

MARRIAGE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill modifies provisions related to marriage.

Highlighted Provisions:

This bill:

- ▶ imposes an age, below which an individual may not marry; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-1-2, as last amended by Laws of Utah 1999, Chapter 15

30-1-4, as last amended by Laws of Utah 1996, Chapter 83

30-1-8, as last amended by Laws of Utah 2004, Chapter 261

30-1-13, as last amended by Laws of Utah 2001, Chapter 129

30-1-14, as last amended by Laws of Utah 2001, Chapter 129

30-1-17, as last amended by Laws of Utah 1971, Chapter 65

30-1-17.3, as enacted by Laws of Utah 1971, Chapter 65

75-5-103, as last amended by Laws of Utah 2018, Chapter 64



28 **75-5-209**, as last amended by Laws of Utah 2008, Chapter 3
 29 **75-5-210**, as enacted by Laws of Utah 1975, Chapter 150
 30 **75-5-424**, as last amended by Laws of Utah 2018, Chapter 244
 31 **78A-2-301**, as last amended by Laws of Utah 2018, Chapter 25
 32 **78A-6-103**, as last amended by Laws of Utah 2018, Chapter 415
 33 **78A-6-105**, as last amended by Laws of Utah 2018, Chapters 45, 91, 192, 235, 285, and
 34 415

35 REPEALS:

36 **30-1-9**, as last amended by Laws of Utah 2018, Chapter 415



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

39 Section 1. Section **30-1-2** is amended to read:

40 **30-1-2. Marriages prohibited and void.**

41 (1) The following marriages are prohibited and declared void:

42 ~~[(1)]~~ (a) when there is a ~~[husband or wife]~~ spouse living, from whom the ~~[person]~~
 43 individual marrying has not been divorced;

44 ~~[(2)]~~ (b) ~~except as provided in Subsection (2), when the [male or female] applicant is~~
 45 ~~under 18 years [of age unless consent is obtained as provided in Section 30-1-9;] old; and~~

46 ~~[(3)] when the male or female is under 14 years of age or, beginning May 3, 1999, when~~
 47 ~~the male or female is under 16 years of age at the time the parties attempt to enter into the~~
 48 ~~marriage; however, exceptions may be made for a person 15 years of age, under conditions set~~
 49 ~~in accordance with Section 30-1-9;]~~

50 ~~[(4)]~~ (c) between a divorced ~~[person]~~ individual and any ~~[person]~~ individual other than
 51 the one from whom the divorce was secured until the divorce decree becomes absolute, and, if
 52 an appeal is taken, until after the affirmance of the decree~~[-and].~~

53 ~~[(5)] between persons of the same sex.]~~

54 (2) A marriage of an individual under 18 years old is not void if the individual lawfully
 55 marries before May 14, 2019.

56 Section 2. Section **30-1-4** is amended to read:

57 **30-1-4. Validity of foreign marriages -- Exceptions.**

58 A marriage solemnized in any other country, state, or territory, if valid where

59 solemnized, is valid ~~[here]~~ in this state, unless it is a marriage:

60 (1) that would be prohibited and declared void in this state, under Subsection

61 ~~30-1-2(1)[, (3), or (5)]~~ (a); or

62 (2) between parties who are related to each other within and including three degrees of
63 consanguinity, except as provided in Subsection ~~30-1-1(2)~~.

64 Section 3. Section ~~30-1-8~~ is amended to read:

65 **~~30-1-8. Application for license -- Contents.~~**

66 (1) A marriage license may be issued ~~[by the county clerk to a man and a woman]~~ only
67 after an application ~~[has been filed in his]~~ is filed with the county clerk's office, requiring the
68 following information:

69 (a) the full names of the ~~[man and the woman]~~ applicants, including the maiden or
70 bachelor name of ~~[the woman]~~ each applicant;

71 (b) the ~~[Social Security]~~ social security numbers of the ~~[parties]~~ applicants, unless the
72 [party] applicant has not been assigned a number;

73 (c) the current address of each [party] applicant;

74 (d) the date and place of birth ~~[f]~~, including the town or city, county, state or country, if
75 possible~~]~~;

76 (e) the names of ~~[their]~~ the applicants' respective parents, including the maiden name
77 of ~~[the]~~ a mother;

78 (f) the birthplaces of ~~[fathers and mothers (f)]~~ the respective parents, including the town
79 or city, county, state or country, if possible~~]~~; and

80 (g) the distinctive race or nationality of each of the respective parents.

81 (2) If ~~[the]~~ a woman is a widow, her maiden name shall be shown in brackets.

82 ~~[(3) If one or both of the parties is under 16 years of age, the clerk shall provide them
83 with a standard petition on a form approved by the Judicial Council to be presented to the
84 juvenile court to obtain the authorization required by Section 30-1-9.]~~

85 ~~[(4)]~~ (3) (a) The ~~[Social Security]~~ social security numbers obtained under the authority
86 of this section may not be recorded on the marriage license, and are not open to inspection as a
87 part of the vital statistics files.

88 (b) The Department of Health, Bureau of Vital Records and Health Statistics shall,
89 upon request, supply ~~[those Social Security]~~ the social security numbers to the Office of

90 Recovery Services within the Department of Human Services.

91 (c) The Office of Recovery Services may not use [~~any Social Security numbers~~] a
92 social security number obtained under the authority of this section for any reason other than the
93 administration of child support services.

94 Section 4. Section **30-1-13** is amended to read:

95 **30-1-13. Solemnization without license -- Penalty.**

96 If [~~any person~~] an individual knowingly solemnizes a marriage without a license, and if
97 either party is under [~~16~~] 18 years [~~of age, without a written authorization from a juvenile~~
98 ~~court, he~~] old, the individual is guilty of a third degree felony.

