

DOMESTIC RELATIONS RECODIFICATION

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill recodifies and amends statutes related to domestic relations.

Highlighted Provisions:

This bill:

▶ recodifies Title 30, Husband and Wife, to Title 81, Utah Domestic Relations Code;

▶ recodifies Title 78B, Chapter 12, Utah Child Support Act, to Title 81, Chapter 6,

Child Support;

▶ defines terms;

▶ clarifies provisions related to a claim of a creditor when the joint debtors divorce or are living separately under an order of separate maintenance;

▶ clarifies the validation of a marriage to an individual subject to chronic epileptic fits who had not been sterilized;

▶ clarifies the validation of an interracial marriage;

▶ clarifies the validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease;

▶ clarifies provisions regarding the rights and obligations during a marriage;

▶ clarifies provisions regarding the dissolution of a marriage, including:

• an order for separate maintenance;

• an annulment; and

• a divorce;



- 28 ▶ clarifies provisions regarding child support, including:
- 29 • the requirements for a child support order;
- 30 • the general requirements for calculating child support; and
- 31 • the requirements for calculating child support for a sole physical custody case, a
- 32 joint physical custody case, and a split physical custody case;
- 33 ▶ clarifies provisions regarding custody, parent-time, and visitation;
- 34 ▶ repeals statutes related to domestic relations, including a statute on the appointment
- 35 of counsel for a child; and
- 36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 **Utah Code Sections Affected:**

42 AMENDS:

- 43 15-4-1, as last amended by Laws of Utah 2023, Chapter 327
- 44 15-4-6.5, as last amended by Laws of Utah 2000, Chapter 252
- 45 15-4-6.7, as last amended by Laws of Utah 2023, Chapter 327
- 46 17-16-21, as last amended by Laws of Utah 2022, Chapter 335
- 47 23A-4-1102, as last amended by Laws of Utah 2023, Chapter 327 and renumbered and
- 48 amended by Laws of Utah 2023, Chapter 103
- 49 26B-1-202, as last amended by Laws of Utah 2023, Chapter 302
- 50 26B-5-316, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 51 26B-6-411, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 52 26B-8-101, as last amended by Laws of Utah 2023, Chapter 306 and last amended by
- 53 Coordination Clause, Laws of Utah 2023, Chapter 306
- 54 26B-9-101, as last amended by Laws of Utah 2023, Chapter 305
- 55 26B-9-104, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 56 26B-9-201, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 57 26B-9-202, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 58 26B-9-210, as renumbered and amended by Laws of Utah 2023, Chapter 305

59 **26B-9-211**, as renumbered and amended by Laws of Utah 2023, Chapter 305
60 **26B-9-212**, as renumbered and amended by Laws of Utah 2023, Chapter 305
61 **26B-9-213**, as renumbered and amended by Laws of Utah 2023, Chapter 305
62 **26B-9-214**, as renumbered and amended by Laws of Utah 2023, Chapter 305
63 **26B-9-217**, as renumbered and amended by Laws of Utah 2023, Chapter 305
64 **26B-9-220**, as renumbered and amended by Laws of Utah 2023, Chapter 305
65 **26B-9-221**, as renumbered and amended by Laws of Utah 2023, Chapter 305
66 **26B-9-224**, as renumbered and amended by Laws of Utah 2023, Chapter 305
67 **26B-9-225**, as renumbered and amended by Laws of Utah 2023, Chapter 305
68 **26B-9-226**, as renumbered and amended by Laws of Utah 2023, Chapter 305
69 **26B-9-230**, as renumbered and amended by Laws of Utah 2023, Chapter 305
70 **26B-9-301**, as renumbered and amended by Laws of Utah 2023, Chapter 305
71 **26B-9-303**, as renumbered and amended by Laws of Utah 2023, Chapter 305
72 **26B-9-304**, as renumbered and amended by Laws of Utah 2023, Chapter 305
73 **26B-9-403**, as renumbered and amended by Laws of Utah 2023, Chapter 305
74 **26B-9-405**, as renumbered and amended by Laws of Utah 2023, Chapter 305
75 **26B-9-501**, as renumbered and amended by Laws of Utah 2023, Chapter 305
76 **31A-22-610.5**, as last amended by Laws of Utah 2023, Chapter 327
77 **35A-3-307**, as last amended by Laws of Utah 2015, Chapter 221
78 **51-9-408**, as last amended by Laws of Utah 2021, Chapter 262
79 **58-60-112**, as last amended by Laws of Utah 2023, Chapter 139
80 **63G-20-201**, as enacted by Laws of Utah 2015, Chapter 46
81 **63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423
82 **63I-2-278**, as last amended by Laws of Utah 2023, Chapters 33 and 250
83 **63M-15-204**, as enacted by Laws of Utah 2021, Chapter 91
84 **76-8-1201**, as last amended by Laws of Utah 2015, Chapter 221
85 **77-36-1**, as last amended by Laws of Utah 2022, Chapters 185 and 430
86 **77-38-615**, as last amended by Laws of Utah 2023, Chapter 237
87 **78A-2-301**, as last amended by Laws of Utah 2023, Chapter 330
88 **78A-5a-103 (Effective 10/01/24)**, as enacted by Laws of Utah 2023, Chapter 394
89 **78A-6-103**, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330

- 90 **78A-6-104**, as last amended by Laws of Utah 2022, Chapter 335
- 91 **78A-6-356**, as last amended by Laws of Utah 2023, Chapter 330
- 92 **78B-3-416**, as last amended by Laws of Utah 2023, Chapter 139
- 93 **78B-3-426**, as last amended by Laws of Utah 2018, Chapter 440
- 94 **78B-6-316**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 95 **78B-7-204**, as last amended by Laws of Utah 2021, Chapter 262
- 96 **78B-15-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 97 **78B-15-113**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 98 **78B-15-603**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 99 **78B-15-610**, as last amended by Laws of Utah 2019, Chapter 188
- 100 **78B-15-623**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 101 **78B-20-403**, as last amended by Laws of Utah 2017, Chapter 224
- 102 **78B-20-404**, as last amended by Laws of Utah 2017, Chapter 224
- 103 **80-2-906**, as renumbered and amended by Laws of Utah 2022, Chapter 334

104 ENACTS:

- 105 **63I-1-281**, Utah Code Annotated 1953
- 106 **63I-2-281**, Utah Code Annotated 1953
- 107 **81-1-101**, Utah Code Annotated 1953
- 108 **81-1-201**, Utah Code Annotated 1953
- 109 **81-1-202**, Utah Code Annotated 1953
- 110 **81-1-204**, Utah Code Annotated 1953
- 111 **81-2-101**, Utah Code Annotated 1953
- 112 **81-2-301**, Utah Code Annotated 1953
- 113 **81-2-401**, Utah Code Annotated 1953
- 114 **81-3-101**, Utah Code Annotated 1953
- 115 **81-4-101**, Utah Code Annotated 1953
- 116 **81-4-201**, Utah Code Annotated 1953
- 117 **81-4-301**, Utah Code Annotated 1953
- 118 **81-4-401**, Utah Code Annotated 1953
- 119 **81-4-402**, Utah Code Annotated 1953
- 120 **81-4-406**, Utah Code Annotated 1953

- 121 **81-4-501**, Utah Code Annotated 1953
- 122 **81-4-502**, Utah Code Annotated 1953
- 123 **81-4-503**, Utah Code Annotated 1953
- 124 **81-4-504**, Utah Code Annotated 1953
- 125 **81-5-101**, Utah Code Annotated 1953
- 126 **81-6-102**, Utah Code Annotated 1953
- 127 **81-6-201**, Utah Code Annotated 1953
- 128 **81-6-204**, Utah Code Annotated 1953
- 129 **81-6-205**, Utah Code Annotated 1953
- 130 **81-6-206**, Utah Code Annotated 1953
- 131 **81-6-207**, Utah Code Annotated 1953
- 132 **81-6-212**, Utah Code Annotated 1953
- 133 **81-6-213**, Utah Code Annotated 1953
- 134 **81-6-301**, Utah Code Annotated 1953
- 135 **81-6-401**, Utah Code Annotated 1953
- 136 **81-7-101**, Utah Code Annotated 1953
- 137 **81-8-101**, Utah Code Annotated 1953
- 138 **81-9-201**, Utah Code Annotated 1953
- 139 **81-9-301**, Utah Code Annotated 1953

140 RENUMBERS AND AMENDS:

- 141 **81-1-203**, (Renumbered from 30-3-3, as last amended by Laws of Utah 2020, Chapter
- 142 142)
- 143 **81-2-102**, (Renumbered from 30-1-4.1, as enacted by Laws of Utah 2004, Chapter 261)
- 144 **81-2-201**, (Renumbered from 30-1-36, as last amended by Laws of Utah 2018, Chapter
- 145 347)
- 146 **81-2-202**, (Renumbered from 30-1-30, as last amended by Laws of Utah 2018, Chapter
- 147 347)
- 148 **81-2-203**, (Renumbered from 30-1-31, as enacted by Laws of Utah 1971, Chapter 64)
- 149 **81-2-204**, (Renumbered from 30-1-32, as last amended by Laws of Utah 2011, Chapter
- 150 297)
- 151 **81-2-205**, (Renumbered from 30-1-33, as last amended by Laws of Utah 2011, Chapter

152 297)
153 **81-2-206**, (Renumbered from 30-1-34, as last amended by Laws of Utah 2021, Chapter
154 91)
155 **81-2-207**, (Renumbered from 30-1-35, as last amended by Laws of Utah 2011, Chapter
156 297)
157 **81-2-208**, (Renumbered from 30-1-37, as last amended by Laws of Utah 2011, Chapter
158 297)
159 **81-2-209**, (Renumbered from 30-1-38, as enacted by Laws of Utah 1971, Chapter 64)
160 **81-2-302**, (Renumbered from 30-1-7, as last amended by Laws of Utah 2021, Chapter
161 305)
162 **81-2-303**, (Renumbered from 30-1-8, as last amended by Laws of Utah 2021, Chapter
163 305)
164 **81-2-304**, (Renumbered from 30-1-9, as last amended by Laws of Utah 2021, Chapter
165 305)
166 **81-2-305**, (Renumbered from 30-1-6, as last amended by Laws of Utah 2022, Chapter
167 444)
168 **81-2-306**, (Renumbered from 30-1-12, as last amended by Laws of Utah 2023, Chapter
169 327)
170 **81-2-402**, (Renumbered from 30-1-1, as last amended by Laws of Utah 2022, Chapter
171 217)
172 **81-2-403**, (Renumbered from 30-1-2, as last amended by Laws of Utah 2019, Chapters
173 300 and 317)
174 **81-2-404**, (Renumbered from 30-1-2.1, as enacted by Laws of Utah 1963, Chapter 41)
175 **81-2-405**, (Renumbered from 30-1-2.2, as last amended by Laws of Utah 1995, Chapter
176 20)
177 **81-2-406**, (Renumbered from 30-1-2.3, as last amended by Laws of Utah 1995, Chapter
178 20)
179 **81-2-407**, (Renumbered from 30-1-4, as last amended by Laws of Utah 2019, Chapter
180 300)
181 **81-2-408**, (Renumbered from 30-1-4.5, as last amended by Laws of Utah 2021, Chapter
182 186)

- 183 **81-2-409**, (Renumbered from 30-1-3, as repealed and reenacted by Laws of Utah 2022,
- 184 Chapter 217)
- 185 **81-3-102**, (Renumbered from 30-2-2, Utah Code Annotated 1953)
- 186 **81-3-103**, (Renumbered from 30-2-3, Utah Code Annotated 1953)
- 187 **81-3-104**, (Renumbered from 30-2-4, Utah Code Annotated 1953)
- 188 **81-3-105**, (Renumbered from 30-2-5, as last amended by Laws of Utah 2023, Chapter
- 189 327)
- 190 **81-3-106**, (Renumbered from 30-2-6, Utah Code Annotated 1953)
- 191 **81-3-107**, (Renumbered from 30-2-7, as last amended by Laws of Utah 2011, Chapter
- 192 297)
- 193 **81-3-108**, (Renumbered from 30-2-8, Utah Code Annotated 1953)
- 194 **81-3-109**, (Renumbered from 30-2-9, as last amended by Laws of Utah 2015, Chapter
- 195 457)
- 196 **81-3-110**, (Renumbered from 30-2-10, as last amended by Laws of Utah 1977, Chapter
- 197 122)
- 198 **81-3-111**, (Renumbered from 30-2-11, as last amended by Laws of Utah 2008, Chapters
- 199 3 and 382)
- 200 **81-3-201**, (Renumbered from 30-8-2, as enacted by Laws of Utah 1994, Chapter 105)
- 201 **81-3-202**, (Renumbered from 30-8-3, as last amended by Laws of Utah 2011, Chapter
- 202 297)
- 203 **81-3-203**, (Renumbered from 30-8-4, as enacted by Laws of Utah 1994, Chapter 105)
- 204 **81-3-204**, (Renumbered from 30-8-5, as enacted by Laws of Utah 1994, Chapter 105)
- 205 **81-3-205**, (Renumbered from 30-8-6, as enacted by Laws of Utah 1994, Chapter 105)
- 206 **81-3-206**, (Renumbered from 30-8-7, as enacted by Laws of Utah 1994, Chapter 105)
- 207 **81-3-207**, (Renumbered from 30-8-8, as enacted by Laws of Utah 1994, Chapter 105)
- 208 **81-3-208**, (Renumbered from 30-8-9, as enacted by Laws of Utah 1994, Chapter 105)
- 209 **81-4-102**, (Renumbered from 30-1-17.4, as enacted by Laws of Utah 1971, Chapter 65)
- 210 **81-4-103**, (Renumbered from 30-4a-1, as enacted by Laws of Utah 1983, Chapter 118)
- 211 **81-4-104**, (Renumbered from 30-3-4.5, as last amended by Laws of Utah 2010, Chapter
- 212 34)
- 213 **81-4-105**, (Renumbered from 30-3-11.4, as last amended by Laws of Utah 2022,

214 Chapter 272)
215 **81-4-106**, (Renumbered from 30-3-11.3, as last amended by Laws of Utah 2022,
216 Chapter 272)
217 **81-4-202**, (Renumbered from 30-4-1, as last amended by Laws of Utah 1993, Chapter
218 137)
219 **81-4-203**, (Renumbered from 30-4-2, as last amended by Laws of Utah 1977, Chapter
220 122)
221 **81-4-204**, (Renumbered from 30-4-3, as last amended by Laws of Utah 1991, Chapter
222 257)
223 **81-4-205**, (Renumbered from 30-4-4, Utah Code Annotated 1953)
224 **81-4-206**, (Renumbered from 30-4-5, as last amended by Laws of Utah 1977, Chapter
225 122)
226 **81-4-302**, (Renumbered from 30-1-17.1, as enacted by Laws of Utah 1971, Chapter 65)
227 **81-4-303**, (Renumbered from 30-1-17, as last amended by Laws of Utah 2019, Chapter
228 300)
229 **81-4-403**, (Renumbered from 30-3-39, as last amended by Laws of Utah 2008, Chapter
230 3)
231 **81-4-404**, (Renumbered from 30-3-5.2, as last amended by Laws of Utah 2022, Chapter
232 335)
233 **81-4-405**, (Renumbered from 30-3-1, as last amended by Laws of Utah 1997, Chapter
234 47)
235 **81-6-101**, (Renumbered from 78B-12-102, as last amended by Laws of Utah 2023,
236 Chapters 330 and 333)
237 **81-6-103**, (Renumbered from 78B-12-103, as renumbered and amended by Laws of
238 Utah 2008, Chapter 3)
239 **81-6-104**, (Renumbered from 78B-12-105, as renumbered and amended by Laws of
240 Utah 2008, Chapter 3)
241 **81-6-105**, (Renumbered from 78B-12-105.1, as enacted by Laws of Utah 2021,
242 Chapters 111 and 111)
243 **81-6-106**, (Renumbered from 78B-12-113, as last amended by Laws of Utah 2023,
244 Chapter 330)

245 **81-6-107**, (Renumbered from 78B-12-201, as renumbered and amended by Laws of
246 Utah 2008, Chapter 3)

247 **81-6-108**, (Renumbered from 78B-12-109, as renumbered and amended by Laws of
248 Utah 2008, Chapter 3)

249 **81-6-109**, (Renumbered from 78B-12-115, as renumbered and amended by Laws of
250 Utah 2008, Chapter 3)

251 **81-6-110**, (Renumbered from 78B-12-114, as renumbered and amended by Laws of
252 Utah 2008, Chapter 3)

253 **81-6-202**, (Renumbered from 78B-12-210, as last amended by Laws of Utah 2022,
254 Chapter 470)

255 **81-6-203**, (Renumbered from 78B-12-203, as last amended by Laws of Utah 2017,
256 Chapter 368)

257 **81-6-208**, (Renumbered from 78B-12-212, as last amended by Laws of Utah 2023,
258 Chapter 333)

259 **81-6-209**, (Renumbered from 78B-12-214, as renumbered and amended by Laws of
260 Utah 2008, Chapter 3)

261 **81-6-210**, (Renumbered from 78B-12-217, as renumbered and amended by Laws of
262 Utah 2008, Chapter 3)

263 **81-6-211**, (Renumbered from 78B-12-216, as last amended by Laws of Utah 2023,
264 Chapter 330)

265 **81-6-214**, (Renumbered from 78B-12-218, as renumbered and amended by Laws of
266 Utah 2008, Chapter 3)

267 **81-6-302**, (Renumbered from 78B-12-301, as last amended by Laws of Utah 2022,
268 Chapter 470)

269 **81-6-303**, (Renumbered from 78B-12-302, as last amended by Laws of Utah 2022,
270 Chapter 470)

271 **81-6-304**, (Renumbered from 78B-12-303, as enacted by Laws of Utah 2022, Chapter
272 470)

273 **81-6-305**, (Renumbered from 78B-12-304, as enacted by Laws of Utah 2022, Chapter
274 470)

275 **81-6-402**, (Renumbered from 78B-12-401, as last amended by Laws of Utah 2018,

276 Chapter 21)
277 **81-6-403**, (Renumbered from 78B-12-402, as last amended by Laws of Utah 2023,
278 Chapter 330)
279 **81-6-404**, (Renumbered from 78B-12-403, as repealed and reenacted by Laws of Utah
280 2010, Chapter 286)
281 **81-7-102**, (Renumbered from 78B-12-112, as last amended by Laws of Utah 2023,
282 Chapter 330)
283 **81-7-103**, (Renumbered from 30-3-3.5, as enacted by Laws of Utah 2020, Chapter 182)
284 **81-9-101**, (Renumbered from 30-3-10.1, as last amended by Laws of Utah 2023,
285 Chapter 44)
286 **81-9-102**, (Renumbered from 30-3-38, as last amended by Laws of Utah 2023, Chapter
287 327)
288 **81-9-202**, (Renumbered from 30-3-33, as last amended by Laws of Utah 2017, Chapter
289 224)
290 **81-9-203**, (Renumbered from 30-3-10.9, as last amended by Laws of Utah 2018,
291 Chapter 37)
292 **81-9-204**, (Renumbered from 30-3-10, as last amended by Laws of Utah 2023, Chapters
293 44 and 327)
294 **81-9-205**, (Renumbered from 30-3-10.2, as last amended by Laws of Utah 2019,
295 Chapter 188)
296 **81-9-206**, (Renumbered from 30-3-34, as last amended by Laws of Utah 2021, Chapter
297 399)
298 **81-9-207**, (Renumbered from 30-3-34.5, as last amended by Laws of Utah 2022,
299 Chapter 430)
300 **81-9-208**, (Renumbered from 30-3-10.4, as last amended by Laws of Utah 2023,
301 Chapter 44)
302 **81-9-209**, (Renumbered from 30-3-37, as last amended by Laws of Utah 2020, Chapter
303 354)
304 **81-9-302**, (Renumbered from 30-3-35, as last amended by Laws of Utah 2023, Chapter
305 437)
306 **81-9-303**, (Renumbered from 30-3-35.1, as last amended by Laws of Utah 2023,

307 Chapter 437)
308 **81-9-304**, (Renumbered from 30-3-35.5, as last amended by Laws of Utah 2023,
309 Chapter 437)
310 **81-9-305**, (Renumbered from 30-3-35.2, as enacted by Laws of Utah 2021, Chapter
311 399)
312 **81-9-401**, (Renumbered from 30-5-1, as last amended by Laws of Utah 2020, Chapter
313 48)
314 **81-9-402**, (Renumbered from 30-5a-103, as last amended by Laws of Utah 2022,
315 Chapters 185, 335, and 430)
316 **81-9-403**, (Renumbered from 30-5-2, as last amended by Laws of Utah 2022, Chapter
317 335)
318 **81-9-404**, (Renumbered from 30-5a-104, as enacted by Laws of Utah 2009, Chapter
319 108)
320 REPEALS:
321 **26B-9-227**, as renumbered and amended by Laws of Utah 2023, Chapter 305
322 **30-1-5**, as last amended by Laws of Utah 2011, Chapter 297
323 **30-1-9.1**, as enacted by Laws of Utah 2001, Chapter 129
324 **30-1-10**, as last amended by Laws of Utah 2019, Chapter 317
325 **30-1-11**, as last amended by Laws of Utah 2019, Chapter 420
326 **30-1-13**, as last amended by Laws of Utah 2019, Chapter 300
327 **30-1-14**, as last amended by Laws of Utah 2019, Chapter 300
328 **30-1-15**, as last amended by Laws of Utah 2001, Chapter 129
329 **30-1-16**, as last amended by Laws of Utah 2013, Chapter 108
330 **30-1-17.2**, as last amended by Laws of Utah 2008, Chapter 3
331 **30-1-17.3**, as last amended by Laws of Utah 2019, Chapter 300
332 **30-3-2**, Utah Code Annotated 1953
333 **30-3-4**, as last amended by Laws of Utah 2018, Chapter 470
334 **30-3-5**, as last amended by Laws of Utah 2023, Chapters 327 and 418
335 **30-3-5.1**, as last amended by Laws of Utah 2023, Chapter 327
336 **30-3-5.4**, as last amended by Laws of Utah 2023, Chapters 327 and 333
337 **30-3-7**, as last amended by Laws of Utah 2012, Chapter 404

- 338 **30-3-8**, as last amended by Laws of Utah 1988, Chapter 154
- 339 **30-3-10.3**, as last amended by Laws of Utah 2012, Chapter 271
- 340 **30-3-10.5**, as last amended by Laws of Utah 2023, Chapter 327
- 341 **30-3-10.7**, as last amended by Laws of Utah 2006, Chapter 287
- 342 **30-3-10.8**, as last amended by Laws of Utah 2023, Chapter 44
- 343 **30-3-10.10**, as enacted by Laws of Utah 2006, Chapter 287
- 344 **30-3-10.17**, as enacted by Laws of Utah 1997, Chapter 232
- 345 **30-3-11.1**, as enacted by Laws of Utah 1969, Chapter 72
- 346 **30-3-11.2**, as enacted by Laws of Utah 1969, Chapter 72
- 347 **30-3-18**, as last amended by Laws of Utah 2018, Chapter 470
- 348 **30-3-32**, as last amended by Laws of Utah 2022, Chapter 471
- 349 **30-3-36**, as last amended by Laws of Utah 2001, Chapter 255
- 350 **30-5a-101**, as last amended by Laws of Utah 2020, Chapter 48
- 351 **30-5a-102**, as last amended by Laws of Utah 2020, Chapter 48
- 352 **30-8-1**, as enacted by Laws of Utah 1994, Chapter 105
- 353 **63I-1-230**, as last amended by Laws of Utah 2021, Chapter 91
- 354 **75-2b-101**, as enacted by Laws of Utah 2012, Chapter 132
- 355 **78B-12-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 356 **78B-12-104**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 357 **78B-12-106**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 358 **78B-12-107**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 359 **78B-12-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 360 **78B-12-110**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 361 **78B-12-111**, as last amended by Laws of Utah 2023, Chapter 330
- 362 **78B-12-116**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 363 **78B-12-117**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 364 **78B-12-202**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 365 **78B-12-204**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 366 **78B-12-205**, as last amended by Laws of Utah 2022, Chapter 470
- 367 **78B-12-206**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 368 **78B-12-207**, as renumbered and amended by Laws of Utah 2008, Chapter 3

- 369 [78B-12-208](#), as last amended by Laws of Utah 2021, Chapter 399
- 370 [78B-12-209](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 371 [78B-12-211](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 372 [78B-12-212.1](#), as enacted by Laws of Utah 2021, Chapters 111 and 111
- 373 [78B-12-213](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 374 [78B-12-215](#), as last amended by Laws of Utah 2013, Chapter 467
- 375 [78B-12-219](#), as last amended by Laws of Utah 2021, Chapter 262

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

378 Section 1. Section **15-4-1** is amended to read:

379 **15-4-1. Definitions.**

380 As used in this chapter:

381 (1) "Administrative agency" means the same as that term is defined in Section

382 [81-6-101](#).

383 (2) "Minor child" means the same as that term is defined in Section [81-1-101](#).

384 [~~(1)~~] (3) "Obligation" includes a liability in tort and contractual obligations.

385 [~~(2)~~] (4) "Obligee" includes a creditor and a person having a right based on a tort.

386 [~~(3)~~] (5) "Obligor" includes a debtor and a person liable for a tort.

387 [~~(4)~~] (6) (a) "School fee" means a charge, deposit, rent, or other mandatory payment
388 imposed by:

389 (i) a public school as defined in Section [26B-2-401](#); or

390 (ii) a private school that provides education to students in any grade from kindergarten
391 through grade 12.

392 (b) "School fee" includes:

393 (i) an admission fee;

394 (ii) a transportation charge; or

395 (iii) a charge, deposit, rent, or other mandatory payment imposed by a third party in
396 connection with an activity or function sponsored by a school described in Subsection [~~(4)~~(a).]
397 (6)(a).

398 [~~(5)~~] (7) "Several obligors" means obligors severally bound for the same performance.

399 [~~(6)~~] (8) "Waiver" means the act of not requiring an individual to pay an amount that

400 the individual otherwise owes.

401 Section 2. Section **15-4-6.5** is amended to read:

402 **15-4-6.5. Divorce or separate maintenance of co-obligors.**

403 (1) On the entering of a decree of divorce or separate maintenance of joint debtors in
404 contract, the claim of a creditor remains unchanged unless otherwise provided by the contract
405 or until a new contract is entered into between the creditor and the debtors individually.

406 (2) In addition to the creditor's duties as a secured party under Title 70A, Chapter 9a,
407 Uniform Commercial Code - Secured Transactions, and the creditor's duties as a trustee or
408 beneficiary of a trust deed under Title 57, Chapter 1, Conveyances, a creditor~~[-who has been~~
409 ~~notified by service of a copy of a court order under Section 30-3-5 or 30-4-3 that the debtors~~
410 ~~are divorced or living separately under an order for separate maintenance, and who has been~~
411 ~~expressly advised of the separate, current addresses of the debtors either by the court order or~~
412 ~~by other written notice,]~~ shall provide to the debtors individually all statements, notices, and
413 other similar correspondence required by law or by the contract if:

414 (a) the creditor has been notified by service of a copy of a court order under Section
415 81-4-204 or 81-4-406 that the debtors are divorced or living separately under an order for
416 separate maintenance; and

417 (b) the creditor has been expressly advised of the separate and current addresses of the
418 debtors by the court order or by other written notice.

419 (3) (a) Except as provided in Subsection (3)(b), a creditor may:

420 (i) continue to make negative credit reports of joint debtors under Section 70C-7-107
421 [and may]; and

422 (ii) report the repayment practices or credit history of joint debtors under Title 7,
423 Chapter 14, Credit Information Exchange.

424 (b) ~~[With respect to a debtor]~~ If a debtor who is not ordered by the court under
425 ~~[Sections 30-3-5 or 30-4-3]~~ Section 81-4-204 or 81-4-406 to make payments on a joint
426 obligation, ~~[no]~~ the creditor may not make a negative credit report under Section 70C-7-107,
427 ~~[and no]~~ or a report of the debtor's repayment practices or credit history under Title 7, Chapter
428 14, Credit Information Exchange, [may be made] regarding the joint obligation after the
429 creditor is served notice of the court's order as required under Subsection (2), unless the
430 creditor has made a demand on the debtor for payment because of the failure to make payments

431 by the other debtor[;] who is ordered by the court to make the payments.

432 Section 3. Section 15-4-6.7 is amended to read:

433 **15-4-6.7. Medical and miscellaneous expenses of a minor child -- Collection and**
 434 **billing pursuant to court or administrative order of child support.**

435 (1) When a court or an administrative agency enters an order that provides for the
 436 payment of medical and dental expenses of a [~~minor child under Section 30-3-5, 30-4-3, or~~
 437 ~~78B-12-111, or an administrative order under Section 26B-9-224~~] minor child as described in
 438 Section 26B-9-224 or 81-6-202, a provider who receives a copy of the order:

439 (a) at or before the time the provider renders medical or dental services to the minor
 440 child [~~shall~~], and upon request from [~~either~~] a parent, shall separately bill each parent for the
 441 share of the medical and dental expenses that the parent is required to pay under the order; or

442 (b) within 30 days after the day on which the provider renders the medical or dental
 443 service to the minor child, may not:

444 (i) make a claim for unpaid medical and dental expenses against a parent who has paid
 445 in full the share of the medical and dental expenses that the parent is required to pay under the
 446 order; or

447 (ii) make a negative credit report under Section 70C-7-107, or a report of the debtor's
 448 repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange,
 449 regarding a parent who has paid in full the share of the medical and dental expenses that the
 450 parent is required to pay under the order.

451 (2) (a) When a court enters an order that provides for the payment of school fees of a
 452 minor child [~~under Section 30-3-5 or 30-4-3~~] in a separate maintenance action under Section
 453 81-4-204 or in a divorce action under Section 81-4-406:

454 (i) a provider₂ who receives a copy of the order before the day on which the provider
 455 first issues a bill for a school fee [~~shall~~], and upon request from [~~either~~] a parent, shall
 456 separately bill each parent for the share of the school fee that the parent is required to pay under
 457 the order;

458 (ii) a provider₂ who receives a copy of the order, regardless of whether the provider
 459 receives the copy before, on, or after the day on which the provider first issues a bill for the
 460 school fee₂ may not make a negative credit report under Section 70C-7-107, or report of the
 461 debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information

462 Exchange, regarding a parent who has paid in full the share of the school fee that the parent is
463 required to pay under the order; and

464 (iii) each parent is liable only for the share of the school fee that the parent is required
465 to pay under the order.

466 (b) A provider may bill a parent for the parent's share of a minor child's school fee
467 under an order described in Subsection (2)(a) regardless of whether the provider grants the
468 other parent a waiver for all or a portion of the other parent's share of the minor child's school
469 fee.

470 Section 4. Section 17-16-21 is amended to read:

471 **17-16-21. Fees of county officers.**

472 (1) As used in this section, "county officer" means a county officer enumerated in
473 Section 17-53-101 except a county recorder, a county constable, or a county sheriff.

474 (2) (a) A county officer shall collect, in advance, for exclusive county use and benefit:

475 (i) a fee established by the county legislative body under Section 17-53-211; and

476 (ii) any other fee authorized or required by law.

477 (b) As long as the Children's Legal Defense Account is authorized by Section
478 51-9-408, the county clerk shall:

479 (i) assess \$10 in addition to whatever fee for a marriage license is established under
480 authority of this section; and

481 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit
482 [in] into the Children's Legal Defense Account.

483 (c) (i) As long as the Division of Child and Family Services, created in Section
484 80-2-201, has the responsibility under Section 80-2-301 to provide services, including
485 temporary shelter, for victims of domestic violence, the county clerk shall:

486 (A) collect \$10 in addition to whatever fee for a marriage license is established under
487 authority of this section and in addition to the amount described in Subsection (2)(b), if an
488 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

489 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
490 Division of Finance for distribution to the Division of Child and Family Services for the
491 operation of shelters for victims of domestic violence.

492 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license

493 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

494 (B) An applicant for a marriage license may choose not to pay the additional \$10
495 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a
496 marriage license.

497 (d) If a county operates an online marriage application system, the county clerk of that
498 county:

499 (i) may assess \$20 in addition to the other fees for a marriage license established under
500 this section;

501 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
502 license fee to the state treasurer for deposit annually as follows:

503 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in Title
504 63M, Chapter 15, Utah Marriage Commission, as dedicated credits for the operation of the
505 Utah Marriage Commission; and

506 (B) proceeds in excess of \$400,000 shall be deposited into the General Fund; and

507 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under this
508 Subsection (2)(d) if both individuals seeking the marriage license certify that they have
509 completed premarital counseling or education in accordance with Section ~~[30-1-34]~~ [81-2-206](#).

510 (3) This section does not apply to a fee currently being assessed by the state but
511 collected by a county officer.

512 Section 5. Section **23A-4-1102** is amended to read:

513 **23A-4-1102. Issuance of license, permit, or tag prohibited for failure to pay child**
514 **support.**

515 (1) As used in this section:

516 (a) "Child support" means the same as that term is defined in Section ~~[26B-9-30]~~
517 [26B-9-101](#).

518 (b) "Delinquent on a child support obligation" means that:

519 (i) an individual owes at least \$2,500 on an arrearage obligation of child support based
520 on an administrative or judicial order;

521 (ii) the individual has not obtained a judicial order staying enforcement of the
522 individual's obligation on the amount in arrears; and

523 (iii) the office has obtained a statutory judgment lien pursuant to Section [26B-9-214](#).

524 (c) "Office" means the Office of Recovery Services created in Section 26B-9-103.

525 (d) "Wildlife license agent" means a person authorized under Section 23A-4-501 to sell
526 a license, permit, or tag in accordance with this chapter.

527 (2) (a) An individual who is delinquent on a child support obligation may not apply for,
528 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by
529 the Wildlife Board under this title, or by an order or proclamation.

530 (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or
531 tag in violation of Subsection (2)(a) violates Section 23A-4-1101.

532 (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.

533 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag
534 violates Section 23A-5-309.

535 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective
536 until the office notifies the division that the individual who is delinquent on a child support
537 obligation has:

538 (i) paid the delinquency in full; or

539 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive
540 months with a payment schedule entered into with the office.

541 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:

542 (i) pay the current child support obligation in full each month; and

543 (ii) pays an additional amount as assessed by the office pursuant to Section 26B-9-219
544 towards the child support arrears.

545 (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the
546 payment schedule described in Subsection (3)(b), the office may notify the division and the
547 individual is considered to be an individual who is delinquent on a child support obligation and
548 cannot obtain a new license, permit, or tag without complying with this Subsection (3).

549 (d) If an individual fails to comply with the payment schedule described in Subsection
550 (3)(b) for one month of the 12-month period because of a transition to new employment, the
551 individual may obtain a license, permit, or tag and is considered in compliance with this
552 Subsection (3) if the individual:

553 (i) provides the office with information regarding the individual's new employer within
554 30 days from the day on which the missed payment was due;

555 (ii) pays the missed payment within 30 days from the day on which the missed payment
556 was due; and

557 (iii) complies with the payment schedule for all other payments owed for child support
558 within the 12-month period.

559 (4) (a) The division or a wildlife license agent may not knowingly issue a license,
560 permit, or tag under this title to an individual identified by the office as delinquent on a child
561 support obligation until notified by the office that the individual has complied with Subsection
562 (3).

563 (b) The division is not required to hold or reserve a license, permit, or tag opportunity
564 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that
565 individual upon compliance with Subsection (3).

566 (c) The division may immediately reissue to another qualified person a license, permit,
567 or tag opportunity withheld from an individual identified by the office as delinquent on a child
568 support obligation pursuant to Subsection (4)(a).

569 (5) The office and division shall automate the process for the division or a wildlife
570 license agent to be notified whether an individual is delinquent on a child support obligation or
571 has complied with Subsection (3).

572 (6) The office is responsible to provide administrative or judicial review required
573 incident to the division issuing or denying a license, permit, or tag to an individual under
574 Subsection (4).

575 (7) The denial or withholding of a license, permit, or tag under this section is not a
576 suspension or revocation of license and permit privileges for purposes of:

577 (a) Section 23A-4-1106;

578 (b) Subsection 23A-5-311(1); and

579 (c) Section 23A-2-505.

580 (8) This section does not modify a court action to withhold, suspend, or revoke a
581 recreational license under Sections 26B-9-108 and 78B-6-315.

582 Section 6. Section 26B-1-202 is amended to read:

583 **26B-1-202. Department authority and duties.**

584 The department may, subject to applicable restrictions in state law and in addition to all
585 other authority and responsibility granted to the department by law:

586 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
587 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or
588 desirable for providing health and social services to the people of this state;

589 (2) establish and manage client trust accounts in the department's institutions and
590 community programs, at the request of the client or the client's legal guardian or representative,
591 or in accordance with federal law;

592 (3) purchase, as authorized or required by law, services that the department is
593 responsible to provide for legally eligible persons;

594 (4) conduct adjudicative proceedings for clients and providers in accordance with the
595 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

596 (5) establish eligibility standards for the department's programs, not inconsistent with
597 state or federal law or regulations;

598 (6) take necessary steps, including legal action, to recover money or the monetary value
599 of services provided to a recipient who was not eligible;

600 (7) set and collect fees for the department's services;

601 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
602 or limited by law;

603 (9) acquire, manage, and dispose of any real or personal property needed or owned by
604 the department, not inconsistent with state law;

605 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
606 the proceeds thereof, may be credited to the program designated by the donor, and may be used
607 for the purposes requested by the donor, as long as the request conforms to state and federal
608 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
609 under guidelines established by the state treasurer;

610 (11) accept and employ volunteer labor or services; the department is authorized to
611 reimburse volunteers for necessary expenses, when the department considers that
612 reimbursement to be appropriate;

613 (12) carry out the responsibility assigned in the workforce services plan by the State
614 Workforce Development Board;

615 (13) carry out the responsibility assigned by Section [~~62A-5a-105~~] [26B-1-430](#) with
616 respect to coordination of services for students with a disability;

- 617 (14) provide training and educational opportunities for the department's staff;
- 618 (15) collect child support payments and any other money due to the department;
- 619 (16) apply the provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81,
620 Chapter 6, Child Support, to parents whose child lives out of the home in a department licensed
621 or certified setting;
- 622 (17) establish policy and procedures, within appropriations authorized by the
623 Legislature, in cases where the Division of Child and Family Services or the Division of
624 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
625 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not
626 competent to proceed under Section [80-6-403](#), including:
- 627 (a) designation of interagency teams for each juvenile court district in the state;
- 628 (b) delineation of assessment criteria and procedures;
- 629 (c) minimum requirements, and timeframes, for the development and implementation
630 of a collaborative service plan for each minor placed in department custody; and
- 631 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 632 (18) carry out the responsibilities assigned to the department by statute;
- 633 (19) examine and audit the expenditures of any public funds provided to a local
634 substance abuse authority, a local mental health authority, a local area agency on aging, and any
635 person, agency, or organization that contracts with or receives funds from those authorities or
636 agencies. Those local authorities, area agencies, and any person or entity that contracts with or
637 receives funds from those authorities or area agencies, shall provide the department with any
638 information the department considers necessary. The department is further authorized to issue
639 directives resulting from any examination or audit to a local authority, an area agency, and
640 persons or entities that contract with or receive funds from those authorities with regard to any
641 public funds. If the department determines that it is necessary to withhold funds from a local
642 mental health authority or local substance abuse authority based on failure to comply with state
643 or federal law, policy, or contract provisions, the department may take steps necessary to
644 ensure continuity of services. For purposes of this Subsection (19) "public funds" means the
645 same as that term is defined in Section [~~62A-15-102~~] [26B-5-101](#);
- 646 (20) in accordance with Subsection [26B-2-104\(1\)\(d\)](#), accredit one or more agencies
647 and persons to provide intercountry adoption services;

648 (21) within legislative appropriations, promote and develop a system of care and
649 stabilization services:

650 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

651 (b) that encompasses the department, department contractors, and the divisions,
652 offices, or institutions within the department, to:

653 (i) navigate services, funding resources, and relationships to the benefit of the children
654 and families whom the department serves;

655 (ii) centralize department operations, including procurement and contracting;

656 (iii) develop policies that govern business operations and that facilitate a system of care
657 approach to service delivery;

658 (iv) allocate resources that may be used for the children and families served by the
659 department or the divisions, offices, or institutions within the department, subject to the
660 restrictions in Section [63J-1-206](#);

661 (v) create performance-based measures for the provision of services; and

662 (vi) centralize other business operations, including data matching and sharing among
663 the department's divisions, offices, and institutions;

664 (22) ensure that any training or certification required of a public official or public
665 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
666 22, State Training and Certification Requirements, if the training or certification is required:

667 (a) under this title;

668 (b) by the department; or

669 (c) by an agency or division within the department;

670 (23) enter into cooperative agreements with the Department of Environmental Quality
671 to delineate specific responsibilities to assure that assessment and management of risk to
672 human health from the environment are properly administered;

673 (24) consult with the Department of Environmental Quality and enter into cooperative
674 agreements, as needed, to ensure efficient use of resources and effective response to potential
675 health and safety threats from the environment, and to prevent gaps in protection from potential
676 risks from the environment to specific individuals or population groups;

677 (25) to the extent authorized under state law or required by federal law, promote and
678 protect the health and wellness of the people within the state;

679 (26) establish, maintain, and enforce rules authorized under state law or required by
680 federal law to promote and protect the public health or to prevent disease and illness;

681 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
682 affecting the public health;

683 (28) provide for the detection and reporting of communicable, infectious, acute,
684 chronic, or any other disease or health hazard which the department considers to be dangerous,
685 important, or likely to affect the public health;

686 (29) collect and report information on causes of injury, sickness, death, and disability
687 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
688 the state;

689 (30) collect, prepare, publish, and disseminate information to inform the public
690 concerning the health and wellness of the population, specific hazards, and risks that may affect
691 the health and wellness of the population and specific activities which may promote and protect
692 the health and wellness of the population;

693 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
694 communicable diseases affecting the public health;

695 (32) make necessary sanitary and health investigations and inspections in cooperation
696 with local health departments as to any matters affecting the public health;

697 (33) establish laboratory services necessary to support public health programs and
698 medical services in the state;

699 (34) establish and enforce standards for laboratory services which are provided by any
700 laboratory in the state when the purpose of the services is to protect the public health;

701 (35) cooperate with the Labor Commission to conduct studies of occupational health
702 hazards and occupational diseases arising in and out of employment in industry, and make
703 recommendations for elimination or reduction of the hazards;

704 (36) cooperate with the local health departments, the Department of Corrections, the
705 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
706 Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged
707 sexual offenders, convicted sexual offenders, and any victims of a sexual offense;

708 (37) investigate the causes of maternal and infant mortality;

709 (38) establish, maintain, and enforce a procedure requiring the blood of adult

710 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
711 presence and concentration of alcohol, and provide the Commissioner of Public Safety with
712 monthly statistics reflecting the results of these examinations, with necessary safeguards so that
713 information derived from the examinations is not used for a purpose other than the compilation
714 of these statistics;

715 (39) establish qualifications for individuals permitted to draw blood under Subsection
716 [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#), and to
717 issue permits to individuals the department finds qualified, which permits may be terminated or
718 revoked by the department;

719 (40) establish a uniform public health program throughout the state which includes
720 continuous service, employment of qualified employees, and a basic program of disease
721 control, vital and health statistics, sanitation, public health nursing, and other preventive health
722 programs necessary or desirable for the protection of public health;

723 (41) conduct health planning for the state;

724 (42) monitor the costs of health care in the state and foster price competition in the
725 health care delivery system;

726 (43) establish methods or measures for health care providers, public health entities, and
727 health care insurers to coordinate among themselves to verify the identity of the individuals the
728 providers serve;

729 (44) designate Alzheimer's disease and related dementia as a public health issue and,
730 within budgetary limitations, implement a state plan for Alzheimer's disease and related
731 dementia by incorporating the plan into the department's strategic planning and budgetary
732 process;

733 (45) coordinate with other state agencies and other organizations to implement the state
734 plan for Alzheimer's disease and related dementia;

735 (46) ensure that any training or certification required of a public official or public
736 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
737 22, State Training and Certification Requirements, if the training or certification is required by
738 the agency or under this title, Title 26, Utah Health Code, or [~~Title 62A, Utah Human Services
739 Code~~] Title 26B, Utah Health and Human Services Code;

740 (47) oversee public education vision screening as described in Section [53G-9-404](#); and

741 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
742 Alert.

743 Section 7. Section **26B-5-316** is amended to read:

744 **26B-5-316. Responsibility for cost of care.**

745 (1) The division shall estimate and determine, as nearly as possible, the actual expense
746 per annum of caring for and maintaining a patient in the state hospital, and that amount or
747 portion of that amount shall be assessed to and paid by the applicant, patient, spouse, parents,
748 child or children who are of sufficient financial ability to do so, or by the guardian of the
749 patient who has funds of the patient that may be used for that purpose.

750 (2) In addition to the expenses described in Subsection (1), parents are responsible for
751 the support of their child while the child is in the care of the state hospital [~~pursuant to Title~~
752 ~~78B, Chapter 12, Utah Child Support Act, and~~] in accordance with Title 26B, Chapter 9,
753 Recovery Services and Administration of Child Support, and Title 81, Chapter 6, Child
754 Support.

755 Section 8. Section **26B-6-411** is amended to read:

756 **26B-6-411. Parent liable for cost and support of minor -- Guardian liable for**
757 **costs.**

758 (1) Parents of a person who receives services or support from the division, who are
759 financially responsible, are liable for the cost of the actual care and maintenance of that person
760 and for the support of the child in accordance with [~~Title 78B, Chapter 12, Utah Child Support~~
761 ~~Act~~] Title 81, Chapter 6, Child Support, and Chapter 9, Part 1, Office of Recovery Services,
762 until the person reaches 18 years old.

763 (2) A guardian of a person who receives services or support from the division is liable
764 for the cost of actual care and maintenance of that person, regardless of his age, where funds
765 are available in the guardianship estate established on his behalf for that purpose. However, if
766 the person who receives services is a beneficiary of a trust created in accordance with Section
767 **26B-6-412**, or if the guardianship estate meets the requirements of a trust described in that
768 section, the trust income prior to distribution to the beneficiary, and the trust principal are not
769 subject to payment for services or support for that person.

770 (3) If, at the time a person who receives services or support from the division is
771 discharged from a facility or program owned or operated by or under contract with the division,

772 or after the death and burial of a resident of the developmental center, there remains in the
773 custody of the division or the superintendent any money paid by a parent or guardian for the
774 support or maintenance of that person, it shall be repaid upon demand.

775 Section 9. Section **26B-8-101** is amended to read:

776 **26B-8-101. Definitions.**

777 As used in this part:

778 (1) "Adoption document" means an adoption-related document filed with the office, a
779 petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted
780 in support of a supplementary birth certificate.

781 (2) "Biological sex at birth" means an individual's sex, as being male or female,
782 according to distinct reproductive roles as manifested by sex and reproductive organ
783 anatomy, chromosomal makeup, and endogenous hormone profiles.

784 (3) "Certified nurse midwife" means an individual who:

785 (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a,
786 Nurse Midwife Practice Act; and

787 (b) has completed an education program regarding the completion of a certificate of
788 death developed by the department by rule made in accordance with Title 63G, Chapter 3, Utah
789 Administrative Rulemaking Act.

790 (4) "Custodial funeral service director" means a funeral service director who:

791 (a) is employed by a licensed funeral establishment; and

792 (b) has custody of a dead body.

793 (5) "Dead body" means a human body or parts of a human body from the condition of
794 which it reasonably may be concluded that death occurred.

795 (6) "Decedent" means the same as a dead body.

796 (7) "Dead fetus" means a product of human conception, other than those circumstances
797 described in Subsection [76-7-301\(1\)](#):

798 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
799 period began to the date of delivery; and

800 (b) that was not born alive.

801 (8) "Declarant father" means a male who claims to be the genetic father of a child, and,
802 along with the biological mother, signs a voluntary declaration of paternity to establish the

803 child's paternity.

804 (9) "Dispositioner" means:

805 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
806 having the right and duty to control the disposition of the decedent, if the person voluntarily
807 acts as the dispositioner; or

808 (b) the next of kin of the decedent, if:

809 (i) (A) a person has not been designated as described in Subsection (9)(a); or

810 (B) the person described in Subsection (9)(a) is unable or unwilling to exercise the
811 right and duty described in Subsection (9)(a); and

812 (ii) the next of kin voluntarily acts as the dispositioner.

813 (10) "Fetal remains" means:

814 (a) an aborted fetus as that term is defined in Section 26B-2-232; or

815 (b) a miscarried fetus as that term is defined in Section 26B-2-233.

816 (11) "File" means the submission of a completed certificate or other similar document,
817 record, or report as provided under this part for registration by the state registrar or a local
818 registrar.

819 (12) "Funeral service director" means the same as that term is defined in Section
820 58-9-102.

821 (13) "Health care facility" means the same as that term is defined in Section
822 26B-2-201.

823 (14) "Health care professional" means a physician, physician assistant, nurse
824 practitioner, or certified nurse midwife.

825 (15) "Intersex individual" means an individual who:

826 (a) is born with external biological sex characteristics that are irresolvably ambiguous;

827 (b) is born with 46, XX chromosomes with virilization;

828 (c) is born with 46, XY chromosomes with undervirilization;

829 (d) has both ovarian and testicular tissue; or

830 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with
831 abnormal:

832 (i) sex chromosome structure;

833 (ii) sex steroid hormone production; or

- 834 (iii) sex steroid hormone action for a male or female.
- 835 (16) "Licensed funeral establishment" means:
- 836 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
- 837 [58-9-102](#), that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or
- 838 (b) if located in a state, district, or territory of the United States other than Utah, a
- 839 funeral service establishment that complies with the licensing laws of the jurisdiction where the
- 840 establishment is located.
- 841 (17) "Live birth" means the birth of a child who shows evidence of life after the child is
- 842 entirely outside of the mother.
- 843 (18) "Local registrar" means a person appointed under Subsection [26B-8-102\(3\)\(b\)](#).
- 844 (19) "Nurse practitioner" means an individual who:
- 845 (a) is licensed to practice as an advanced practice registered nurse under Title 58,
- 846 Chapter 31b, Nurse Practice Act; and
- 847 (b) has completed an education program regarding the completion of a certificate of
- 848 death developed by the department by administrative rule made in accordance with Title 63G,
- 849 Chapter 3, Utah Administrative Rulemaking Act.
- 850 (20) "Office" means the Office of Vital Records and Statistics within the department.
- 851 (21) "Physician" means a person licensed to practice as a physician or osteopath in this
- 852 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 853 Osteopathic Medical Practice Act.
- 854 (22) "Physician assistant" means an individual who:
- 855 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah
- 856 Physician Assistant Act; and
- 857 (b) has completed an education program regarding the completion of a certificate of
- 858 death developed by the department by administrative rule made in accordance with Title 63G,
- 859 Chapter 3, Utah Administrative Rulemaking Act.
- 860 (23) "Presumed father" means the same as that term is defined in Section [78B-15-102](#).
- 861 ~~[(23) "Presumed father" means the father of a child conceived or born during a~~
- 862 ~~marriage as defined in Section [30-1-17.2](#).]~~
- 863 (24) "Registration" or "register" means acceptance by the local or state registrar of a
- 864 certificate and incorporation of the certificate into the permanent records of the state.

865 (25) "State registrar" means the state registrar of vital records appointed under Section
866 [26B-8-102](#).

867 (26) "Vital records" means:

868 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
869 dissolution of marriage, or annulment;

870 (b) amendments to any of the registered certificates or reports described in Subsection
871 (26)(a);

872 (c) an adoption document; and

873 (d) other similar documents.

874 (27) "Vital statistics" means the data derived from registered certificates and reports of
875 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of
876 marriage, or annulment.

877 Section 10. Section **26B-9-101** is amended to read:

878 **26B-9-101. Definitions.**

879 As used in this part:

880 (1) "Account" means a demand deposit account, checking or negotiable withdrawal
881 order account, savings account, time deposit account, or money-market mutual fund account.

882 (2) "Assistance" means public assistance.

883 [~~(3) "Cash medical support" means an obligation to equally share all reasonable and
884 necessary medical and dental expenses of children.~~]

885 [~~(4) "Child support" means the same as that term is defined in Section [26B-9-301](#).~~]

886 (3) "Child" means the same as that term is defined in Section [81-6-101](#).

887 (4) (a) "Child support" means a base child support award as defined in Section
888 [81-6-101](#), or a financial award for uninsured monthly medical expenses, ordered by a tribunal
889 for the support of a child, including current periodic payments, all arrearages that accrue under
890 an order for current periodic payments, and sum certain judgments awarded for arrearages,
891 medical expenses, and child care costs.

892 (b) "Child support" includes obligations ordered by a tribunal for the support of a
893 spouse or former spouse with whom the child resides if the spousal support is collected with
894 the child support.

895 (5) "Child support services" means services provided pursuant to Part D of Title IV of

896 the Social Security Act, 42 U.S.C. Sec. 651, et seq.

897 (6) "Director" means the director of the Office of Recovery Services.

898 [~~(7)~~ "Disposable earnings" means that part of the earnings of an individual remaining
899 after the deduction of all amounts required by law to be withheld.]

900 [~~(8)~~] (7) "Financial institution" means:

901 (a) a depository institution as defined in Section 7-1-103 or the Federal Deposit
902 Insurance Act, 12 U.S.C. Sec. 1813(c);

903 (b) an institution-affiliated party as defined in the Federal Deposit Insurance Act, 12
904 U.S.C. Sec. 1813(u);

905 (c) any federal credit union or state credit union as defined in the Federal Credit Union
906 Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit union as
907 defined in 12 U.S.C. Sec. 1786(r);

908 (d) a broker-dealer as defined in Section 61-1-13; or

909 (e) any benefit association, insurance company, safe deposit company, money-market
910 mutual fund, or similar entity authorized to do business in the state.

911 [~~(9)~~] (8) "Financial record" means the same as that term is defined in the Right to
912 Financial Privacy Act of 1978, 12 U.S.C. Sec. 3401.

913 [~~(10)~~] (9) (a) "Income" means earnings, compensation, or other payment due to an
914 individual, regardless of source, whether denominated as wages, salary, commission, bonus,
915 pay, or contract payment, or denominated as advances on future wages, salary, commission,
916 bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and
917 incentive pay.

918 (b) "Income" includes:

919 (i) all gain derived from capital assets, labor, or both, including profit gained through
920 sale or conversion of capital assets;

921 (ii) interest and dividends;

922 (iii) periodic payments made under pension or retirement programs or insurance
923 policies of any type;

924 (iv) unemployment compensation benefits;

925 (v) workers' compensation benefits; and

926 (vi) disability benefits.

927 ~~[(11)]~~ (10) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec.
928 651 et seq.

929 ~~[(12)]~~ (11) "IV-D child support services" means ~~[the same as]~~ child support services.

930 ~~[(13)]~~ (12) "New hire registry" means the centralized new hire registry created in
931 Section 35A-7-103.

932 ~~[(14)]~~ (13) "Obligee" means an individual, this state, another state, or other comparable
933 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support or
934 public assistance.

935 ~~[(15)]~~ (14) "Obligor" means a person, firm, corporation, or the estate of a decedent
936 owing money to this state, to an individual, to another state, or other comparable jurisdiction in
937 whose behalf this state is acting.

938 ~~[(16)]~~ (15) "Office" means the Office of Recovery Services.

939 ~~[(17)]~~ "Provider" means a person or entity that receives compensation from any public
940 assistance program for goods or services provided to a public assistance recipient.]

941 ~~[(18)]~~ (16) "Public assistance" means:

942 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;

943 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;

944 (c) foster care maintenance payments under Part E of Title IV of the Social Security
945 Act, 42 U.S.C. Sec. 670, et seq.;

946 (d) SNAP benefits as defined in Section 35A-1-102; or

947 (e) any other public funds expended for the benefit of a person in need of financial,
948 medical, food, housing, or related assistance.

949 ~~[(19)]~~ (17) "State case registry" means the central, automated record system maintained
950 by the office and the central, automated district court record system maintained by the
951 Administrative Office of the Courts, that contains records which use standardized data
952 elements, such as names, Social Security numbers and other uniform identification numbers,
953 dates of birth, and case identification numbers, with respect to:

954 (a) each case in which services are being provided by the office under the state IV-D
955 child support services plan; and

956 (b) each support order established or modified in the state on or after October 1, 1998.
957 Section 11. Section 26B-9-104 is amended to read:

958 **26B-9-104. Duties of the Office of Recovery Services.**

959 (1) The office has the following duties:

960 (a) except as provided in Subsection (2), to provide child support services if:

961 (i) the office has received an application for child support services;

962 (ii) the state has provided public assistance; or

963 (iii) a child lives out of the home in the protective custody, temporary custody, or
964 custody or care of the state;965 (b) for the purpose of collecting child support, to carry out the obligations of the
966 department contained in:

967 (i) this chapter;

968 [~~(ii) Title 78B, Chapter 12, Utah Child Support Act;~~]969 [~~(iii)~~] (ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act; [~~and~~]970 [~~(iv)~~] (iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and971 (iv) Title 81, Chapter 6, Child Support;972 (c) to collect money due the department which could act to offset expenditures by the
973 state;974 (d) to cooperate with the federal government in programs designed to recover health
975 and social service funds;976 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
977 and reimbursable expenses owed to the state or any of its political subdivisions, if the office
978 has contracted to provide collection services;979 (f) to implement income withholding for collection of child support in accordance with
980 Part 3, Income Withholding in IV-D Cases;981 (g) to enter into agreements with financial institutions doing business in the state to
982 develop and operate, in coordination with such financial institutions, a data match system in the
983 manner provided for in Section [26B-9-208](#);984 (h) to establish and maintain the state case registry in the manner required by the Social
985 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:986 (i) the amount of monthly or other periodic support owed under the order, and other
987 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under
988 the order;

989 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
990 (iii) the distribution of collected amounts;
991 (iv) the birth date of any child for whom the order requires the provision of support;
992 and
993 (v) the amount of any lien imposed with respect to the order pursuant to this part;
994 (i) to contract with the Department of Workforce Services to establish and maintain the
995 new hire registry created under Section 35A-7-103;
996 (j) to determine whether an individual who has applied for or is receiving cash
997 assistance or Medicaid is cooperating in good faith with the office as required by Section
998 26B-9-213;
999 (k) to finance any costs incurred from collections, fees, General Fund appropriation,
1000 contracts, and federal financial participation; and
1001 (l) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of
1002 the opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of
1003 past-due child support, prior to taking action against a noncustodial parent to collect the alleged
1004 past-due support.
1005 (2) The office may not provide child support services to the Division of Child and
1006 Family Services for a calendar month when the child to whom the child support services relate
1007 is:
1008 (a) in the custody of the Division of Child and Family Services; and
1009 (b) lives in the home of a custodial parent of the child for more than seven consecutive
1010 days, regardless of whether:
1011 (i) the greater than seven consecutive day period starts during one month and ends in
1012 the next month; and
1013 (ii) the child is living in the home on a trial basis.
1014 (3) The Division of Child and Family Services is not entitled to child support, for a
1015 child to whom the child support relates, for a calendar month when child support services may
1016 not be provided under Subsection (2).
1017 Section 12. Section 26B-9-201 is amended to read:
1018 **26B-9-201. Definitions.**
1019 As used in this part:

1020 (1) "Adjudicative proceeding" means an action or proceeding of the office conducted in
1021 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1022 (2) "Administrative order" means an order that has been issued by the office, the
1023 department, or an administrative agency of another state or other comparable jurisdiction with
1024 similar authority to that of the office.

1025 (3) "Arrears" means ~~[the same as]~~ support debt.

1026 (4) "Assistance" means public assistance as defined in Section [26B-9-101](#).

1027 ~~[(5) "Business day" means a day on which state offices are open for regular business.]~~

1028 ~~[(6) "Child" means:]~~

1029 ~~[(a) a son or daughter under the age of 18 years who is not otherwise emancipated,~~
1030 ~~self-supporting, married, or a member of the armed forces of the United States;]~~

1031 ~~[(b) a son or daughter over the age of 18 years, while enrolled in high school during the~~
1032 ~~normal and expected year of graduation and not otherwise emancipated, self-supporting,~~
1033 ~~married, or a member of the armed forces of the United States; or]~~

1034 ~~[(c) a son or daughter of any age who is incapacitated from earning a living and is~~
1035 ~~without sufficient means].~~

1036 (5) "Cash medical support" means an obligation to equally share all reasonable and
1037 necessary medical and dental expenses of children.

1038 (6) "Child" means the same as that term is defined in Section [81-6-101](#).

1039 (7) "Child support" means the same as that term is defined in Section ~~[26B-9-301]~~
1040 [26B-9-101](#).

1041 (8) "Child support guidelines" means ~~[guidelines as defined in Section [78B-12-102\]](#)~~
1042 the same as that term is defined in Section [81-6-101](#).

1043 (9) "Child support order" means ~~[the same as that term is defined in Section~~
1044 ~~[26B-9-301](#)~~; a judgment, decree, or order, whether temporary, final, or subject to modification,
1045 issued by a tribunal for child support and related costs and fees, interest and penalties, income
1046 withholding, attorney fees, and other relief.

1047 (10) "Child support services" means the same as that term is defined in Section
1048 [26B-9-101](#).

1049 (11) "Court order" means a judgment or order of a tribunal of appropriate jurisdiction
1050 of this state, another state, Native American tribe, the federal government, or any other

1051 comparable jurisdiction.

1052 (12) "Director" means the director of the Office of Recovery Services.

1053 (13) "Disposable earnings" means ~~[the same as that term is defined in Section~~
1054 ~~26B-9-101:]~~ that part of the earnings of an individual remaining after the deduction of all
1055 amounts required by law to be withheld.

1056 ~~[(14) "Guidelines" means the same as that term is defined in Section 78B-12-102.]~~

1057 ~~[(15) (14) "High-volume automated administrative enforcement" in interstate cases~~
1058 ~~means, on the request of another state, the identification by the office, through automatic data~~
1059 ~~matches with financial institutions and other entities where assets may be found, of assets~~
1060 ~~owned by persons who owe child support in the requesting state, and the seizure of the assets~~
1061 ~~by the office, through levy or other appropriate processes.~~

1062 ~~[(16) (15) "Income" means the same as that term is defined in Section 26B-9-101.~~

1063 ~~[(17) "IV-D child support services" means the same as child support services.]~~

1064 (16) "IV-D services" means services provided pursuant to Part D of Title IV of the
1065 Social Security Act, 42 U.S.C. Sec. 651, et seq.

1066 ~~[(18) (17) "Notice of agency action" means the notice required to commence an~~
1067 ~~adjudicative proceeding in accordance with Section 63G-4-201.~~

1068 ~~[(19) (18) "Obligee" means an individual, this state, another state, or other~~
1069 ~~comparable jurisdiction to whom a duty of child support is owed, or who is entitled to~~
1070 ~~reimbursement of child support or public assistance.~~

1071 ~~[(20) (19) "Obligor" means a person, firm, corporation, or the estate of a decedent~~
1072 ~~owing a duty of support to this state, to an individual, to another state, or other corporate~~
1073 ~~jurisdiction in whose behalf this state is acting.~~

1074 ~~[(21) (20) "Office" means the Office of Recovery Services.~~

1075 ~~[(22) (21) "Parent" means [a natural parent or an adoptive parent of a dependent child]~~
1076 ~~the same as that term is defined in Section 81-1-101.~~

1077 ~~[(23) (22) "Past-due support" means [the same as] support debt.~~

1078 ~~[(24) (23) "Person" includes an individual, firm, corporation, association, political~~
1079 ~~subdivision, department, or office.~~

1080 ~~[(25) (24) "Public assistance" means the same as that term is defined in Section~~
1081 ~~26B-9-101.~~

1082 [~~(26)~~] (25) "Presiding officer" means a presiding officer described in Section
1083 63G-4-103.

1084 [~~(27)~~] (26) "Support" includes past-due, present, and future obligations established by:

1085 (a) a tribunal or imposed by law for the financial support, maintenance, medical, or
1086 dental care of a [~~dependent~~] child; and

1087 (b) a tribunal for the financial support of a spouse or former spouse with whom the
1088 obligor's [~~dependent~~] child resides if the obligor also owes a child support obligation that is
1089 being enforced by the state.

1090 [~~(28)~~] (27) "Support debt" means the debt created by nonpayment of support.

1091 [~~(29)~~] (28) "Support order" means [~~the same as~~] a child support order.

1092 [~~(30)~~] (29) "Tribunal" means the district court, the department, the Office of Recovery
1093 Services, or court or administrative agency of any state, territory, possession of the United
1094 States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or
1095 other comparable domestic or foreign jurisdiction.

1096 Section 13. Section **26B-9-202** is amended to read:

1097 **26B-9-202. Common-law and statutory remedies augmented by act -- Public**
1098 **policy.**

1099 (1) The state of Utah, exercising its police and sovereign power, declares that the
1100 common-law and statutory remedies pertaining to family desertion and nonsupport of [~~minor~~
1101 ~~dependent~~] children shall be augmented by this part, which is directed to the real and personal
1102 property resources of the responsible parents.

1103 (2) In order to render resources more immediately available to meet the needs of
1104 [~~minor~~] children, it is the legislative intent that the remedies provided in this part are in
1105 addition to, and not in lieu of, existing law.

1106 (3) It is declared to be the public policy of this state that this part be liberally construed
1107 and administered to the end that children shall be maintained from the resources of responsible
1108 parents, thereby relieving or avoiding, at least in part, the burden often borne by the general
1109 citizenry through public assistance programs.

1110 Section 14. Section **26B-9-210** is amended to read:

1111 **26B-9-210. Issuance or modification of an order to collect support for persons not**
1112 **receiving public assistance.**

1113 The office may proceed to issue or modify an order under Section 26B-9-206 and
1114 collect under this part even though public assistance is not being provided on behalf of a
1115 [dependent] child if the office provides support collection services in accordance with:

- 1116 (1) an application for services provided under Title IV-D of the federal Social Security
1117 Act;
1118 (2) the continued service provisions of Subsection 26B-9-213(5); or
1119 (3) the interstate provisions of Section 26B-9-209.

1120 Section 15. Section 26B-9-211 is amended to read:

1121 **26B-9-211. Mandatory review and adjustment of child support orders for TANF**
1122 **recipients.**

1123 If a child support order has not been issued, adjusted, or modified within the previous
1124 three years and the children who are the subject of the order currently receive TANF funds, the
1125 office shall review the order, and if appropriate, move the tribunal to adjust the amount of the
1126 order if there is a difference of 10% or more between the payor's ordered support amount and
1127 the payor's support amount required under the child support guidelines.

1128 Section 16. Section 26B-9-212 is amended to read:

1129 **26B-9-212. Collection directly from responsible parent.**

1130 (1) (a) The office may issue or modify an order under Section 26B-9-206 and collect
1131 under this part directly from a responsible parent if the procedural requirements of applicable
1132 law have been met and if public assistance is provided on behalf of that parent's [dependent]
1133 child.

1134 (b) The direct right to issue an order under this Subsection (1) is independent of and in
1135 addition to the right derived from that assigned under Section 35A-3-108.

1136 (2) An order issuing or modifying a support obligation under Subsection (1), issued
1137 while public assistance was being provided for a [dependent] child, remains in effect and may
1138 be enforced by the office under Section 26B-9-210 after provision of public assistance ceases.

1139 (3) (a) The office may issue or modify an administrative order, subject to the
1140 procedural requirements of applicable law, that requires that obligee to pay to the office
1141 assigned support that an obligee receives and retains in violation of Subsection 26B-9-213(4)
1142 and may reduce to judgment any unpaid balance due.

1143 (b) The office may collect the judgment debt in the same manner as it collects any

1144 judgment for past-due support owed by an obligor.

