accordance with Subsection 30-3-10(5) and may
238 order the parents to file a parenting plan in accordance with this chapter.

239 (4) A parent requesting a modification from sole custody to joint legal custody or joint
240 physical custody or both, or any other type of shared parenting arrangement, shall file and serve
241 a proposed parenting plan with the petition to modify in accordance with Section 30-3-10.8.

242 (5) If the court finds that an action under this section is filed or answered frivolously
243 and in a manner designed to harass the other party, the court shall assess attorney fees as costs
244 against the offending party.

245 (6) [~~When~~] If an issue before the court involves custodial responsibility in the event of
246 deployment of one or both parents who are servicemembers, and the servicemember has not yet
247 been notified of deployment, the court shall resolve the issue based on the standards in Sections
248 78B-20-306 through 78B-20-309.

249 Section 4. Section 30-3-34 is amended to read:

250 **30-3-34. Parent-time -- Best interests -- Rebuttable presumption.**

251 (1) If the parties are unable to agree on a parent-time schedule, the court may establish
252 a parent-time schedule consistent with the best interests of the child.

253 (2) The advisory guidelines as provided in Section 30-3-33 and the parent-time
254 schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be presumed to be in the best
255 interests of the child unless the court determines that Section 30-3-35.1 should apply. The
256 parent-time schedule shall be considered the minimum parent-time to which the noncustodial
257 parent and the child shall be entitled unless a parent can establish otherwise by a preponderance
258 of the evidence that more or less parent-time should be awarded based upon [~~any~~] one or more
259 of the following criteria:

260 (a) parent-time would endanger the child's physical health or mental health, or
261 significantly impair the child's emotional development;

262 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
263 abuse of the child;

264 (c) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
265 abuse of one or more of the following of the child:

266 (i) a household member;

267 (ii) an individual related by blood or marriage to the child as the child's parent,
268 grandparent, sibling, or any other individual related to the child by consanguinity or affinity to
269 the second degree; or

270 (iii) a cohabitant, as defined in Section 78B-7-102, of a parent;

271 [~~(b)~~] (d) the distance between the residency of the child and the noncustodial parent;

272 [~~(c)~~] (e) a [~~substantiated or unfounded~~] supported or unsupported allegation of child
273 abuse has been made;

274 [~~(d)~~] (f) the lack of demonstrated parenting skills without safeguards to ensure the
275 child's well-being during parent-time;

276 ~~[(e)]~~ (g) the financial inability of the noncustodial parent to provide adequate food and
277 shelter for the child during periods of parent-time;

278 ~~[(f)]~~ (h) the preference of the child if the court determines the child ~~[to be]~~ is of
279 sufficient maturity;

280 ~~[(g)]~~ (i) the incarceration of the noncustodial parent in a county jail, secure youth
281 corrections facility, or an adult corrections facility;

282 ~~[(h)]~~ (j) shared interests between the child and the noncustodial parent;

283 ~~[(i)]~~ (k) the involvement or lack of involvement of the noncustodial parent in the
284 school, community, religious, or other related activities of the child;

285 ~~[(j)]~~ (l) the availability of the noncustodial parent to care for the child when the
286 custodial parent is unavailable to do so because of work or other circumstances;

287 ~~[(k)]~~ (m) a substantial and chronic pattern of missing, canceling, or denying regularly
288 scheduled parent-time;

289 ~~[(l)]~~ (n) the minimal duration of and lack of significant bonding in the parents'
290 relationship ~~[prior to]~~ before the conception of the child;

291 ~~[(m)]~~ (o) the parent-time schedule of siblings;

292 ~~[(n)]~~ (p) the lack of reasonable alternatives to the needs of a nursing child; and

293 ~~[(o)]~~ (q) any other criteria the court determines relevant to the best interests of the
294 child.

295 (3) The court shall enter the reasons underlying ~~[its]~~ the court's order for parent-time
296 that:

297 (a) incorporates a parent-time schedule provided in Section 30-3-35 or 30-3-35.5; or

298 (b) provides more or less parent-time than a parent-time schedule provided in Section
299 30-3-35 or 30-3-35.5.

300 (4) Once the parent-time schedule has been established, the parties may not alter the
301 schedule except by mutual consent of the parties or a court order.