99 Section 5. Section **30-1-14** is amended to read:

100 **30-1-14. Acting without authority -- Penalty.**

101 [~~A person~~] An individual is guilty of a third degree felony if [~~he;~~(1)] the individual
102 knowingly solemnizes a marriage in violation of [~~either~~] Section 30-1-6, 30-1-7, or 30-1-9.1 [~~;~~].

103 [~~(2) impersonates a parent or guardian of a minor to obtain a license for the minor to~~
104 ~~marry; or~~]

105 [~~(3) forges the name of a parent or guardian of a minor on any writing purporting to~~
106 ~~give consent to a marriage of a minor.~~]

107 Section 6. Section **30-1-17** is amended to read:

108 **30-1-17. Action to determine validity of marriage -- Judgment of validity or**
109 **annulment.**

110 When there is doubt as to the validity of a marriage, either party may, in a court of
111 equity in a county where either party is domiciled, demand [~~its~~] avoidance or affirmance of the
112 marriage, but when one of the parties was under [~~the age of consent~~] 18 years old at the time of
113 the marriage, the other party, being of proper age, [~~shall have no such~~] does not have a
114 proceeding for that cause against the party under [~~age~~] 18 years old. The judgment in the action
115 shall either declare the marriage valid or annulled and shall be conclusive upon all persons
116 concerned with the marriage.

117 Section 7. Section **30-1-17.3** is amended to read:

118 **30-1-17.3. Age as basis of action to determine validity of marriage -- Refusal to**
119 **grant annulment.**

120 If an action to determine the validity of a marriage is commenced upon the ground that

121 one or both of the parties were prohibited from marriage because of their age, in addition to [all
122 of the foregoing provisions, the following shall apply: The] the application of Sections 30-1-17
123 through 30-1-17.4, the provisions of this code regarding marriage by a person or persons under
124 [the age of consent] 18 years old to the contrary notwithstanding, the court may[, in its
125 discretion,] refuse to grant an annulment if [it] the court finds that it is in the best interest of the
126 parties or their children, to refuse the annulment. The refusal [shall make] to annul under this
127 section makes the marriage valid and subsisting for all purposes.

128 Section 8. Section **75-5-103** is amended to read:

129 **75-5-103. Delegation of powers by parent or guardian.**

130 A parent or a guardian of a minor or incapacitated person, by a properly-executed
131 power of attorney, may delegate to another person, for a period not exceeding six months, any
132 of the parent's or guardian's powers regarding care, custody, or property of the minor child or
133 ward:

134 (1) except the power to consent to:

135 (a) marriage of an incapacitated individual; or

136 (b) adoption of a minor ward; and

137 (2) subject to Section **53G-6-302**, including making decisions related to schooling.

138 Section 9. Section **75-5-209** is amended to read:

139 **75-5-209. Powers and duties of guardian of minor -- Residual parental rights and**
140 **duties -- Adoption of a ward.**

141 (1) For purposes of this section, "residual parental rights and duties" is as defined in
142 Section **78A-6-105**.

143 (2) Except as provided in Subsection (4)(a), a guardian of a minor has the powers and
144 responsibilities of a parent who has not been deprived of custody of the parent's unemancipated
145 minor, including the powers and responsibilities described in Subsection (3).

146 (3) A guardian of a minor:

147 (a) must take reasonable care of the personal effects of the guardian's ward;

148 (b) must commence protective proceedings if necessary to protect other property of the
149 guardian's ward;

150 (c) subject to Subsection (4)(b), may receive money payable for the support of the ward
151 to the ward's parent, guardian, or custodian under the terms of a:

- 152 (i) statutory benefit or insurance system;
- 153 (ii) private contract;
- 154 (iii) devise;
- 155 (iv) trust;
- 156 (v) conservatorship; or
- 157 (vi) custodianship;
- 158 (d) subject to Subsection (4)(b), may receive money or property of the ward paid or
- 159 delivered by virtue of Section 75-5-102;
- 160 (e) except as provided in Subsection (4)(c), must exercise due care to conserve any
- 161 excess money or property described in Subsection (3)(d) for the ward's future needs;
- 162 (f) unless otherwise provided by statute, may institute proceedings to compel the
- 163 performance by any person of a duty to:
 - 164 (i) support the ward; or
 - 165 (ii) pay sums for the welfare of the ward;
- 166 (g) is empowered to:
 - 167 (i) facilitate the ward's education, social, or other activities; and
 - 168 (ii) subject to Subsection (4)(d), authorize medical or other professional care,
 - 169 treatment, or advice;
- 170 (h) may consent to the adoption of the guardian's ward if the:
- 171 [~~(i) marriage of the guardian's ward, if specifically authorized by a court to give this~~
- 172 ~~consent; or]~~
- 173 [~~(ii) adoption of the guardian's ward if the:]~~
- 174 [~~(A)~~] (i) guardian of the ward is specifically authorized by a court to give [~~this~~] the
- 175 consent; and
- 176 [~~(B)~~] (ii) parental rights of the ward's parents have been terminated; and
- 177 (i) must report the condition of the minor and of the minor's estate that has been subject
- 178 to the guardian's possession or control:
 - 179 (i) as ordered by court on petition of any person interested in the minor's welfare; or
 - 180 (ii) as required by court rule.
- 181 (4) (a) Notwithstanding Subsection (2), a guardian of a minor is not:
- 182 (i) legally obligated to provide from the guardian's own funds for the ward; and

- 183 (ii) liable to third persons by reason of the guardian's relationship for acts of the ward.
- 184 (b) Sums received under Subsection (3)(c) or (d):
- 185 (i) may not be used for compensation for the services of a guardian, except as:
- 186 (A) approved by court order; or
- 187 (B) determined by a duly appointed conservator other than the guardian; and
- 188 (ii) shall be applied to the ward's current needs for support, care, and education.
- 189 (c) Notwithstanding Subsection (3)(e), if a conservator is appointed for the estate of the
- 190 ward, the excess shall be paid over at least annually to the conservator.
- 191 (d) A guardian of a minor is not, by reason of giving the authorization described in
- 192 Subsection (3)(g)(ii), liable for injury to the minor resulting from the negligence or acts of third
- 193 persons, unless it would have been illegal for a parent to have given the authorization.
- 194 (5) A parent of a minor for whom a guardian is appointed retains residual parental
- 195 rights and duties.
- 196 (6) If a parent of a minor for whom a guardian is appointed consents to the adoption of
- 197 the minor, the guardian is entitled to:
- 198 (a) receive notice of the adoption proceeding pursuant to Section 78B-6-110;
- 199 (b) intervene in the adoption; and
- 200 (c) present evidence to the court relevant to the best interest of the child pursuant to
- 201 Subsection 78B-6-110(11).
- 202 (7) If a minor for whom a guardian is appointed is adopted subsequent to the
- 203 appointment, the guardianship shall terminate when the adoption is finalized.
- 204 Section 10. Section 75-5-210 is amended to read:
- 205 **75-5-210. Termination of appointment of guardian -- General.**
- 206 (1) A guardian's authority and responsibility terminates upon the death, resignation, or
- 207 removal of the guardian or upon the minor's death, adoption, [~~marriage, or~~] attainment of
- 208 majority, or as provided in Subsection (2), but termination does not affect [~~his~~] the guardian's
- 209 liability for prior acts nor [~~his~~] the guardian's obligation to account for funds and assets of [~~his~~]
- 210 the guardian's ward. Resignation of a guardian does not terminate the guardianship until [~~it has~~
- 211 been] termination is approved by the court. A testamentary appointment under an informally
- 212 probated will terminates if the will is later denied probate in a formal proceeding.
- 213 (2) A guardian's authority and responsibility terminates upon a minor's lawful marriage

214 if the minor:

215 (a) is lawfully married in another state; or

216 (b) is lawfully married in Utah before May 14, 2019, or under Section [30-1-17.3](#).

217 Section 11. Section **75-5-424** is amended to read:

218 **75-5-424. Powers of conservator in administration.**

219 (1) A conservator has all of the powers conferred in this chapter and any additional
220 powers conferred by law on trustees in this state. In addition, a conservator of the estate of an
221 unmarried minor as to whom no one has parental rights, has the duties and powers of a
222 guardian of a minor described in Section [75-5-209](#) until the minor attains majority or lawfully
223 marries, but the parental rights so conferred on a conservator do not preclude appointment of a
224 guardian as provided by Part 2, Guardians of Minors.

225 (2) (a) A conservator has the power to compel the production of the protected person's
226 estate documents, including the protected person's will, trust, power of attorney, and any
227 advance health care directives.

228 (b) If a guardian is also appointed for the ward, the conservator shall share with the
229 guardian the estate documents the conservator receives.

230 (3) A conservator has power without court authorization or confirmation to invest and
231 reinvest funds of the estate as would a trustee.

232 (4) A conservator, acting reasonably in efforts to accomplish the purpose for which the
233 conservator was appointed, may use the funds of the estate and act without court authorization
234 or confirmation, to:

235 (a) collect, hold, and retain assets of the estate, including land in another state, until, in
236 the conservator's judgment, disposition of the assets should be made, and the assets may be
237 retained even though they include an asset in which the conservator is personally interested;

238 (b) receive additions to the estate;

239 (c) continue or participate in the operation of any business or other enterprise;

240 (d) acquire an undivided interest in an estate asset in which the conservator, in any
241 fiduciary capacity, holds an undivided interest;

242 (e) invest and reinvest estate assets in accordance with Subsection (3);

243 (f) deposit estate funds in a bank including a bank operated by the conservator;

244 (g) acquire or dispose of an estate asset, including land in another state, for cash or on

245 credit, at public or private sale; and to manage, develop, improve, exchange, partition, change
246 the character of, or abandon an estate asset;

247 (h) make ordinary or extraordinary repairs or alterations in buildings or other
248 structures, demolish any improvements, and raze existing or erect new party walls or buildings;

249 (i) (i) subdivide, develop, or dedicate land to public use;

250 (ii) make or obtain the vacation of plats and adjust boundaries;

251 (iii) adjust differences in valuation on exchange or partition by giving or receiving
252 considerations; and

253 (iv) dedicate easements to public use without consideration;

254 (j) enter for any purpose into a lease as lessor or lessee with or without option to
255 purchase or renew for a term within or extending beyond the term of the conservatorship;

256 (k) enter into a lease or arrangement for exploration and removal of minerals or other
257 natural resources or enter into a pooling or unitization agreement;

258 (l) grant an option involving disposition of an estate asset or take an option for the
259 acquisition of any asset;

260 (m) vote a security, in person or by general or limited proxy;

261 (n) pay calls, assessments, and any other sums chargeable or accruing against or on
262 account of securities;

263 (o) (i) sell or exercise stock subscription or conversion rights; and

264 (ii) consent, directly or through a committee or other agent, to the reorganization,
265 consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

266 (p) hold a security in the name of a nominee or in other form without disclosure of the
267 conservatorship so that title to the security may pass by delivery, but the conservator is liable
268 for any act of the nominee in connection with the stock so held;

269 (q) insure the assets of the estate against damage or loss and the conservator against
270 liability with respect to third persons;

271 (r) (i) borrow money to be repaid from estate assets or otherwise; and

272 (ii) advance money for the protection of the estate or the protected person, and for all
273 expenses, losses, and liabilities sustained in the administration of the estate or because of the
274 holding or ownership of any estate assets, and the conservator has a lien on the estate as against
275 the protected person for advances so made;

- 276 (s) (i) pay or contest any claim;
- 277 (ii) settle a claim by or against the estate or the protected person by compromise,
278 arbitration, or otherwise; and
- 279 (iii) release, in whole or in part, any claim belonging to the estate to the extent that the
280 claim is uncollectible;
- 281 (t) pay taxes, assessments, compensation of the conservator, and other expenses
282 incurred in the collection, care, administration, and protection of the estate;
- 283 (u) allocate items of income or expense to either estate income or principal, as
284 provided by law, including creation of reserves out of income for depreciation, obsolescence,
285 or amortization, or for depletion in mineral or timber properties;
- 286 (v) pay any sum distributable to a protected person or dependent without liability to the
287 conservator, by paying the sum to the distributee or by paying the sum for the use of the
288 distributee either to the distributee's guardian, or if none, to a relative or other person with
289 custody of the ~~[person]~~ individual;
- 290 (w) (i) employ persons, including attorneys, auditors, investment advisors, or agents,
291 even though they are associated with the conservator, to advise or assist in the performance of
292 administrative duties;
- 293 (ii) act upon a recommendation made by a person listed in Subsection (4)(w)(i) without
294 independent investigation; and
- 295 (iii) instead of acting personally, employ one or more agents to perform any act of
296 administration, whether or not discretionary;
- 297 (x) prosecute or defend actions, claims, or proceedings in any jurisdiction for the
298 protection of estate assets and of the conservator in the performance of the conservator's duties;
- 299 (y) act as a qualified beneficiary of any trust in which the protected person is a
300 qualified beneficiary; and
- 301 (z) execute and deliver the instruments that will accomplish or facilitate the exercise of
302 the powers vested in the conservator.

303 Section 12. Section **78A-2-301** is amended to read:

304 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

305 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
306 court of record not governed by another subsection is \$360.

- 307 (b) The fee for filing a complaint or petition is:
- 308 (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs,
- 309 interest, and attorney fees is \$2,000 or less;
- 310 (ii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
- 311 interest, and attorney fees is greater than \$2,000 and less than \$10,000;
- 312 (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;
- 313 (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
- 314 4, Separate Maintenance;
- 315 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5;
- 316 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
- 317 Registry under Section 77-41-112; and
- 318 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or
- 319 adoptive child of the petitioner.
- 320 (c) The fee for filing a small claims affidavit is:
- 321 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
- 322 interest, and attorney fees is \$2,000 or less;
- 323 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
- 324 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 325 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
- 326 interest, and attorney fees is \$7,500 or more.
- 327 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
- 328 complaint, or other claim for relief against an existing or joined party other than the original
- 329 complaint or petition is:
- 330 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 331 \$2,000 or less;
- 332 (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 333 greater than \$2,000 and less than \$10,000;
- 334 (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is
- 335 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 336 (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
- 337 Chapter 4, Separate Maintenance.

- 338 (e) The fee for filing a small claims counter affidavit is:
- 339 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 340 \$2,000 or less;
- 341 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 342 greater than \$2,000, but less than \$7,500; and
- 343 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 344 \$7,500 or more.
- 345 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
- 346 action already before the court is determined under Subsection (1)(b) based on the amount
- 347 deposited.
- 348 (g) The fee for filing a petition is:
- 349 (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims
- 350 department; and
- 351 (ii) \$65 for an appeal of a municipal administrative determination in accordance with
- 352 Section 10-3-703.7.
- 353 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
- 354 petition for writ of certiorari is \$225.
- 355 (i) The fee for filing a petition for expungement is \$135.
- 356 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
- 357 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
- 358 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
- 359 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
- 360 Act.
- 361 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
- 362 allocated by the state treasurer to be deposited in the restricted account, Children's Legal
- 363 Defense Account, as provided in Section 51-9-408.
- 364 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
- 365 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided
- 366 in Section 78B-6-209.
- 367 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
- 368 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be

369 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

370 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and
371 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court
372 Security Account, as provided in Section 78A-2-602.

373 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
374 United States is \$35.

375 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
376 50% of the fee for filing an original action seeking the same relief.

377 (m) The fee for filing probate or child custody documents from another state is \$35.

378 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the
379 Utah State Tax Commission is \$30.

380 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
381 or a judgment, order, or decree of an administrative agency, commission, board, council, or
382 hearing officer of this state or of [its] a political [~~subdivisions~~] subdivision of the state other
383 than the Utah State Tax Commission, is \$50.

384 (o) The fee for filing a judgment by confession without action under Section
385 78B-5-205 is \$35.

386 (p) The fee for filing an award of arbitration for confirmation, modification, or
387 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
388 action before the court is \$35.

389 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
390 other than a protective order or stalking injunction is \$100.

391 (r) The fee for filing any accounting required by law is:

392 (i) \$15 for an estate valued at \$50,000 or less;

393 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

394 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

395 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

396 (v) \$175 for an estate valued at more than \$168,000.

397 (s) The fee for filing a demand for a civil jury is \$250.

398 (t) The fee for filing a notice of deposition in this state concerning an action pending in
399 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

400 (u) The fee for filing documents that require judicial approval but are not part of an
401 action before the court is \$35.

402 (v) The fee for a petition to open a sealed record is \$35.

403 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
404 addition to any fee for a complaint or petition.

405 (x) ~~[(i) The fee for a petition for authorization for a minor to marry required by Section~~
406 ~~30-1-9 is \$5.~~ (ii) The fee for a petition for emancipation of a minor provided in Title 78A,
407 Chapter 6, Part 8, Emancipation, is \$50.