1145 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall
1146 have full standing and authority to establish and enforce child support obligations against an
1147 alleged parent currently or formerly in a same-sex marriage on the same terms as the Office of
1148 Recovery Services' authority against other mothers and fathers.

1149 Section 17. Section **26B-9-213** is amended to read:

1150 **26B-9-213. Duties of obligee after assignment of support rights.**

1151 (1) An obligee whose rights to support have been assigned under Section [35A-3-108](#) as
1152 a condition of eligibility for public assistance has the following duties:

1153 (a) Unless a good cause or other exception applies, the obligee shall, at the request of
1154 the office:

1155 (i) cooperate in good faith with the office by providing the name and other identifying
1156 information of the other parent of the obligee's child for the purpose of:

1157 (A) establishing paternity; or

1158 (B) establishing, modifying, or enforcing a child support order;

1159 (ii) supply additional necessary information and appear at interviews, hearings, and
1160 legal proceedings; and

1161 (iii) submit the obligee's child and himself to judicially or administratively ordered
1162 genetic testing.

1163 (b) The obligee may not commence an action against an obligor or file a pleading to
1164 collect or modify support without the office's written consent.

1165 (c) The obligee may not do anything to prejudice the rights of the office to establish
1166 paternity, enforce provisions requiring health insurance, or to establish and collect support.

1167 (d) The obligee may not agree to allow the obligor to change the court or
1168 administratively ordered manner or amount of payment of past, present, or future support
1169 without the office's written consent.

1170 (2) (a) The office shall determine and redetermine, when appropriate, whether an
1171 obligee has cooperated with the office as required by Subsection (1)(a).

1172 (b) If the office determines that an obligee has not cooperated as required by
1173 Subsection (1)(a), the office shall:

1174 (i) forward the determination and the basis for it to the Department of Workforce

1175 Services, which shall inform the department of the determination, for a determination of
1176 whether compliance by the obligee should be excused on the basis of good cause or other
1177 exception; and

1178 (ii) send to the obligee:

1179 (A) a copy of the notice; and

1180 (B) information that the obligee may, within 15 days of notice being sent:

1181 (I) contest the office's determination of noncooperation by filing a written request for
1182 an adjudicative proceeding with the office; or

1183 (II) assert that compliance should be excused on the basis of good cause or other
1184 exception by filing a written request for a good cause exception with the Department of
1185 Workforce Services.

1186 (3) The office's right to recover is not reduced or terminated if an obligee agrees to
1187 allow the obligor to change the court or administratively ordered manner or amount of payment
1188 of support regardless of whether that agreement is entered into before or after public assistance
1189 is furnished on behalf of a [dependent] child.

1190 (4) (a) If an obligee receives direct payment of assigned support from an obligor, the
1191 obligee shall immediately deliver that payment to the office.

1192 (b) (i) If an obligee agrees with an obligor to receive payment of support other than in
1193 the court or administratively ordered manner and receives payment as agreed with the obligor,
1194 the obligee shall immediately deliver the cash equivalent of the payment to the office.

1195 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)
1196 exceeds the amount of the court or administratively ordered support due, the office shall return
1197 the excess to the obligee.

1198 (5) (a) If public assistance furnished on behalf of a [dependent] child is terminated, the
1199 office may continue to provide paternity establishment and support collection services.

1200 (b) Unless the obligee notifies the office to discontinue these services, the obligee is
1201 considered to have accepted and is bound by the rights, duties, and liabilities of an obligee who
1202 has applied for those services.

1203 Section 18. Section **26B-9-214** is amended to read:

1204 **26B-9-214. Liens by operation of law and writs of garnishment.**

1205 (1) Each payment or installment of child support is, on and after the date it is due, a

1206 judgment with the same attributes and effect of any judgment of a district court in accordance
1207 with Section [~~78B-12-112~~] [81-7-102](#) and for purposes of Section [78B-5-202](#).

1208 (2) (a) A judgment under Subsection (1) or final administrative order shall constitute a
1209 lien against the real property of the obligor upon the filing of a notice of judgment-lien in the
1210 district court where the obligor's real property is located if the notice:

1211 (i) specifies the amount of past-due support; and

1212 (ii) complies with the procedural requirements of Section [78B-5-202](#).

1213 (b) Rule 69, Utah Rules of Civil Procedure, shall apply to any action brought to
1214 execute a judgment or final administrative order under this section against real or personal
1215 property in the obligor's possession.

1216 (3) (a) The office may issue a writ of garnishment against the obligor's personal
1217 property in the possession of a third party for a judgment under Subsection (1) or a final
1218 administrative order in the same manner and with the same effect as if the writ were issued on
1219 a judgment of a district court if:

1220 (i) the judgment or final administrative order is recorded on the office's automated case
1221 registry; and

1222 (ii) the writ is signed by the director or the director's designee and served by certified
1223 mail, return receipt requested, or as prescribed by Rule 4, Utah Rules of Civil Procedure.

1224 (b) A writ of garnishment issued under Subsection (3)(a) is subject to the procedures
1225 and due process protections provided by Rule 64D, Utah Rules of Civil Procedure, except as
1226 provided by Section [26B-9-217](#).

1227 Section 19. Section [26B-9-217](#) is amended to read:

1228 **26B-9-217. Requirement to honor voluntary assignment of earnings -- Discharge**
1229 **of employee prohibited -- Liability for discharge -- Earnings subject to support lien or**
1230 **garnishment.**

1231 (1) (a) Every person, firm, corporation, association, political subdivision, or
1232 department of the state shall honor, according to its terms, a duly executed voluntary
1233 assignment of earnings which is presented by the office as a plan to satisfy or retire a support
1234 debt or obligation.

1235 (b) The requirement to honor an assignment of earnings, and the assignment of
1236 earnings itself, are applicable whether the earnings are to be paid presently or in the future, and

1237 continue in effect until released in writing by the office.

1238 (c) Payment of money pursuant to an assignment of earnings presented by the office
1239 shall serve as full acquittance under any contract of employment, and the state shall defend the
1240 employer and hold the employer harmless for any action taken pursuant to the assignment of
1241 earnings.

1242 (d) The office shall be released from liability for improper receipt of money under an
1243 assignment of earnings upon return of any money so received.

1244 (2) An employer may not discharge or prejudice any employee because the employee's
1245 earnings have been subjected to support lien, wage assignment, or garnishment for any
1246 indebtedness under this part.

1247 (3) If an employer discharges an employee in violation of Subsection (2), the employer
1248 is liable to the employee for the damages the employee may suffer, and, additionally, to the
1249 office in an amount equal to the debt which is the basis of the assignment or garnishment, plus
1250 costs, interest, and attorney fees, or a maximum of \$1,000, whichever is less.

1251 (4) The maximum part of the aggregate disposable earnings of an individual for any
1252 work pay period which may be subjected to a garnishment to enforce payment of a judicial or
1253 administrative judgment arising out of failure to support [~~dependent~~] children may not exceed
1254 50% of the individual's disposable earnings for the work pay period.

1255 (5) The support lien or garnishment shall continue to operate and require the employer
1256 to withhold the nonexempt portion of earnings at each succeeding earnings disbursement
1257 interval until released in writing by the court or office.

1258 Section 20. Section **26B-9-220** is amended to read:

1259 **26B-9-220. Review and adjustment of child support order in three-year cycle --**
1260 **Substantial change in circumstances not required.**

1261 (1) If a child support order has not been issued, modified, or reviewed within the
1262 previous three years, the office shall review a child support order, taking into account the best
1263 interests of the child involved, if:

1264 (a) requested by a parent or legal guardian involved in a case receiving IV-D services;
1265 or

1266 (b) there has been an assignment under Section [35A-3-108](#) and the office determines
1267 that a review is appropriate.

1268 (2) (a) If the office conducts a review under Subsection (1), the office shall determine
1269 if there is a difference of 10% or more between the amount ordered and the amount that would
1270 be required under the child support guidelines.

1271 (b) If there is such a difference and the difference is not of a temporary nature, the
1272 office shall:

1273 ~~[(a)]~~ (i) with respect to a child support order issued or modified by the office, adjust the
1274 amount to that which is provided for in the child support guidelines; or

1275 ~~[(b)]~~ (ii) with respect to a child support order issued or modified by a court, file ~~[a~~
1276 ~~petition]~~ the appropriate pleading with the court to adjust the amount to that which is provided
1277 for in the child support guidelines.

1278 (3) The office may use automated methods to:

1279 (a) collect information and conduct reviews under Subsection (2); and

1280 (b) identify child support orders in which there is a difference of 10% or more between
1281 the amount of child support ordered and the amount that would be required under the child
1282 support guidelines for review under Subsection (1)(b).

1283 (4) (a) A parent or legal guardian who requests a review under Subsection (1)(a) shall
1284 provide notice of the request to the other parent within five days and in accordance with
1285 Section [26B-9-207](#).

1286 (b) If the office conducts a review under Subsections (1)(b) and (3)(b), the office shall
1287 provide notice to the parties of:

1288 (i) a proposed adjustment under Subsection ~~[(2)(a)]~~ (2)(b)(i); or

1289 (ii) a proposed ~~[petition]~~ pleading to be filed in court under Subsection ~~[(2)(b)]~~
1290 (2)(b)(ii).

1291 (5) (a) Within 30 days of notice being sent under Subsection (4)(a), a parent or legal
1292 guardian may respond to a request for review filed with the office.

1293 (b) Within 30 days of notice being sent under Subsection (4)(b), a parent or legal
1294 guardian may contest a proposed adjustment or petition by requesting a review under
1295 Subsection (1)(a) and providing documentation that refutes the adjustment or petition.

1296 (6) A showing of a substantial change in circumstances is not necessary for an
1297 adjustment under this section.

1298 Section 21. Section **26B-9-221** is amended to read:

1299 **26B-9-221. Review and adjustment of support order for substantial change in**
1300 **circumstances outside three-year cycle.**

1301 (1) (a) A parent or legal guardian involved in a case receiving IV-D services or the
1302 office, if there has been an assignment under Section [35A-3-108](#), may at any time request the
1303 office to review a child support order if there has been a substantial change in circumstances.

1304 (b) For purposes of Subsection (1)(a), a substantial change in circumstances may
1305 include:

1306 (i) material changes in custody;

1307 (ii) material changes in the relative wealth or assets of the parties;

1308 (iii) material changes of 30% or more in the income of a parent;

1309 (iv) material changes in the ability of a parent to earn;

1310 (v) material changes in the medical needs of the child; and

1311 (vi) material changes in the legal responsibilities of either parent for the support of
1312 others.

1313 (2) (a) Upon receiving a request under Subsection (1), the office shall review the order,
1314 taking into account the best interests of the child involved, to determine whether the substantial
1315 change in circumstance has occurred, and if so, whether the change resulted in a difference of
1316 15% or more between the amount of child support ordered and the amount that would be
1317 required under the child support guidelines.

1318 (b) If there is such a difference and the difference is not of a temporary nature, the
1319 office shall:

1320 ~~[(a)]~~ (i) with respect to a support order issued or modified by the office, adjust the
1321 amount in accordance with the child support guidelines; or

1322 ~~[(b)]~~ (ii) with respect to a support order issued or modified by a court, file a petition
1323 with the court to adjust the amount in accordance with the child support guidelines.

1324 (3) The office may use automated methods to collect information for a review
1325 conducted under Subsection (2).

1326 (4) (a) A parent or legal guardian who requests a review under Subsection (1) shall
1327 provide notice of the request to the other parent within five days and in accordance with
1328 Section [26B-9-207](#).

1329 (b) If the office initiates and conducts a review under Subsection (1), the office shall

1330 provide notice of the request to any parent or legal guardian within five days and in accordance
 1331 with Section [26B-9-207](#).

1332 (5) Within 30 days of notice being sent under Subsection (4), a parent or legal guardian
 1333 may file a response to a request for review with the office.

1334 Section 22. Section **26B-9-224** is amended to read:

1335 **26B-9-224. Medical and dental expenses of a child -- Health insurance for a child.**

1336 (1) As used in this section, "health insurance" means the same as that term is defined in
 1337 Section [31A-1-301](#).

1338 (2) In any action under this part, the office and the department in their orders shall
 1339 include:

1340 ~~[(1)]~~ (a) ~~[include]~~ a provision assigning responsibility for cash medical support;

1341 ~~[(2)]~~ (b) ~~[include]~~ a provision requiring the purchase and maintenance of appropriate
 1342 ~~[medical, hospital, and dental care]~~ health insurance for ~~[those children]~~ the child, if:

1343 ~~[(a)]~~ (i) insurance coverage is or becomes available at a reasonable cost; and

1344 ~~[(b)]~~ (ii) the insurance coverage is accessible to the ~~[children]~~ child; and

1345 ~~[(3)]~~ (c) ~~[include]~~ a designation of which ~~[health, dental or hospital]~~ health insurance
 1346 plan~~[-]~~ is primary and which is secondary in accordance with the provisions of Section
 1347 ~~[30-3-5.4]~~ [81-6-208](#), which will take effect if at any time the ~~[dependent children are]~~ child is
 1348 covered by both parents' ~~[health, hospital, or dental]~~ health insurance plans.

1349 Section 23. Section **26B-9-225** is amended to read:

1350 **26B-9-225. Enrollment of child in accident and health insurance plan -- Order --**
 1351 **Notice.**

1352 (1) The office may issue a notice to existing and future employers or unions to enroll a
 1353 ~~[dependent]~~ child in an accident and health insurance plan that is available through the
 1354 ~~[dependent]~~ child's parent or legal guardian's employer or union, when the following conditions
 1355 are satisfied:

1356 (a) the parent or legal guardian is already required to obtain insurance coverage for the
 1357 child by a prior court or administrative order; and

1358 (b) the parent or legal guardian has failed to provide written proof to the office that:

1359 (i) the child has been enrolled in an accident and health insurance plan in accordance
 1360 with the court or administrative order; or

1361 (ii) the coverage required by the order was not available at group rates through the
1362 employer or union 30 or more days prior to the date of the mailing of the notice to enroll.

1363 (2) The office shall provide concurrent notice to the parent or legal guardian in
1364 accordance with Section 26B-9-207 of:

1365 (a) the notice to enroll sent to the employer or union; and

1366 (b) the opportunity to contest the enrollment due to a mistake of fact by filing a written
1367 request for an adjudicative proceeding with the office within 15 days of the notice being sent.

1368 (3) A notice to enroll shall result in the enrollment of the child in the parent's accident
1369 and health insurance plan, unless the parent successfully contests the notice based on a mistake
1370 of fact.

1371 (4) A notice to enroll issued under this section may be considered a "qualified medical
1372 support order" for the purposes of enrolling a [dependent] child in a group accident and health
1373 insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act
1374 of 1974.

1375 Section 24. Section 26B-9-226 is amended to read:

1376 **26B-9-226. Compliance with order -- Enrollment of child for insurance.**

1377 (1) An employer or union shall comply with a notice to enroll issued by the office
1378 under Section 26B-9-225 by enrolling the [dependent] child that is the subject of the notice in
1379 the:

1380 (a) accident and health insurance plan in which the parent or legal guardian is enrolled,
1381 if the plan satisfies the prior court or administrative order; or

1382 (b) least expensive plan, assuming equivalent benefits, offered by the employer or
1383 union that complies with the prior court or administrative order which provides coverage that is
1384 reasonably accessible to the [dependent] child.

1385 (2) The employer, union, or insurer may not refuse to enroll a [dependent] child
1386 pursuant to a notice to enroll because a parent or legal guardian has not signed an enrollment
1387 application.

1388 (3) Upon enrollment of the [dependent] child, the employer shall deduct the
1389 appropriate premiums from the parent or legal guardian's wages and remit [them] the premiums
1390 directly to the insurer.

1391 (4) The insurer shall provide proof of insurance to the office upon request.

1392 (5) The signature of the custodial parent of the insured [~~dependent~~] child is a valid
1393 authorization to the insurer for purposes of processing any insurance reimbursement claim.

1394 Section 25. Section **26B-9-230** is amended to read:

1395 **26B-9-230. Right to judicial review.**

1396 (1) (a) Within 30 days of notice of any administrative action on the part of the office to
1397 establish paternity or establish, modify or enforce a child support order, the obligor may file a
1398 petition for de novo review with the district court.

1399 (b) For purposes of Subsection (1)(a), notice includes:

1400 (i) notice actually received by the obligor in accordance with Section [26B-9-207](#);

1401 (ii) participation by the obligor in the proceedings related to the establishment of the
1402 paternity or the modification or enforcement of child support; or

1403 (iii) receiving a paycheck in which a reduction has been made for child support.

1404 (2) The petition shall name the office and all other appropriate parties as respondents
1405 and meet the form requirements specified in Section [63G-4-402](#).

1406 (3) A copy of the petition shall be served upon the Child and Family Support Division
1407 of the Office of Attorney General.

1408 (4) (a) If the petition is regarding the amount of the child support obligation established
1409 in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child
1410 Support, the court may issue a temporary order for child support until a final order is issued.