302 Section 5. Section 30-3-35.1 is amended to read:

303 **30-3-35.1. Optional schedule for parent-time for a child 5 to 18 years of age.**

304 (1) The optional parent-time schedule in this section applies to ~~[children]~~ a child 5 to
305 18 years of age. This schedule is 145 overnights. Any impact on child support shall be
306 consistent with Subsection 78B-12-102(14).

307 (2) The parents and the court may consider the following increased parent-time
308 schedule as a minimum when the parties agree or the noncustodial parent can demonstrate the
309 following:

- 310 (a) the noncustodial parent has been actively involved in the child's life;
- 311 (b) the parties are able to communicate effectively regarding the child, or the
312 noncustodial parent has a plan to accomplish effective communications regarding the child;
- 313 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 314 (d) the increased parent-time would be in the best interest of the child; and
- 315 (e) any other factor the court considers relevant.

316 (3) In determining whether a noncustodial parent has been actively involved in the
317 child's life, the court shall consider:

- 318 (a) demonstrated responsibility in caring for the child;
- 319 (b) involvement in day care;
- 320 (c) presence or volunteer efforts in the child's school and at extracurricular activities;
- 321 (d) assistance with the child's homework;
- 322 (e) involvement in preparation of meals, bath time, and bedtime for the child;
- 323 (f) bonding with the child; and
- 324 (g) any other factor the court considers relevant.

325 (4) In determining whether a noncustodial parent has the ability to facilitate the
326 increased parent-time, the court shall consider:

- 327 (a) the geographic distance between the residences of the parents and the distance
328 between the parents' residences and the child's school;
- 329 (b) the noncustodial parent's ability to assist with after school care;
- 330 (c) the health of the child and the noncustodial parent, consistent with Subsection
331 ~~30-3-10(4)~~(5);
- 332 (d) flexibility of employment or other schedule of the parent;
- 333 (e) ability to provide appropriate playtime with the child;
- 334 (f) history and ability of the parent to implement a flexible schedule for the child;
- 335 (g) physical facilities of the noncustodial parent's residence; and
- 336 (h) any other factor the court considers relevant.

337 (5) An election required to be made in accordance with this section by either parent

338 concerning parent-time shall be made a part of the decree and made a part of the parent-time
339 order. An election may only be changed by mutual agreement, court order, or by the
340 noncustodial parent in the event of a change in the child's schedule.

341 (6) If the parties agree or the court enters an order for the optional parent-time schedule
342 as set forth in this section, a parenting plan in compliance with Sections 30-3-10.7 through
343 30-3-10.10 shall be filed with any order incorporating the following optional parent-time
344 schedule:

345 (a) The noncustodial parent or the court may specify one weekday for parent-time. If
346 no day is specified, weekday parent-time shall be on Wednesday from 5:30 p.m. until the
347 following day when delivering the child to school, or until 8 a.m., if there is no school the
348 following day. Once the election of the weekday is made, it may only be changed in
349 accordance with Subsection (5). At the election of the noncustodial parent, weekday
350 parent-time may commence:

351 (i) from the time the child's school is regularly dismissed; or
352 (ii) if school is not in session, and the parent is available to be with the child, at
353 approximately 8 a.m., accommodating the custodial parent's work schedule.

354 (b) Beginning on the first weekend after the entry of the decree, the noncustodial parent
355 shall be entitled to alternating weekends beginning on the first weekend after the entry of the
356 decree from 6 p.m. on Friday until Monday when delivering the child to school, or until 8 a.m.
357 if there is no school on Monday. At the election of the noncustodial parent, weekend
358 parent-time may commence:

359 (i) from the time the child's school is regularly dismissed on Friday; or
360 (ii) if school is not in session, and the parent is available to be with the child, at
361 approximately 8 a.m. on Friday, accommodating the custodial parent's work schedule.

362 (c) Subsections 30-3-35(2)(f) through (p) are incorporated into this section and
363 constitute the parent-time schedule with the exception that all instances that require the
364 noncustodial parent to return the child at any time after 6 p.m. be changed so that the
365 noncustodial parent is required to return the child to school the next morning or at 8 a.m., if
366 there is no school.