408 (y) The fee for a certificate issued under Section 26-2-25 is \$8.

409 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per
410 page.

411 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
412 per page.

413 (bb) The Judicial Council shall by rule establish a schedule of fees for copies of
414 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
415 Government Records Access and Management Act. Fees under this Subsection (1)(bb) shall
416 be credited to the court as a reimbursement of expenditures.

417 (cc) There is no fee for services or the filing of documents not listed in this section or
418 otherwise provided by law.

419 (dd) Except as provided in this section, all fees collected under this section are paid to
420 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
421 accepts the pleading for filing or performs the requested service.

422 (ee) The filing fees under this section may not be charged to the state, its agencies, or
423 political subdivisions filing or defending any action. In judgments awarded in favor of the
424 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court
425 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums
426 collected under this Subsection (1)(ee) shall be applied to the fees after credit to the judgment,
427 order, fine, tax, lien, or other penalty and costs permitted by law.

428 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall
429 transfer all revenues representing the difference between the fees in effect after May 2, 1994,
430 and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities

431 Construction and Management Capital Projects Fund.

432 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
433 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the
434 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to
435 initiate the development of a courts complex in Salt Lake City.

436 (B) If the Legislature approves funding for construction of a courts complex in Salt
437 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and
438 Management shall use the revenue deposited in the Capital Projects Fund under this Subsection
439 (2)(a)(ii) to construct a courts complex in Salt Lake City.

440 (C) After the courts complex is completed and all bills connected with its construction
441 have been paid, the Division of Facilities Construction and Management shall use any money
442 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal
443 District Court building.

444 (iii) The Division of Facilities Construction and Management may enter into
445 agreements and make expenditures related to this project before the receipt of revenues
446 provided for under this Subsection (2)(a)(iii).

447 (iv) The Division of Facilities Construction and Management shall:

448 (A) make those expenditures from unexpended and unencumbered building funds
449 already appropriated to the Capital Projects Fund; and

450 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
451 under this Subsection (2).

452 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
453 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
454 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
455 account.

456 (c) The Division of Finance shall deposit all revenues received from the state court
457 administrator into the restricted account created by this section.

458 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall
459 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
460 Vehicles, in a court of record to the Division of Facilities Construction and Management
461 Capital Projects Fund. The division of money pursuant to Section [78A-5-110](#) shall be

462 calculated on the balance of the fine or bail forfeiture paid.

463 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7
464 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a
465 court of record to the Division of Finance for deposit in the restricted account created by this
466 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
467 balance of the fine or bail forfeiture paid.

468 (3) (a) There is created within the General Fund a restricted account known as the State
469 Courts Complex Account.

470 (b) The Legislature may appropriate money from the restricted account to the state
471 court administrator for the following purposes only:

472 (i) to repay costs associated with the construction of the court complex that were
473 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

474 (ii) to cover operations and maintenance costs on the court complex.

475 Section 13. Section 78A-6-103 is amended to read:

476 **78A-6-103. Jurisdiction of juvenile court -- Original -- Exclusive.**

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

479 (a) a child who has violated any federal, state, or local law or municipal ordinance or a
480 person younger than 21 years of age who has violated any law or ordinance before becoming
481 18 years of age, regardless of where the violation occurred, excluding offenses:

482 (i) in Section 53G-8-211 until such time that the child is referred to the courts under
483 Section 53G-8-211; and

484 (ii) in Subsection 78A-7-106(2);

485 (b) a child who is an abused child, neglected child, or dependent child, as those terms
486 are defined in Section 78A-6-105;

487 (c) a protective order for a child pursuant to Title 78B, Chapter 7, Part 2, Child
488 Protective Orders, which the juvenile court may transfer to the district court if the juvenile
489 court has entered an ex parte protective order and finds that:

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

492 (ii) the district court has a petition pending or an order related to custody or parent-time

493 entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act,
 494 or Title 78B, Chapter 15, Utah Uniform Parentage Act, in which the petitioner and the
 495 respondent are parties; and

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

497 (d) appointment of a guardian of the person or other guardian of a minor who comes
 498 within the court's jurisdiction under other provisions of this section;

499 (e) the emancipation of a minor in accordance with Part 8, Emancipation;

500 (f) the termination of the legal parent-child relationship in accordance with Part 5,
 501 Termination of Parental Rights Act, including termination of residual parental rights and
 502 duties;

503 (g) the treatment or commitment of a minor who has an intellectual disability;

504 ~~[(h) the judicial consent to the marriage of a child under age 16 upon a determination~~
 505 ~~of voluntariness or where otherwise required by law, employment, or enlistment of a child~~
 506 ~~when consent is required by law;]~~

507 ~~[(†)]~~ (h) any parent or parents of a child committed to a secure youth facility, to order,
 508 at the discretion of the court and on the recommendation of a secure facility, the parent or
 509 parents of a child committed to a secure facility for a custodial term, to undergo group
 510 rehabilitation therapy under the direction of a secure facility therapist, who has supervision of
 511 that parent's or parents' child, or any other therapist the court may direct, for a period directed
 512 by the court as recommended by a secure facility;

513 ~~[(‡)]~~ (i) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;

514 ~~[(♣)]~~ (j) subject to Subsection (8), the treatment or commitment of a child with a
 515 mental illness;

516 ~~[(♠)]~~ (k) the commitment of a child to a secure drug or alcohol facility in accordance
 517 with Section [62A-15-301](#);

518 ~~[(♣)]~~ (l) a minor found not competent to proceed pursuant to Section [78A-6-1301](#);

519 ~~[(♠)]~~ (m) de novo review of final agency actions resulting from an informal
 520 adjudicative proceeding as provided in Section [63G-4-402](#); and

521 ~~[(♣)]~~ (n) adoptions conducted in accordance with the procedures described in Title
 522 78B, Chapter 6, Part 1, Utah Adoption Act, when the juvenile court has previously entered an
 523 order terminating the rights of a parent and finds that adoption is in the best interest of the

524 child.