1411 (b) The petitioner may file an affidavit stating the amount of child support reasonably
1412 believed to be due and the court may issue a temporary order for that amount. The temporary
1413 order shall be valid for 60 days, unless extended by the court while the action is being pursued.

1414 (c) If the court upholds the amount of support established in Subsection (4)(a), the
1415 petitioner shall be ordered to make up the difference between the amount originally ordered in
1416 Subsection (4)(a) and the amount temporarily ordered under Subsection (4)(b).

1417 (d) This Subsection (4) does not apply to an action for the court-ordered modification
1418 of a judicial child support order.

1419 (5) (a) The court may, on its own initiative and based on the evidence before it,
1420 determine whether the petitioner violated [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil
1421 Procedure by filing the action.

1422 (b) If the court determines that [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil

1423 Procedure was violated, it shall, at a minimum, award to the office attorney fees and costs for
1424 the action.

1425 (6) Nothing in this section precludes the obligor from seeking administrative remedies
1426 as provided in this chapter.

1427 Section 26. Section **26B-9-301** is amended to read:

1428 **26B-9-301. Definitions.**

1429 As used in this part and Part 4, Income Withholding in Non IV-D Cases:

1430 (1) "Business day" means a day on which state offices are open for regular business.

1431 (2) "Child" means the same as that term is defined in Section ~~[26B-9-201]~~ 81-6-101.

1432 ~~[(3) (a) "Child support" means a base child support award as defined in Section~~
1433 ~~78B-12-102, or a financial award for uninsured monthly medical expenses, ordered by a~~
1434 ~~tribunal for the support of a child, including current periodic payments, all arrearages which~~
1435 ~~accrue under an order for current periodic payments, and sum certain judgments awarded for~~
1436 ~~arrearages, medical expenses, and child care costs.]~~

1437 ~~[(b) "Child support" includes obligations ordered by a tribunal for the support of a~~
1438 ~~spouse or former spouse with whom the child resides if the spousal support is collected with~~
1439 ~~the child support.]~~

1440 (3) "Child support" means the same as that term is defined in Section 26B-9-101.

1441 (4) "Child support order" means ~~[a judgment, decree, or order, whether temporary,~~
1442 ~~final, or subject to modification, issued by a tribunal for child support and related costs and~~
1443 ~~fees, interest and penalties, income withholding, attorney fees, and other relief]~~ the same as that
1444 term is defined in Section 26B-9-201.

1445 (5) "Child support services" means the same as that term is defined in Section
1446 26B-9-101.

1447 (6) ~~["Delinquent" or "delinquency"]~~ "Delinquency" means that child support in an
1448 amount at least equal to current child support payable for one month is overdue.

1449 (7) "Delinquent" means delinquency.

1450 ~~[(7)]~~ (8) "Immediate income withholding" means income withholding without regard
1451 to whether a delinquency has occurred.

1452 ~~[(8)]~~ (9) "Income" means the same as that term is defined in Section 26B-9-101.

1453 (10) "IV-D services" means the same as that term is defined in Section 26B-9-201.

1454 ~~[(9)]~~ (11) "Jurisdiction" means a state or political subdivision of the United States, a
1455 territory or possession of the United States, the District of Columbia, the Commonwealth of
1456 Puerto Rico, an Indian tribe or tribal organization, or any comparable foreign nation or political
1457 subdivision.

1458 ~~[(10)]~~ (12) "Obligee" means the same as that term is defined in Section 26B-9-201.

1459 ~~[(11)]~~ (13) "Obligor" means the same as that term is defined in Section 26B-9-201.

1460 ~~[(12)]~~ (14) "Office" means the Office of Recovery Services.

1461 ~~[(13)]~~ (15) "Payor" means an employer or any person who is a source of income to an
1462 obligor.

1463 ~~[(14) "Support order" means the same as child support order.]~~

1464 Section 27. Section 26B-9-303 is amended to read:

1465 **26B-9-303. Provision for income withholding in child support order -- Immediate**
1466 **income withholding.**

1467 (1) Whenever a child support order is issued or modified in this state the obligor's
1468 income is subject to immediate income withholding for the child support described in the order
1469 in accordance with the provisions of this chapter, unless:

1470 (a) the court or administrative body which entered the order finds that one of the
1471 parties has demonstrated good cause so as not to require immediate income withholding; or

1472 (b) a written agreement which provides an alternative payment arrangement is executed
1473 by the obligor and obligee, and reviewed and entered in the record by the court or
1474 administrative body.

1475 (2) (a) In every child support order issued or modified on or after January 1, 1994, the
1476 court or administrative body shall include a provision that the income of an obligor is subject to
1477 immediate income withholding in accordance with this chapter.

1478 (b) If for any reason other than the provisions of Subsection (1) that provision is not
1479 included in the child support order the obligor's income is nevertheless subject to immediate
1480 income withholding.

1481 (3) In determining [~~"good cause,"~~] good cause, the court or administrative body may, in
1482 addition to any other requirement it considers appropriate, consider whether the obligor has:

1483 (a) obtained a bond, deposited money in trust for the benefit of the [~~dependent~~
1484 ~~children~~] children, or otherwise made arrangements sufficient to guarantee child support

1485 payments for at least two months;

1486 (b) arranged to deposit all child support payments into a checking account belonging to
1487 the obligee, or made arrangements insuring that a reliable and independent record of the date
1488 and place of child support payments will be maintained; or

1489 (c) arranged for electronic transfer of funds on a regular basis to meet court-ordered
1490 child support obligations.

1491 Section 28. Section **26B-9-304** is amended to read:

1492 **26B-9-304. Office procedures for income withholding for orders issued or**
1493 **modified on or after October 13, 1990.**

1494 (1) With regard to obligees or obligors who are receiving IV-D services, each child
1495 support order issued or modified on or after October 13, 1990, subjects the income of an
1496 obligor to immediate income withholding as of the effective date of the order, regardless of
1497 whether a delinquency occurs unless:

1498 (a) the court or administrative body that entered the order finds that one of the parties
1499 has demonstrated good cause not to require immediate income withholding; or

1500 (b) a written agreement that provides an alternative arrangement is executed by the
1501 obligor and obligee, and by the office, if there is an assignment under Section [35A-3-108](#), and
1502 reviewed and entered in the record by the court or administrative body.

1503 (2) For purposes of this section:

1504 (a) [~~"good cause"~~] good cause shall be based on, at a minimum:

1505 (i) a determination and explanation on the record by the court or administrative body
1506 that implementation of income withholding would not be in the best interest of the child; and

1507 (ii) proof of timely payment of any previously ordered support; and

1508 (b) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in
1509 addition to any other requirement that it determines appropriate, consider whether the obligor
1510 has:

1511 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]
1512 children, or otherwise made arrangements sufficient to guarantee child support payments for at
1513 least two months; and

1514 (ii) arranged to deposit all child support payments into a checking account belonging to
1515 the obligee or made arrangements insuring that a reliable and independent record of the date

1516 and place of child support payments will be maintained.

1517 (3) An exception from immediate income withholding shall be:

1518 (a) included in the court or administrative agency's child support order; and

1519 (b) negated without further administrative or judicial action:

1520 (i) upon a delinquency;

1521 (ii) upon the obligor's request; or

1522 (iii) if the office, based on internal procedures and standards, or a party requests

1523 immediate income withholding for a case in which the parties have entered into an alternative

1524 arrangement to immediate income withholding pursuant to Subsection (1)(b).

1525 (4) If an exception to immediate income withholding has been ordered on the basis of

1526 good cause under Subsection (1)(a), the office may commence income withholding under this

1527 part:

1528 (a) in accordance with Subsection (3)(b); or

1529 (b) if the administrative or judicial body that found good cause determines that

1530 circumstances no longer support that finding.

1531 (5) (a) A party may contest income withholding due to a mistake of fact by filing a

1532 written objection with the office within 15 days of the commencement of income withholding

1533 under Subsection (4).

1534 (b) If a party contests income withholding under Subsection (5)(a), the office shall

1535 proceed with the objection as it would an objection filed under Section [26B-9-305](#).

1536 (6) Income withholding implemented under this section is subject to termination under

1537 Section [26B-9-308](#).

1538 (7) (a) Income withholding under the order may be effective until the obligor no longer

1539 owes child support to the obligee.

1540 (b) Appropriate income withholding procedures apply to existing and future payors and

1541 all withheld income shall be submitted to the office.

1542 Section 29. Section **26B-9-403** is amended to read:

1543 **26B-9-403. Child support orders issued or modified on or after January 1, 1994 --**

1544 **Immediate income withholding.**

1545 (1) With regard to obligees or obligors who are not receiving IV-D services, each child

1546 support order issued or modified on or after January 1, 1994, subjects the income of an obligor

1547 to immediate income withholding as of the effective date of the order, regardless of whether a
1548 delinquency occurs unless:

1549 (a) the court or administrative body that entered the order finds that one of the parties
1550 has demonstrated good cause so as not to require immediate income withholding; or

1551 (b) a written agreement which provides an alternative payment arrangement is executed
1552 by the obligor and obligee, and reviewed and entered in the record by the court or
1553 administrative body.

1554 (2) For purposes of this section:

1555 (a) an action on or after January 1, 1994, to reduce child support arrears to judgment,
1556 without a corresponding establishment of or modification to a base child support amount, is not
1557 sufficient to trigger immediate income withholding;

1558 (b) [~~"good cause"~~] good cause shall be based on, at a minimum:

1559 (i) a determination and explanation on the record by the court or administrative body
1560 that implementation of income withholding would not be in the best interest of the child; and

1561 (ii) proof of timely payment of any previously ordered support; and

1562 (c) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in
1563 addition to any other requirement it considers appropriate, consider whether the obligor has:

1564 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]
1565 children, or otherwise made arrangements sufficient to guarantee child support payments for at
1566 least two months;

1567 (ii) arranged to deposit all child support payments into a checking account belonging to
1568 the obligee, or made arrangements insuring that a reliable and independent record of the date
1569 and place of child support payments will be maintained; or

1570 (iii) arranged for electronic transfer of funds on a regular basis to meet court-ordered
1571 child support obligations.

1572 (3) In cases where the court or administrative body that entered the order finds a
1573 demonstration of good cause or enters a written agreement that immediate income withholding
1574 is not required, in accordance with this section, any party may subsequently pursue income
1575 withholding on the earliest of the following dates:

1576 (a) the date payment of child support becomes delinquent;

1577 (b) the date the obligor requests;

1578 (c) the date the obligee requests if a written agreement under Subsection (1)(b) exists;
1579 or

1580 (d) the date the court or administrative body so modifies that order.

1581 (4) The court shall include in every child support order issued or modified on or after
1582 January 1, 1994, a provision that the income of an obligor is subject to income withholding in
1583 accordance with this chapter; however, if for any reason that provision is not included in the
1584 child support order, the obligor's income is nevertheless subject to income withholding.

1585 (5) (a) In any action to establish or modify a child support order after July 1, 1997, the
1586 court, upon request by the obligee or obligor, shall commence immediate income withholding
1587 by ordering the clerk of the court or the requesting party to:

1588 (i) mail written notice to the payor at the payor's last-known address that contains the
1589 information required by Section 26B-9-407; and

1590 (ii) mail a copy of the written notice sent to the payor under Subsection (5)(a)(i) and a
1591 copy of the support order to the office.

1592 (b) If neither the obligee nor obligor requests commencement of income withholding
1593 under Subsection (5)(a), the court shall include in the order to establish or modify child support
1594 a provision that the obligor or obligee may commence income withholding by:

1595 (i) applying for IV-D services with the office; or

1596 (ii) filing an ex parte motion with a district court of competent jurisdiction pursuant to
1597 Section 26B-9-405.

1598 (c) A payor who receives written notice under Subsection (5)(a)(i) shall comply with
1599 the requirements of Section 26B-9-408.

1600 Section 30. Section 26B-9-405 is amended to read:

1601 **26B-9-405. Procedures for commencing income withholding.**

1602 (1) If income withholding has not been commenced in connection with a child support
1603 order, an obligee or obligor may commence income withholding by:

1604 (a) applying for IV-D services from the office; or

1605 (b) filing an ex parte motion for income withholding with a district court of competent
1606 jurisdiction.

1607 (2) The office shall commence income withholding in accordance with Part 3, Income
1608 Withholding in IV-D Cases, upon receipt of an application for IV-D services under Subsection

1609 (1)(a).

1610 (3) A court shall grant an ex parte motion to commence income withholding filed
1611 under Subsection (1)(b) regardless of whether the child support order provided for income
1612 withholding, if the obligee provides competent evidence showing:

1613 (a) the child support order was issued or modified after January 1, 1994, and the
1614 obligee or obligor expresses a desire to commence income withholding;

1615 (b) the child support order was issued or modified after January 1, 1994, and the order
1616 contains a good cause exception to income withholding as provided for in Section 26B-9-403,
1617 and a delinquency has occurred; or

1618 (c) the child support order was issued or modified before January 1, 1994, and a
1619 delinquency has occurred.

1620 (4) If a court grants an ex parte motion under Subsection (3), the court shall order the
1621 clerk of the court or the requesting party to:

1622 (a) mail written notice to the payor at the payor's last-known address that contains the
1623 information required by Section 26B-9-407;

1624 (b) mail a copy of the written notice sent to the payor under Subsection (4)(a) to the
1625 nonrequesting party's address and a copy of the child support order and the notice to the payor
1626 to the office; and

1627 (c) if the obligee is the requesting party, send notice to the obligor under Section
1628 26B-9-207 that includes:

1629 (i) a copy of the notice sent to the payor; and

1630 (ii) information regarding:

1631 (A) the commencement of income withholding; and

1632 (B) the opportunity to contest the withholding or the amount withheld due to mistake
1633 of fact by filing an objection with the court within 20 days.

1634 (5) A payor who receives written notice under Subsection (4)(a) shall comply with the
1635 requirements of Section 26B-9-408.

1636 (6) If an obligor contests withholding, the court shall:

1637 (a) provide an opportunity for the obligor to present evidence supporting his claim of a
1638 mistake of fact;

1639 (b) decide whether income withholding should continue;

1640 (c) notify the parties of the decision; and

1641 (d) at the obligor's option, return or credit toward the most current and future support
1642 payments of the obligor any amount mistakenly withheld plus interest at the legal rate.

1643 Section 31. Section **26B-9-501** is amended to read:

1644 **26B-9-501. Definitions.**

1645 As used in this part:

1646 (1) "Business day" means the same as that term is defined in Section 26B-9-301.

1647 ~~[(1)]~~ (2) "Child support" [is as defined in Section 26B-9-301] means the same as that
1648 term is defined in Section 26B-9-101.

1649 ~~[(2)]~~ (3) "Delinquent on a child support obligation" means that a person:

1650 (a) (i) made no payment for 60 days on a current child support obligation as set forth in
1651 an administrative or court order;

1652 (ii) after the 60-day period described in Subsection ~~[(2)(a)(i)]~~ (3)(a)(i), failed to make a
1653 good faith effort under the circumstances to make payment on the child support obligation in
1654 accordance with the order; and

1655 (iii) has not obtained a judicial order staying enforcement of the person's child support
1656 obligation, or the amount in arrears; or

1657 (b) (i) made no payment for 60 days on an arrearage obligation of child support as set
1658 forth in:

1659 (A) a payment schedule;

1660 (B) a written agreement with the office; or

1661 (C) an administrative or judicial order;

1662 (ii) after the 60-day period described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i), failed to make a
1663 good faith effort under the circumstances to make payment on the child support obligation in
1664 accordance with the payment schedule, agreement, or order; and

1665 (iii) has not obtained a judicial order staying enforcement of the person's child support
1666 obligation, or the amount in arrears.

1667 ~~[(3)]~~ (4) "Driver license" means a license, as defined in Section 53-3-102.

1668 ~~[(4)]~~ (5) "Driver License Division" means the Driver License Division of the
1669 Department of Public Safety created in Section 53-3-103.

1670 ~~[(5)]~~ (6) "Office" means the Office of Recovery Services.

1671 Section 32. Section **31A-22-610.5** is amended to read:

1672 **31A-22-610.5. Dependent coverage.**

1673 (1) As used in this section, "child" [~~has the same meaning as defined in Section~~
1674 ~~78B-12-102~~] means the same as that term is defined in Section [81-6-101](#).

1675 (2) (a) Any individual or group accident and health insurance policy or managed care
1676 organization contract that provides coverage for a policyholder's or certificate holder's
1677 dependent:

1678 (i) may not terminate coverage of an unmarried dependent by reason of the dependent's
1679 age before the dependent's 26th birthday; and

1680 (ii) shall, upon application, provide coverage for all unmarried dependents up to age
1681 26.

1682 (b) The cost of coverage for unmarried dependents 19 to 26 years old shall be included
1683 in the premium on the same basis as other dependent coverage.

1684 (c) This section does not prohibit the employer from requiring the employee to pay all
1685 or part of the cost of coverage for unmarried dependents.

1686 (d) An individual or group health insurance policy or managed care organization shall
1687 continue in force coverage for a dependent through the last day of the month in which the
1688 dependent ceases to be a dependent:

1689 (i) if premiums are paid; and

1690 (ii) notwithstanding Sections [31A-22-618.6](#) and [31A-22-618.7](#).