367 (7) A stepparent, grandparent, or other responsible adult designated by the noncustodial
368 parent may pick up the child if the custodial parent is aware of the identity of the individual,

369 and if the noncustodial parent will be with the child by 7 p.m.

370 (8) Weekends include any "snow" days, teacher development days, or other days when
371 school is not scheduled and that are contiguous to the weekend period.

372 (9) Holidays include any "snow" days, teacher development days after the child begins
373 the school year, or other days when school is not scheduled, contiguous to the holiday period,
374 and take precedence over weekend parent-time. Changes may not be made to the regular
375 rotation of the alternating weekend parent-time schedule.

376 (a) If a holiday falls on a school day, the noncustodial parent shall be responsible for
377 the child's attendance at school for that school day.

378 (b) If a holiday falls on a weekend or on a Friday or Monday and the total holiday
379 period extends beyond that time so that the child is free from school and the parent is free from
380 work, the noncustodial parent shall be entitled to this lengthier holiday period.

381 (c) At the election of the noncustodial parent, parent-time over a scheduled holiday
382 weekend may begin from the time the child's school is dismissed at the beginning of the
383 holiday weekend or, if school is not in session, and if the noncustodial parent is available to be
384 with the child, parent-time over a scheduled holiday weekend may begin at approximately 8
385 a.m., accommodating the custodial parent's work schedule, unless the court directs the
386 application of Subsection (6)(a).

387 (10) Birthdays take precedence over holidays and extended parent-time, except
388 Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted
389 parent-time if the parent exercising uninterrupted time is out of town for the uninterrupted
390 extended parent-time. At the discretion of the noncustodial parent, other siblings may be taken
391 along for birthdays.

392 (11) Notwithstanding Subsection (9)(b), the Halloween holiday may not be extended
393 beyond the hours designated in Subsection 30-3-35(2)(g)(vi).

394 (12) If there [~~are children~~] is a child aged 5 to 18 and [~~children~~] a child under the age
395 of five who are the natural or adopted children of the parties, the parents and the court should
396 consider an upward deviation for parent-time with all the minor children so that parent-time is
397 uniform based on a schedule pursuant to this section.

398 Section 6. Section 78A-6-104 is amended to read:

399 **78A-6-104. Concurrent jurisdiction -- District court and juvenile court.**

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

402 (a) when a person who is 18 years of age or older and who is under the continuing
403 jurisdiction of the juvenile court under Section 78A-6-117 violates any federal, state, or local
404 law or municipal ordinance; and

405 (b) in establishing paternity and ordering testing for the purposes of establishing
406 paternity, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, with regard
407 to proceedings initiated under Part 3, Abuse, Neglect, and Dependency Proceedings, or Part 5,
408 Termination of Parental Rights Act.

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

411 (3) This section does not deprive the district court of jurisdiction to appoint a guardian
412 for a child, or to determine the support, custody, and parent-time of a child upon writ of habeas
413 corpus or when the question of support, custody, and parent-time is incidental to the
414 determination of a cause in the district court.

415 (4) (a) [~~Where~~] When a support, custody, or parent-time award has been made by a
416 district court in a divorce action or other proceeding, and the jurisdiction of the district court in
417 the case is continuing, the juvenile court may acquire jurisdiction in a case involving the same
418 child if the child is dependent, abused, neglected, or otherwise comes within the jurisdiction of
419 the juvenile court under Section 78A-6-103.

420 (b) The juvenile court may, by order, change the custody, subject to Subsection
421 30-3-10~~(4)~~(5), support, parent-time, and visitation rights previously ordered in the district
422 court as necessary to implement the order of the juvenile court for the safety and welfare of the
423 child. The juvenile court order remains in effect so long as the jurisdiction of the juvenile court
424 continues.

425 (c) [~~When~~] If a copy of the findings and order of the juvenile court has been filed with
426 the district court, the findings and order of the juvenile court are binding on the parties to the
427 divorce action as though entered in the district court.

428 (5) The juvenile court has jurisdiction over questions of custody, support, and
429 parent-time, of a minor who comes within the court's jurisdiction under this section or Section
430 78A-6-103.

Legislative Review Note
Office of Legislative Research and General Counsel