525 (2) (a) Notwithstanding Section 78A-7-106 and Subsection 78A-5-102(9), the juvenile
526 court has exclusive jurisdiction over the following offenses committed by a child:

527 (i) Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

528 (ii) Section 73-18-12, reckless operation; and

529 (iii) class B and C misdemeanors, infractions, or violations of ordinances that are part
530 of a single criminal episode filed in a petition that contains an offense over which the court has
531 jurisdiction.

532 (b) A juvenile court may only order substance use disorder treatment or an educational
533 series if the minor has an assessed need for the intervention on the basis of the results of a
534 validated assessment.

535 (3) The juvenile court has jurisdiction over an ungovernable or runaway child who is
536 referred to it by the Division of Child and Family Services or by public or private agencies that
537 contract with the division to provide services to that child when, despite earnest and persistent
538 efforts by the division or agency, the child has demonstrated that the child:

539 (a) is beyond the control of the child's parent, guardian, or lawful custodian to the
540 extent that the child's behavior or condition endangers the child's own welfare or the welfare of
541 others; or

542 (b) has run away from home.

543 (4) This section does not restrict the right of access to the juvenile court by private
544 agencies or other persons.

545 (5) The juvenile court has jurisdiction of all magistrate functions relative to cases
546 arising under Section 78A-6-702.

547 (6) The juvenile court has jurisdiction to make a finding of substantiated,
548 unsubstantiated, or without merit, in accordance with Section 78A-6-323.

549 (7) The juvenile court has jurisdiction of matters transferred to it by another trial court
550 pursuant to Subsection 78A-7-106(5) and subject to Section 53G-8-211.

551 (8) The court may commit a child to the physical custody of a local mental health
552 authority in accordance with Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age
553 18 to Division of Substance Abuse and Mental Health, but not directly to the Utah State
554 Hospital.

555 Section 14. Section **78A-6-105** is amended to read:

556 **78A-6-105. Definitions.**

557 As used in this chapter:

558 (1) (a) "Abuse" means:

559 (i) (A) nonaccidental harm of a child;

560 (B) threatened harm of a child;

561 (C) sexual exploitation;

562 (D) sexual abuse; or

563 (E) human trafficking of a child in violation of Section [76-5-308.5](#); or

564 (ii) that a child's natural parent:

565 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
566 child;

567 (B) is identified by a law enforcement agency as the primary suspect in an investigation
568 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or

569 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
570 recklessly causing the death of another parent of the child.

571 (b) "Abuse" does not include:

572 (i) reasonable discipline or management of a child, including withholding privileges;

573 (ii) conduct described in Section [76-2-401](#); or

574 (iii) the use of reasonable and necessary physical restraint or force on a child:

575 (A) in self-defense;

576 (B) in defense of others;

577 (C) to protect the child; or

578 (D) to remove a weapon in the possession of a child for any of the reasons described in

579 Subsections (1)(b)(iii)(A) through (C).

580 (2) "Abused child" means a child who has been subjected to abuse.

581 (3) "Adjudication" means a finding by the court, incorporated in a decree, that the facts
582 alleged in the petition have been proved. A finding of not competent to proceed pursuant to
583 Section [78A-6-1302](#) is not an adjudication.

584 (4) "Adult" means an individual 18 years of age or over, except that an individual 18
585 years or over under the continuing jurisdiction of the juvenile court pursuant to Section

586 78A-6-120 shall be referred to as a minor.

587 (5) "Board" means the Board of Juvenile Court Judges.

588 (6) "Child" means an individual under 18 years of age.

589 (7) "Child placement agency" means:

590 (a) a private agency licensed to receive a child for placement or adoption under this
591 code; or

592 (b) a private agency that receives a child for placement or adoption in another state,
593 which agency is licensed or approved where such license or approval is required by law.

594 (8) "Clandestine laboratory operation" means the same as that term is defined in
595 Section 58-37d-3.

596 (9) "Commit" means, unless specified otherwise:

597 (a) with respect to a child, to transfer legal custody; and

598 (b) with respect to a minor who is at least 18 years of age, to transfer custody.

599 (10) "Court" means the juvenile court.

600 (11) "Criminogenic risk factors" means evidence-based factors that are associated with
601 a minor's likelihood of reoffending.

602 (12) "Delinquent act" means an act that would constitute a felony or misdemeanor if
603 committed by an adult.

604 (13) "Dependent child" includes a child who is homeless or without proper care
605 through no fault of the child's parent, guardian, or custodian.

606 (14) "Deprivation of custody" means transfer of legal custody by the court from a
607 parent or the parents or a previous legal custodian to another person, agency, or institution.

608 (15) "Detention" means home detention and secure detention as defined in Section
609 62A-7-101 for the temporary care of a minor who requires secure custody in a physically
610 restricting facility:

611 (a) pending court disposition or transfer to another jurisdiction; or

612 (b) while under the continuing jurisdiction of the court.

613 (16) "Detention risk assessment tool" means an evidence-based tool established under
614 Section 78A-6-124, on and after July 1, 2018, that assesses a minor's risk of failing to appear in
615 court or reoffending pre-adjudication and designed to assist in making detention
616 determinations.

617 (17) "Division" means the Division of Child and Family Services.

618 (18) "Educational neglect" means that, after receiving a notice of compulsory education
619 violation under Section 53G-6-202, the parent or guardian fails to make a good faith effort to
620 ensure that the child receives an appropriate education.

621 (19) "Evidence-based" means a program or practice that has had multiple randomized
622 control studies or a meta-analysis demonstrating that the program or practice is effective for a
623 specific population or has been rated as effective by a standardized program evaluation tool.

624 (20) "Formal probation" means a minor is under field supervision by the probation
625 department or other agency designated by the court and subject to return to the court in
626 accordance with Section 78A-6-123 on and after July 1, 2018.

627 (21) "Formal referral" means a written report from a peace officer or other person
628 informing the court that a minor is or appears to be within the court's jurisdiction and that a
629 case must be reviewed.

630 (22) "Group rehabilitation therapy" means psychological and social counseling of one
631 or more individuals in the group, depending upon the recommendation of the therapist.

632 (23) "Guardianship of the person" includes the authority to consent to:

633 (a) marriage of an incapacitated individual;

634 (b) enlistment in the armed forces;

635 (c) major medical, surgical, or psychiatric treatment; or

636 (d) legal custody, if legal custody is not vested in another individual, agency, or
637 institution.

638 (24) "Habitual truant" means the same as that term is defined in Section 53G-6-201.

639 (25) "Harm" means:

640 (a) physical or developmental injury or damage;

641 (b) emotional damage that results in a serious impairment in the child's growth,
642 development, behavior, or psychological functioning;

643 (c) sexual abuse; or

644 (d) sexual exploitation.

645 (26) (a) "Incest" means engaging in sexual intercourse with an individual whom the
646 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,
647 nephew, niece, or first cousin.

648 (b) The relationships described in Subsection (26)(a) include:
649 (i) blood relationships of the whole or half blood, without regard to legitimacy;
650 (ii) relationships of parent and child by adoption; and
651 (iii) relationships of stepparent and stepchild while the marriage creating the
652 relationship of a stepparent and stepchild exists.

653 (27) "Intake probation" means a period of court monitoring that does not include field
654 supervision, but is overseen by a juvenile probation officer, during which a minor is subject to
655 return to the court in accordance with Section [78A-6-123](#) on and after July 1, 2018.

656 (28) "Intellectual disability" means:

657 (a) significantly subaverage intellectual functioning, an IQ of approximately 70 or
658 below on an individually administered IQ test, for infants, a clinical judgment of significantly
659 subaverage intellectual functioning;

660 (b) concurrent deficits or impairments in present adaptive functioning, regarding the
661 individual's effectiveness in meeting the standards expected for the individual's age by the
662 individual's cultural group, in at least two of the following areas: communication, self-care,
663 home living, social/interpersonal skills, use of community resources, self-direction, functional
664 academic skills, work, leisure, health, and safety; and

665 (c) the onset is before the individual reaches the age of 18 years.

666 (29) "Legal custody" means a relationship embodying the following rights and duties:

667 (a) the right to physical custody of the minor;

668 (b) the right and duty to protect, train, and discipline the minor;

669 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
670 medical care;

671 (d) the right to determine where and with whom the minor shall live; and

672 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

673 (30) "Material loss" means an uninsured:

674 (a) property loss;

675 (b) out-of-pocket monetary loss;

676 (c) lost wages; or

677 (d) medical expenses.

678 (31) "Mental disorder" means a serious emotional and mental disturbance that severely

679 limits a minor's development and welfare over a significant period of time.

680 (32) "Minor" means:

681 (a) a child; or

682 (b) an individual who is:

683 (i) at least 18 years of age and younger than 21 years of age; and

684 (ii) under the jurisdiction of the juvenile court.

685 (33) "Mobile crisis outreach team" means a crisis intervention service for minors or
686 families of minors experiencing behavioral health or psychiatric emergencies.

687 (34) "Molestation" means that an individual, with the intent to arouse or gratify the
688 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
689 or the breast of a female child, or takes indecent liberties with a child as defined in Section
690 [76-5-416](#).

691 (35) "Natural parent" means a minor's biological or adoptive parent, and includes the
692 minor's noncustodial parent.

693 (36) (a) "Neglect" means action or inaction causing:

694 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe
695 Relinquishment of a Newborn Child;

696 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,
697 guardian, or custodian;

698 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
699 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or
700 well-being;

701 (iv) a child to be at risk of being neglected or abused because another child in the same
702 home is neglected or abused;

703 (v) abandonment of a child through an unregulated custody transfer; or

704 (vi) educational neglect.

705 (b) "Neglect" does not include:

706 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
707 reason, does not provide specified medical treatment for a child;

708 (ii) a health care decision made for a child by the child's parent or guardian, unless the
709 state or other party to a proceeding shows, by clear and convincing evidence, that the health

710 care decision is not reasonable and informed;

711 (iii) a parent or guardian exercising the right described in Section 78A-6-301.5; or

712 (iv) permitting a child, whose basic needs are met and who is of sufficient age and

713 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,

714 including:

715 (A) traveling to and from school, including by walking, running, or bicycling;

716 (B) traveling to and from nearby commercial or recreational facilities;

717 (C) engaging in outdoor play;

718 (D) remaining in a vehicle unattended, except under the conditions described in

719 Subsection 76-10-2202(2);

720 (E) remaining at home unattended; or

721 (F) engaging in a similar independent activity.

722 (37) "Neglected child" means a child who has been subjected to neglect.

723 (38) "Nonjudicial adjustment" means closure of the case by the assigned probation

724 officer without judicial determination upon the consent in writing of:

725 (a) the assigned probation officer; and

726 (b) (i) the minor; or

727 (ii) the minor and the minor's parent, legal guardian, or custodian.

728 (39) "Not competent to proceed" means that a minor, due to a mental disorder,

729 intellectual disability, or related condition as defined, lacks the ability to:

730 (a) understand the nature of the proceedings against them or of the potential disposition
731 for the offense charged; or

732 (b) consult with counsel and participate in the proceedings against them with a
733 reasonable degree of rational understanding.

734 (40) "Physical abuse" means abuse that results in physical injury or damage to a child.

735 (41) "Probation" means a legal status created by court order following an adjudication
736 on the ground of a violation of law or under Section 78A-6-103, whereby the minor is
737 permitted to remain in the minor's home under prescribed conditions.

738 (42) "Protective supervision" means a legal status created by court order following an
739 adjudication on the ground of abuse, neglect, or dependency, whereby the minor is permitted to
740 remain in the minor's home, and supervision and assistance to correct the abuse, neglect, or

741 dependency is provided by the probation department or other agency designated by the court.

742 (43) "Related condition" means a condition closely related to intellectual disability in
743 accordance with 42 C.F.R. Part 435.1010 and further defined in Rule R539-1-3, Utah
744 Administrative Code.

745 (44) (a) "Residual parental rights and duties" means those rights and duties remaining
746 with the parent after legal custody or guardianship, or both, have been vested in another person
747 or agency, including:

748 (i) the responsibility for support;

749 (ii) the right to consent to adoption;

750 (iii) the right to determine the child's religious affiliation; and

751 (iv) the right to reasonable parent-time unless restricted by the court.

752 (b) If no guardian has been appointed, "residual parental rights and duties" also include
753 the right to consent to:

754 [~~(i) marriage;~~]

755 [~~(ii)~~] (i) enlistment; and

756 [~~(iii)~~] (ii) major medical, surgical, or psychiatric treatment.

757 (45) "Secure facility" means any facility operated by or under contract with the
758 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement for
759 youth offenders committed to the division for custody and rehabilitation pursuant to Subsection
760 [78A-6-117\(2\)\(d\)](#).

761 (46) "Severe abuse" means abuse that causes or threatens to cause serious harm to a
762 child.

763 (47) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
764 child.

765 (48) "Sexual abuse" means:

766 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
767 adult directed towards a child;

768 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
769 committed by a child towards another child if:

770 (i) there is an indication of force or coercion;

771 (ii) the children are related, as described in Subsection (26), including siblings by

772 marriage while the marriage exists or by adoption;

773 (iii) there have been repeated incidents of sexual contact between the two children,

774 unless the children are 14 years of age or older; or

775 (iv) there is a disparity in chronological age of four or more years between the two

776 children;

777 (c) engaging in any conduct with a child that would constitute an offense under any of

778 the following, regardless of whether the individual who engages in the conduct is actually

779 charged with, or convicted of, the offense:

780 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the

781 alleged perpetrator of an offense described in Section 76-5-401 is a minor;

782 (ii) child bigamy, Section 76-7-101.5;

783 (iii) incest, Section 76-7-102;

784 (iv) lewdness, Section 76-9-702;

785 (v) sexual battery, Section 76-9-702.1;

786 (vi) lewdness involving a child, Section 76-9-702.5; or

787 (vii) voyeurism, Section 76-9-702.7; or

788 (d) subjecting a child to participate in or threatening to subject a child to participate in

789 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural

790 marriage.

791 (49) "Sexual exploitation" means knowingly:

792 (a) employing, using, persuading, inducing, enticing, or coercing any child to:

793 (i) pose in the nude for the purpose of sexual arousal of any individual; or

794 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,

795 filming, recording, or displaying in any way the sexual or simulated sexual conduct;

796 (b) displaying, distributing, possessing for the purpose of distribution, or selling

797 material depicting a child:

798 (i) in the nude, for the purpose of sexual arousal of any individual; or

799 (ii) engaging in sexual or simulated sexual conduct; or

800 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,

801 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct

802 is actually charged with, or convicted of, the offense.

803 (50) "Shelter" means the temporary care of a child in a physically unrestricted facility
804 pending court disposition or transfer to another jurisdiction.

805 (51) "Status offense" means a violation of the law that would not be a violation but for
806 the age of the offender.

807 (52) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or
808 substances.

809 (53) "Substantiated" means the same as that term is defined in Section 62A-4a-101.

810 (54) "Supported" means the same as that term is defined in Section 62A-4a-101.

811 (55) "Termination of parental rights" means the permanent elimination of all parental
812 rights and duties, including residual parental rights and duties, by court order.

813 (56) "Therapist" means:

814 (a) an individual employed by a state division or agency for the purpose of conducting
815 psychological treatment and counseling of a minor in its custody; or

816 (b) any other individual licensed or approved by the state for the purpose of conducting
817 psychological treatment and counseling.

818 (57) "Unregulated custody transfer" means the placement of a child:

819 (a) with an individual who is not the child's parent, step-parent, grandparent, adult
820 sibling, adult uncle or aunt, or legal guardian, or a friend of the family who is an adult and with
821 whom the child is familiar, or a member of the child's federally recognized tribe;

822 (b) with the intent of severing the child's existing parent-child or guardian-child
823 relationship; and

824 (c) without taking:

825 (i) reasonable steps to ensure the safety of the child and permanency of the placement;
826 and

827 (ii) the necessary steps to transfer the legal rights and responsibilities of parenthood or
828 guardianship to the individual taking custody of the child.

829 (58) "Unsubstantiated" means the same as that term is defined in Section 62A-4a-101.

830 (59) "Validated risk and needs assessment" means an evidence-based tool that assesses
831 a minor's risk of reoffending and a minor's criminogenic needs.

832 (60) "Without merit" means the same as that term is defined in Section 62A-4a-101.

833 Section 15. **Repealer.**

834 This bill repeals:

835 Section **30-1-9**, **Marriage by minors -- Consent of parent or guardian -- Juvenile**
836 **court authorization.**