

214 the parent ~~H→~~ or ~~←H~~ guardian of the child for a substantial period, and whom the parent or
214a guardian

215 reasonably believed, at the time of the transfer, to be a fit custodian of the child;

216 (5) an Indian custodian, as defined in the Indian Child Welfare Act, 25 U.S.C. Sec.
217 1903, of the child; or

218 (6) a member of the child's customary family unit recognized by the child's indigenous
219 group.

220 Section 7. Section **78B-24-203** is enacted to read:

221 **78B-24-203. Prohibited custody transfer.**

222 (1) Except as provided in Subsection (2), a parent or guardian of a child, or an
223 individual with whom a child has been placed for adoption, may not transfer custody of the
224 child to another person with the intent, at the time of the transfer, to abandon the rights and
225 responsibilities concerning the child.

226 (2) A parent or guardian of a child or an individual with whom a child has been placed
227 for adoption may transfer custody of the child to another person with the intent, at the time of
228 the transfer, to abandon the rights and responsibilities concerning the child only through:

229 (a) adoption or guardianship;

230 (b) judicial award of custody;

231 (c) placement by or through a child-placing agency;

232 (d) other judicial or tribal action; or

233 (e) safe relinquishment under Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a
234 Newborn Child.

235 (3) (a) A person may not receive custody of a child, or act as an intermediary in a
236 transfer of custody of a child, if the person knows or reasonably should know the transfer
237 violates Subsection (1).

238 (b) This subsection does not apply if the person as soon as practicable after the transfer,
239 notifies the Division of Child and Family Services of the transfer or takes appropriate action to
240 establish custody under Subsection (2).

241 (4) A violation of this section is a class B misdemeanor.

242 (5) A violation of Subsection (1) is not established solely because a parent or guardian
243 that transfers custody of a child does not regain custody.

244 Section 8. Section **78B-24-204** is enacted to read: