

- 119 (a) siblings;
- 120 (b) aunts;
- 121 (c) uncles;
- 122 (d) grandparents; or
- 123 (e) current or former step-parents, or any of the ~~[persons]~~ individuals described in
- 124 Subsections ~~[(2)]~~ (1)(a) through (d) in a step relationship to the child.

125 (2) "Parent" means a biological or adoptive parent.

126 Section 5. Section **30-5a-103** is amended to read:

127 **30-5a-103. Custody and visitation for individuals other than a parent.**

128 (1) (a) In accordance with Section 62A-4a-201, it is the public policy of this state that

129 ~~[parents]~~ a parent retain the fundamental right and duty to exercise primary control over the

130 care, supervision, upbringing, and education of ~~[their]~~ the parent's children.

131 (b) There is a rebuttable presumption that a parent's decisions are in the child's best

132 interests.

133 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or

134 visitation rights to ~~[a person]~~ an individual other than a parent who, by clear and convincing

135 evidence, ~~[has established all of the following]~~ establishes that:

136 (a) the ~~[person]~~ individual has intentionally assumed the role and obligations of a

137 parent;

138 (b) the ~~[person]~~ individual and the child have formed ~~[an]~~ a substantial emotional bond

139 and created a parent-child type relationship;

140 (c) the ~~[person]~~ individual substantially contributed emotionally ~~H→~~ [f] or ~~[+and]~~ ←H

140a financially to

141 the child's well being;

142 (d) the assumption of the parental role is not the result of a financially compensated

143 surrogate care arrangement;

144 (e) the continuation of the relationship between the ~~[person]~~ individual and the child

145 ~~[would be]~~ is in the child's best ~~[interests]~~ interest;

146 (f) the loss or cessation of the relationship between the ~~[person]~~ individual and the

147 child would ~~[be detrimental to]~~ substantially harm the child; and

148 (g) the parent:

149 (i) is absent; or