1691 (3) (a) When a parent is required by a court or administrative order to provide health
1692 insurance coverage for a child, an accident and health insurer may not deny enrollment of a
1693 child under the accident and health insurance plan of the child's parent on the grounds the
1694 child:

1695 (i) was born out of wedlock and is entitled to coverage under Subsection (4);

1696 (ii) was born out of wedlock and the custodial parent seeks enrollment for the child
1697 under the custodial parent's policy;

1698 (iii) is not claimed as a dependent on the parent's federal tax return;

1699 (iv) does not reside with the parent; or

1700 (v) does not reside in the insurer's service area.

1701 (b) A child enrolled as required under Subsection (3)(a)(iv) is subject to the terms of

1702 the accident and health insurance plan contract pertaining to services received outside of an
1703 insurer's service area.

1704 (4) When a child has accident and health coverage through an insurer of a noncustodial
1705 parent, and when requested by the noncustodial or custodial parent, the insurer shall:

1706 (a) provide information to the custodial parent as necessary for the child to obtain
1707 benefits through that coverage, but the insurer or employer, or the agents or employees of either
1708 of them, are not civilly or criminally liable for providing information in compliance with this
1709 Subsection (4)(a), whether the information is provided pursuant to a verbal or written request;

1710 (b) permit the custodial parent or the service provider, with the custodial parent's
1711 approval, to submit claims for covered services without the approval of the noncustodial
1712 parent; and

1713 (c) make payments on claims submitted in accordance with Subsection (4)(b) directly
1714 to the custodial parent, the child who obtained benefits, the provider, or the state Medicaid
1715 agency.

1716 (5) When a parent is required by a court or administrative order to provide health
1717 coverage for a child, and the parent is eligible for family health coverage, the insurer shall:

1718 (a) permit the parent to enroll, under the family coverage, a child who is otherwise
1719 eligible for the coverage without regard to an enrollment season restrictions;

1720 (b) if the parent is enrolled but fails to make application to obtain coverage for the
1721 child, enroll the child under family coverage upon application of the child's other parent, the
1722 state agency administering the Medicaid program, or the state agency administering 42 U.S.C.
1723 [~~Sec.~~] Secs. 651 through 669, the child support enforcement program; and

1724 (c) (i) when the child is covered by an individual policy, not disenroll or eliminate
1725 coverage of the child unless the insurer is provided satisfactory written evidence that:

1726 (A) the court or administrative order is no longer in effect; or

1727 (B) the child is or will be enrolled in comparable accident and health coverage through
1728 another insurer which will take effect not later than the effective date of disenrollment; or

1729 (ii) when the child is covered by a group policy, not disenroll or eliminate coverage of
1730 the child unless the employer is provided with satisfactory written evidence, which evidence is
1731 also provided to the insurer, that Subsection (8)(c)(i), (ii), or (iii) has happened.

1732 (6) An insurer may not impose requirements on a state agency that has been assigned

1733 the rights of an individual eligible for medical assistance under Medicaid and covered for
1734 accident and health benefits from the insurer that are different from requirements applicable to
1735 an agent or assignee of any other individual so covered.

1736 (7) Insurers may not reduce their coverage of pediatric vaccines below the benefit level
1737 in effect on May 1, 1993.

1738 (8) When a parent is required by a court or administrative order to provide health
1739 coverage, which is available through an employer doing business in this state, the employer
1740 shall:

1741 (a) permit the parent to enroll under family coverage any child who is otherwise
1742 eligible for coverage without regard to any enrollment season restrictions;

1743 (b) if the parent is enrolled but fails to make application to obtain coverage of the child,
1744 enroll the child under family coverage upon application by the child's other parent, by the state
1745 agency administering the Medicaid program, or the state agency administering 42 U.S.C. Sec.
1746 651 through 669, the child support enforcement program;

1747 (c) not disenroll or eliminate coverage of the child unless the employer is provided
1748 satisfactory written evidence that:

1749 (i) the court order is no longer in effect;

1750 (ii) the child is or will be enrolled in comparable coverage which will take effect no
1751 later than the effective date of disenrollment; or

1752 (iii) the employer has eliminated family health coverage for all of its employees; and

1753 (d) withhold from the employee's compensation the employee's share, if any, of
1754 premiums for health coverage and to pay this amount to the insurer.

1755 (9) An order issued under Section [26B-9-225](#) may be considered a "qualified medical
1756 support order" for the purpose of enrolling a ~~dependent~~ child in a group accident and health
1757 insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act
1758 of 1974.

1759 (10) This section does not affect any insurer's ability to require as a precondition of any
1760 child being covered under any policy of insurance that:

1761 (a) the parent continues to be eligible for coverage;

1762 (b) the child shall be identified to the insurer with adequate information to comply with
1763 this section; and

1764 (c) the premium shall be paid when due.

1765 (11) This section applies to employee welfare benefit plans as defined in Section
1766 26B-3-1001.

1767 (12) (a) A policy that provides coverage to a child of a group member may not deny
1768 eligibility for coverage to a child solely because:

1769 (i) the child does not reside with the insured; or

1770 (ii) the child is solely dependent on a former spouse of the insured rather than on the
1771 insured.

1772 (b) A child who does not reside with the insured may be excluded on the same basis as
1773 a child who resides with the insured.

1774 Section 33. Section 35A-3-307 is amended to read:

1775 **35A-3-307. Cash assistance to a single minor parent.**

1776 (1) The department may provide cash assistance to a single minor parent in accordance
1777 with this section.

1778 (2) A single minor parent who receives cash assistance under this part shall:

1779 (a) except as provided under Subsection (3), reside in a place of residence maintained
1780 by a parent, legal guardian, or other adult relative of the single minor parent;

1781 (b) participate in education for parenting and life skills;

1782 (c) participate in infant and child wellness programs approved by the department; and

1783 (d) for at least 20 hours per week:

1784 (i) if the single minor parent does not have a high school diploma, attend high school
1785 or an alternative to high school;

1786 (ii) participate in education or training; or

1787 (iii) participate in a combination of employment and education or training.

1788 (3) (a) If the department determines that the requirements of Subsection (2)(a) are not
1789 appropriate for a single minor parent, the department may assist the single minor parent to
1790 obtain suitable living arrangements, including an adult-supervised living arrangement.

1791 (b) The department may only provide cash assistance to a single minor parent who is
1792 exempt from the requirements of Subsection (2)(a) if the single minor parent resides in a living
1793 arrangement that is approved by the department.

1794 (c) The approval by the department of a living arrangement under Subsection (3)(b):

1795 (i) is a means of safeguarding the use of state and federal funds; and
 1796 (ii) is not a certification or guarantee of the safety, quality, or condition of the living
 1797 arrangements of the single minor parent.

1798 (4) (a) If a single minor parent resides with a parent, the department shall include the
 1799 income of the parent of the single minor parent in determining the single minor parent's
 1800 eligibility for services under this part.

1801 (b) If a single minor parent receives services under this chapter but does not reside with
 1802 a parent, the department shall seek an order under [~~Title 78B, Chapter 12, Utah Child Support~~
 1803 ~~Act~~] Title 81, Chapter 6, Child Support, requiring the parent of the single minor parent to
 1804 financially support the single minor parent.

1805 (5) The requirements of this section shall be included in a single minor parent's
 1806 employment plan under Section [35A-3-304](#).

1807 Section 34. Section **51-9-408** is amended to read:

1808 **51-9-408. Children's Legal Defense Account.**

1809 (1) There is created a restricted account within the General Fund known as the
 1810 Children's Legal Defense Account.

1811 (2) The purpose of the Children's Legal Defense Account is to provide for programs
 1812 that protect and defend the rights, safety, and quality of life of children.

1813 (3) (a) The Legislature shall appropriate money from the account for the administrative
 1814 and related costs of the following programs:

1815 (i) implementing the [~~Mandatory Educational Course on Children's Needs for~~
 1816 ~~Divorcing Parents relating to the effects of divorce on children as provided in Sections [30-3-4](#);~~
 1817 ~~[30-3-10.3](#), [30-3-11.3](#), and the Mediation Program - Child Custody or Parent-time~~] mandatory
 1818 educational course described in Section [81-4-106](#) and the mediation program for child custody
 1819 and parent-time;

1820 (ii) implementing the use of guardians ad litem in accordance with Sections
 1821 [78A-2-703](#), [78A-2-705](#), [78A-2-803](#), and [78B-3-102](#);

1822 (iii) the training of attorney guardians ad litem and volunteers as provided in Section
 1823 [78A-2-803](#);

1824 (iv) implementing and administering the Expedited Parent-time Enforcement Program
 1825 as provided in Section [~~30-3-38~~] [81-9-102](#); and

1826 (v) implementing and administering the Divorce Education for Children Program.

1827 (b) The Children's Legal Defense Account may not be used to supplant funding for the
1828 guardian ad litem program under Section 78A-2-803.

1829 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
1830 Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):

1831 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
1832 as provided in Section 17-16-21; and

1833 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any
1834 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

1835 (5) The Division of Finance shall allocate the money described in Subsection (4) from
1836 the General Fund to the Children's Legal Defense Account.

1837 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30
1838 of any fiscal year shall lapse into the General Fund.

1839 Section 35. Section 58-60-112 is amended to read:

1840 **58-60-112. Reporting of unprofessional or unlawful conduct -- Immunity from**
1841 **liability -- Reporting conduct of court-appointed therapist.**

1842 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section
1843 58-60-102 by a person licensed under this chapter or an individual not licensed under this
1844 chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary
1845 action by a licensed health care facility, professional practice group, or professional society, or
1846 that results in a significant adverse impact upon the public health, safety, or welfare, the
1847 following shall report the conduct in writing to the division within 10 days after learning of the
1848 disciplinary action or the conduct unless the individual or person knows it has been reported:

1849 (a) a licensed health care facility or organization in which an individual licensed under
1850 this chapter engages in practice;

1851 (b) an individual licensed under this chapter; and

1852 (c) a professional society or organization whose membership is individuals licensed
1853 under this chapter and which has the authority to discipline or expel a member for acts of
1854 unprofessional or unlawful conduct.

1855 (2) Any individual reporting acts of unprofessional or unlawful conduct by an
1856 individual licensed under this chapter is immune from liability arising out of the disclosure to

1857 the extent the individual furnishes the information in good faith and without malice.

1858 (3) (a) As used in this Subsection (3):

1859 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
1860 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

1861 (ii) "Domestic case" means a proceeding under:

1862 [~~(A)~~ Title 30, Chapter 3, Divorce;]

1863 [~~(B)~~ Title 30, Chapter 4, Separate Maintenance;]

1864 [~~(C)~~ Title 30, Chapter 5, Grandparents;]

1865 [~~(D)~~ Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents
1866 Act;]

1867 [~~(E)~~ (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

1868 [~~(F)~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and

1869 Enforcement Act; ~~[or]~~

1870 [~~(G)~~ (C) Title 78B, Chapter 15, Utah Uniform Parentage Act~~[-]~~;

1871 (D) Title 81, Chapter 4, Dissolution of Marriage; or

1872 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.

1873 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
1874 domestic case may not file a report against the court-appointed therapist for unlawful or
1875 unprofessional conduct during the pendency of the domestic case, unless:

1876 (i) the party has requested that the court release the court-appointed therapist from the
1877 appointment; and

1878 (ii) the court finds good cause to release the court-appointed therapist from the
1879 appointment.

1880 Section 36. Section **63G-20-201** is amended to read:

1881 **63G-20-201. Provisions governing solemnizing or recognizing a marriage --**
1882 **Prohibition against employment actions.**

1883 Notwithstanding any other provision of law, a state or local government or a state or
1884 local government official may not:

1885 (1) require a religious official, when acting as such, or religious organization to
1886 solemnize or recognize for ecclesiastical purposes a marriage that is contrary to that religious
1887 official's or religious organization's religious beliefs;

1888 (2) if the religious official or religious organization is authorized to solemnize a
1889 marriage by Section ~~[30-1-6]~~ [81-2-305](#), deny a religious official, when acting as such, or
1890 religious organization the authority to legally solemnize a legal marriage based on the religious
1891 official's or religious organization's refusal to solemnize any legal marriage that is contrary to
1892 the religious official's or religious organization's religious beliefs;

1893 (3) require a religious official, when acting as such, or religious organization to provide
1894 goods, accommodations, advantages, privileges, services, facilities, or grounds for activities
1895 connected with the solemnization or celebration of a marriage that is contrary to that religious
1896 official's or religious organization's religious beliefs; or

1897 (4) require a religious official, when acting as such, or religious organization to
1898 promote marriage through religious programs, counseling, courses, or retreats in a way that is
1899 contrary to that religious official's or religious organization's religious beliefs.

1900 Section 37. Section **63I-1-278** is amended to read:

1901 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

1902 (1) Subsections [78A-2-301\(4\)](#) and [78A-2-301.5\(12\)](#), regarding the suspension of filing
1903 fees for petitions for expungement, are repealed on July 1, 2023.

1904 ~~[(2) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is
1905 repealed July 1, 2029.]~~

1906 ~~[(3)]~~ (2) Subsection [78A-7-106\(6\)](#), regarding the transfer of a criminal action involving
1907 a domestic violence offense from the justice court to the district court, is repealed on July 1,
1908 2024.

1909 (3) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is
1910 repealed July 1, 2029.

1911 (4) Section [78B-4-518](#), regarding the limitation on employer liability for an employee
1912 convicted of an offense, is repealed on July 1, 2025.

1913 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
1914 2026.

1915 ~~[(6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
1916 Support Guidelines Advisory Committee, is repealed July 1, 2026.]~~

1917 ~~[(7)]~~ (6) Section [78B-22-805](#), regarding the Interdisciplinary Parental Representation
1918 Pilot Program, is repealed December 31, 2024.

1919 Section 38. Section **63I-1-281** is enacted to read:
 1920 **63I-1-281. Repeal dates: Title 81.**
 1921 Title 81, Chapter 6, Part 4, Child Support Guidelines Advisory Committee, is repealed
 1922 July 1, 2026.

1923 Section 39. Section **63I-2-278** is amended to read:
 1924 **63I-2-278. Repeal dates: Title 78A and Title 78B.**
 1925 (1) Section **78A-2-804** is repealed on July 1, 2024.
 1926 (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.
 1927 (3) If Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from Unfiltered
 1928 Devices, is not in effect before January 1, 2031, Title 78B, Chapter 6, Part 22, Cause of Action
 1929 to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.

1930 [~~(4) Sections **78B-12-301** and **78B-12-302** are repealed on January 1, 2025.~~]

1931 Section 40. Section **63I-2-281** is enacted to read:
 1932 **63I-2-281. Repeal dates: Title 81.**
 1933 Sections **81-6-302** and **81-6-303** are repealed on January 1, 2025.

1934 Section 41. Section **63M-15-204** is amended to read:
 1935 **63M-15-204. Commission duties.**
 1936 The commission shall:
 1937 (1) promote coalitions and collaborative efforts to uphold and encourage a strong and
 1938 healthy culture of strong and lasting marriages and stable families;
 1939 (2) contribute to greater awareness of the importance of marriage in an effort to reduce
 1940 divorce and unwed parenthood in the state;
 1941 (3) promote public policies that support marriage;
 1942 (4) promote programs and activities that educate individuals and couples on how to
 1943 achieve strong, successful, and lasting marriages, including promoting and assisting in the
 1944 offering of:
 1945 (a) events;
 1946 (b) classes and services, including those designed to promote strong, healthy, and
 1947 lasting marriages and prevent domestic violence;
 1948 (c) marriage and relationship education conferences for the public and professionals;
 1949 and

- 1950 (d) enrichment seminars;
- 1951 (5) actively promote measures designed to maintain and strengthen marriage, family,
- 1952 and the relationships between spouses and parents and children;
- 1953 (6) support volunteerism and private financial contributions and grants in partnership
- 1954 with the commission and in support of the commission's purposes and activities for the benefit
- 1955 of the state as provided in this section;
- 1956 (7) regularly publicize information on premarital counseling and education services
- 1957 available in the state that comply with Section ~~[30-1-34]~~ [81-2-206](#);
- 1958 (8) approve an online course meeting the requirements of Section ~~[30-1-34]~~ [81-2-206](#);
- 1959 and
- 1960 (9) for purposes of Section ~~[30-1-34]~~ [81-2-206](#), recognize one or more national
- 1961 organizations that certify family life educators.

Section 42. Section **76-8-1201** is amended to read:

76-8-1201. Definitions.

As used in this part:

- 1965 (1) "Client" means a person who receives or has received public assistance.
- 1966 (2) "Overpayment" has the same meaning as defined in Section [35A-3-102](#).
- 1967 (3) "Provider" ~~[has the same meaning as defined in Section [26B-9-101](#)]~~ means a person
- 1968 or entity that receives compensation from any public assistance program for goods or services
- 1969 provided to a public assistance recipient.
- 1970 (4) "Public assistance" has the same meaning as defined in Section [35A-1-102](#).

Section 43. Section **77-36-1** is amended to read:

77-36-1. Definitions.

As used in this chapter:

- 1974 (1) "Cohabitant" means the same as that term is defined in Section [78B-7-102](#).
- 1975 (2) "Department" means the Department of Public Safety.
- 1976 (3) "Divorced" means an individual who has obtained a divorce under ~~[Title 30,~~
- 1977 ~~Chapter 3, Divorce]~~ Title 81, Chapter 4, Part 4, Divorce.
- 1978 (4) "Domestic violence" or "domestic violence offense" means any criminal offense
- 1979 involving violence or physical harm or threat of violence or physical harm, or any attempt,
- 1980 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,

1981 when committed by one cohabitant against another. "Domestic violence" or "domestic
1982 violence offense" includes commission or attempt to commit, any of the following offenses by
1983 one cohabitant against another:

- 1984 (a) aggravated assault, as described in Section 76-5-103;
- 1985 (b) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with the
1986 intent to harass or threaten the other cohabitant;
- 1987 (c) assault, as described in Section 76-5-102;
- 1988 (d) criminal homicide, as described in Section 76-5-201;
- 1989 (e) harassment, as described in Section 76-5-106;
- 1990 (f) electronic communication harassment, as described in Section 76-9-201;
- 1991 (g) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections
1992 76-5-301, 76-5-301.1, and 76-5-302;
- 1993 (h) mayhem, as described in Section 76-5-105;
- 1994 (i) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and
1995 sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in
1996 Sections 76-5b-201 and 76-5b-201.1;
- 1997 (j) stalking, as described in Section 76-5-106.5;
- 1998 (k) unlawful detention or unlawful detention of a minor, as described in Section
1999 76-5-304;
- 2000 (l) violation of a protective order or ex parte protective order, as described in Section
2001 76-5-108;
- 2002 (m) any offense against property described in Title 76, Chapter 6, Part 1, Property
2003 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6,
2004 Part 3, Robbery;
- 2005 (n) possession of a deadly weapon with criminal intent, as described in Section
2006 76-10-507;
- 2007 (o) discharge of a firearm from a vehicle, near a highway, or in the direction of any
2008 person, building, or vehicle, as described in Section 76-10-508;
- 2009 (p) disorderly conduct, as defined in Section 76-9-102, if a conviction or adjudication
2010 of disorderly conduct is the result of a plea agreement in which the perpetrator was originally
2011 charged with a domestic violence offense otherwise described in this Subsection (4), except

2012 that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the
2013 manner described in this Subsection (4)(p), does not constitute a misdemeanor crime of
2014 domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18
2015 U.S.C. Sec. 921 et seq.;

- 2016 (q) child abuse, as described in Section [76-5-114](#);
- 2017 (r) threatening use of a dangerous weapon, as described in Section [76-10-506](#);
- 2018 (s) threatening violence, as described in Section [76-5-107](#);
- 2019 (t) tampering with a witness, as described in Section [76-8-508](#);
- 2020 (u) retaliation against a witness or victim, as described in Section [76-8-508.3](#);
- 2021 (v) unlawful distribution of an intimate image, as described in Section [76-5b-203](#), or
2022 unlawful distribution of a counterfeit intimate image, as described in Section [76-5b-205](#);
- 2023 (w) sexual battery, as described in Section [76-9-702.1](#);
- 2024 (x) voyeurism, as described in Section [76-9-702.7](#);
- 2025 (y) damage to or interruption of a communication device, as described in Section
2026 [76-6-108](#); or
- 2027 (z) an offense described in Subsection [78B-7-806\(1\)](#).

2028 (5) "Jail release agreement" means the same as that term is defined in Section
2029 [78B-7-801](#).

2030 (6) "Jail release court order" means the same as that term is defined in Section
2031 [78B-7-801](#).

2032 (7) "Marital status" means married and living together, divorced, separated, or not
2033 married.

2034 (8) "Married and living together" means a couple whose marriage was solemnized
2035 under Section [~~30-1-4 or 30-1-6~~] [81-2-305](#) or [81-2-407](#) and who are living in the same
2036 residence.

2037 (9) "Not married" means any living arrangement other than married and living together,
2038 divorced, or separated.

2039 (10) "Protective order" includes an order issued under Subsection [78B-7-804\(3\)](#).

2040 (11) "Pretrial protective order" means a written order:

- 2041 (a) specifying and limiting the contact a person who has been charged with a domestic
2042 violence offense may have with an alleged victim or other specified individuals; and

2043 (b) specifying other conditions of release under Section [78B-7-802](#) or [78B-7-803](#),
 2044 pending trial in the criminal case.

2045 (12) "Sentencing protective order" means a written order of the court as part of
 2046 sentencing in a domestic violence case that limits the contact an individual who is convicted or
 2047 adjudicated of a domestic violence offense may have with a victim or other specified
 2048 individuals under Section [78B-7-804](#).

2049 (13) "Separated" means a couple who have had their marriage solemnized under
 2050 Section [~~30-1-4 or 30-1-6~~] [81-2-305](#) or [81-2-407](#) and who are not living in the same residence.

2051 (14) "Victim" means a cohabitant who has been subjected to domestic violence.
 2052 Section 44. Section **77-38-615** is amended to read:

2053 **77-38-615. Participation in the program -- Orders in relation to allocation of**
 2054 **custody or parent-time.**

2055 (1) A court may not consider a parent's participation in the program for the purpose of
 2056 making an order allocating custody [~~under Section 30-3-10 or parent-time under Section~~
 2057 ~~30-3-32~~] or parent-time under Title 81, Chapter 9, Custody, Parent-time, and Visitation.

2058 (2) A court shall take practical measures to keep a program participant's actual address
 2059 confidential when making an order allocating custody or parent-time.

2060 (3) Nothing in this part affects an order relating to the allocation of custody or
 2061 parent-time in effect prior to or during a program participant's participation in the program.

2062 Section 45. Section **78A-2-301** is amended to read:

2063 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

2064 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
 2065 court of record not governed by another subsection is \$375.

2066 (b) The fee for filing a complaint or petition is:

2067 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,
 2068 interest, and attorney fees is \$2,000 or less;

2069 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
 2070 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

2071 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

2072 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed [~~under Title~~
 2073 ~~30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;]~~ for an action described

2074 in Title 81, Chapter 4, Dissolution of Marriage;

2075 (v) \$35 for a [~~motion~~] petition for temporary separation [~~order filed under Section~~
2076 ~~30-3-4.5~~] described in Section 81-4-104;

2077 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
2078 Registry under Section ~~77-41-112~~; and

2079 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or
2080 adoptive child of the petitioner.

2081 (c) The fee for filing a small claims affidavit is:

2082 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
2083 interest, and attorney fees is \$2,000 or less;

2084 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
2085 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

2086 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
2087 interest, and attorney fees is \$7,500 or more.

2088 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
2089 complaint, or other claim for relief against an existing or joined party other than the original
2090 complaint or petition is:

2091 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
2092 \$2,000 or less;

2093 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
2094 greater than \$2,000 and less than \$10,000;

2095 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
2096 \$10,000 or more, or the party seeks relief other than monetary damages; and

2097 (iv) \$130 if the original petition is filed [~~under Title 30, Chapter 3, Divorce, or Title~~
2098 ~~30, Chapter 4, Separate Maintenance~~] for an action described in Title 81, Chapter 4,
2099 Dissolution of Marriage.

2100 (e) The fee for filing a small claims counter affidavit is:

2101 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
2102 \$2,000 or less;

2103 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
2104 greater than \$2,000, but less than \$7,500; and

2105 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
2106 \$7,500 or more.

2107 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
2108 action already before the court is determined under Subsection (1)(b) based on the amount
2109 deposited.

2110 (g) The fee for filing a petition is:

2111 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
2112 department; and

2113 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
2114 Section 10-3-703.7.

2115 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
2116 petition for writ of certiorari is \$240.

2117 (i) The fee for filing a petition for expungement is \$150.

2118 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
2119 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
2120 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
2121 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
2122 Act.

2123 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
2124 allocated by the state treasurer to be deposited into the restricted account, Children's Legal
2125 Defense Account, as provided in Section 51-9-408.

2126 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
2127 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided
2128 in Section 78B-6-209.

2129 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
2130 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
2131 deposited into the restricted account, Court Security Account, as provided in Section
2132 78A-2-602.

2133 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
2134 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the restricted account,
2135 Court Security Account, as provided in Section 78A-2-602.

2136 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
2137 United States is \$35.

2138 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
2139 50% of the fee for filing an original action seeking the same relief.

2140 (m) The fee for filing probate or child custody documents from another state is \$35.

2141 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the
2142 State Tax Commission is \$30.

2143 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
2144 or a judgment, order, or decree of an administrative agency, commission, board, council, or
2145 hearing officer of this state or of its political subdivisions other than the State Tax
2146 Commission, is \$50.

2147 (o) The fee for filing a judgment by confession without action under Section
2148 78B-5-205 is \$35.

2149 (p) The fee for filing an award of arbitration for confirmation, modification, or
2150 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
2151 action before the court is \$35.

2152 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
2153 other than a protective order or stalking injunction is \$100.

2154 (r) The fee for filing any accounting required by law is:

2155 (i) \$15 for an estate valued at \$50,000 or less;

2156 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

2157 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

2158 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

2159 (v) \$175 for an estate valued at more than \$168,000.

2160 (s) The fee for filing a demand for a civil jury is \$250.

2161 (t) The fee for filing a notice of deposition in this state concerning an action pending in
2162 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

2163 (u) The fee for filing documents that require judicial approval but are not part of an
2164 action before the court is \$35.

2165 (v) The fee for a petition to open a sealed record is \$35.

2166 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in

2167 addition to any fee for a complaint or petition.

2168 (x) (i) The fee for a petition for authorization for a minor to marry required by Section
2169 ~~[30-1-9]~~ 81-2-304 is \$5.

2170 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
2171 Emancipation, is \$50.

2172 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.

2173 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per
2174 page.

2175 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
2176 per page.

2177 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of
2178 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
2179 Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc)
2180 shall be credited to the court as a reimbursement of expenditures.

2181 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
2182 the public to conduct a limited amount of searches on the Xchange database without having to
2183 pay a monthly subscription fee.

2184 (dd) There is no fee for services or the filing of documents not listed in this section or
2185 otherwise provided by law.

2186 (ee) Except as provided in this section, all fees collected under this section are paid to
2187 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
2188 accepts the pleading for filing or performs the requested service.

2189 (ff) The filing fees under this section may not be charged to the state, the state's
2190 agencies, or political subdivisions filing or defending any action. In judgments awarded in
2191 favor of the state, its agencies, or political subdivisions, except the Office of Recovery
2192 Services, the court shall order the filing fees and collection costs to be paid by the judgment
2193 debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit
2194 to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

2195 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall
2196 transfer all revenues representing the difference between the fees in effect after May 2, 1994,
2197 and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities

2198 Construction and Management Capital Projects Fund.

2199 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
2200 Construction and Management shall use up to \$3,750,000 of the revenue deposited into the
2201 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to
2202 initiate the development of a courts complex in Salt Lake City.

2203 (B) If the Legislature approves funding for construction of a courts complex in Salt
2204 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and
2205 Management shall use the revenue deposited into the Capital Projects Fund under this
2206 Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

2207 (C) After the courts complex is completed and all bills connected with its construction
2208 have been paid, the Division of Facilities Construction and Management shall use any money
2209 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal
2210 District Court building.

2211 (iii) The Division of Facilities Construction and Management may enter into
2212 agreements and make expenditures related to this project before the receipt of revenues
2213 provided for under this Subsection (2)(a)(iii).

2214 (iv) The Division of Facilities Construction and Management shall:

2215 (A) make those expenditures from unexpended and unencumbered building funds
2216 already appropriated to the Capital Projects Fund; and

2217 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
2218 under this Subsection (2).

2219 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
2220 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
2221 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
2222 account.

2223 (c) The Division of Finance shall deposit all revenues received from the state court
2224 administrator into the restricted account created by this section.

2225 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall
2226 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
2227 Vehicles, in a court of record to the Division of Facilities Construction and Management
2228 Capital Projects Fund. The division of money pursuant to Section [78A-5-110](#) shall be

2229 calculated on the balance of the fine or bail forfeiture paid.

2230 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7
2231 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a
2232 court of record to the Division of Finance for deposit in the restricted account created by this
2233 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
2234 balance of the fine or bail forfeiture paid.

2235 (3) (a) There is created within the General Fund a restricted account known as the State
2236 Courts Complex Account.

2237 (b) The Legislature may appropriate money from the restricted account to the state
2238 court administrator for the following purposes only:

2239 (i) to repay costs associated with the construction of the court complex that were
2240 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

2241 (ii) to cover operations and maintenance costs on the court complex.

2242 Section 46. Section 78A-5a-103 (Effective 10/01/24) is amended to read:

2243 **78A-5a-103 (Effective 10/01/24). Concurrent jurisdiction of the Business and**
2244 **Chancery Court -- Exceptions.**

2245 (1) The Business and Chancery Court has jurisdiction, concurrent with the district
2246 court, over an action:

2247 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief;
2248 and

2249 (b) (i) with a claim arising from:

2250 (A) a breach of a contract;

2251 (B) a breach of a fiduciary duty;

2252 (C) a dispute over the internal affairs or governance of a business organization;

2253 (D) the sale, merger, or dissolution of a business organization;

2254 (E) the sale of substantially all of the assets of a business organization;

2255 (F) the receivership or liquidation of a business organization;

2256 (G) a dispute over liability or indemnity between or among owners of the same
2257 business organization;

2258 (H) a dispute over liability or indemnity of an officer or owner of a business
2259 organization;

2260 (I) a tortious or unlawful act committed against a business organization, including an
2261 act of unfair competition, tortious interference, or misrepresentation or fraud;

2262 (J) a dispute between a business organization and an insurer regarding a commercial
2263 insurance policy;

2264 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

2265 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform Trade
2266 Secrets Act;

2267 (M) the misappropriation of intellectual property;

2268 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or
2269 confidentiality agreement, regardless of whether the agreement is oral or written;

2270 (O) a relationship between a franchisor and a franchisee;

2271 (P) the purchase or sale of a security or an allegation of security fraud;

2272 (Q) a dispute over a blockchain, blockchain technology, or a decentralized autonomous
2273 organization;

2274 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or

2275 (S) a contract with a forum selection clause for a chancery, business, or commercial
2276 court of this state or any other state;

2277 (ii) with a malpractice claim concerning services that a professional provided to a
2278 business organization; or

2279 (iii) that is a shareholder derivative action.

2280 (2) The Business and Chancery Court may exercise supplemental jurisdiction over all
2281 claims in an action that the Business and Chancery Court has jurisdiction under Subsection (1),
2282 except that the Business and Chancery Court may not exercise jurisdiction over:

2283 (a) any claim arising from:

2284 (i) a consumer contract;

2285 (ii) a personal injury, including any personal injury relating to or arising out of health
2286 care rendered or which should have been rendered by the health care provider;

2287 (iii) a wrongful termination of employment or a prohibited or discriminatory
2288 employment practice;

2289 (iv) a violation of Title 13, Chapter 7, Civil Rights;

2290 [~~(v) Title 30, Husband and Wife;~~]

- 2291 [~~(vi)~~] (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 2292 [~~(vii)~~] (vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;
- 2293 [~~(viii)~~] (vii) Title 78B, Chapter 6, Part 5, Eminent Domain;
- 2294 [~~(ix)~~] (viii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer;
- 2295 [~~(x)~~] (ix) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- 2296 [~~(xi) Title 78B, Chapter 12, Utah Child Support Act;~~]
- 2297 [~~(xii)~~] (x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
- 2298 Enforcement Act;
- 2299 [~~(xiii)~~] (xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;
- 2300 [~~(xiv)~~] (xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;
- 2301 [~~(xv)~~] (xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act; [~~or~~]
- 2302 [~~(xvi)~~] (xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time,
- 2303 and Visitation Act; or
- 2304 (xv) Title 81, Utah Domestic Relations Code; or

2305 (b) any criminal matter, unless the criminal matter is an act or omission of contempt
 2306 that occurs in an action before the Business and Chancery Court.

2307 Section 47. Section **78A-6-103** is amended to read:

2308 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
 2309 **Findings -- Transfer of a case from another court.**

2310 (1) Except as otherwise provided by Sections [78A-5-102.5](#) and [78A-7-106](#), the juvenile
 2311 court has original jurisdiction over:

2312 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
 2313 state, or federal law, that was committed by a child;

2314 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
 2315 state, or federal law, that was committed by an individual:

2316 (i) who is under 21 years old at the time of all court proceedings; and

2317 (ii) who was under 18 years old at the time the offense was committed; and

2318 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
 2319 law, that was committed:

2320 (i) by an individual:

2321 (A) who was 18 years old and enrolled in high school at the time of the offense; and

- 2322 (B) who is under 21 years old at the time of all court proceedings; and
- 2323 (ii) on school property where the individual was enrolled:
- 2324 (A) when school was in session; or
- 2325 (B) during a school-sponsored activity, as defined in Subsection Section [53G-8-211](#).
- 2326 (2) The juvenile court has original jurisdiction over:
- 2327 (a) any proceeding concerning:
- 2328 (i) a child who is an abused child, neglected child, or dependent child;
- 2329 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
- 2330 Protective Orders;
- 2331 (iii) the appointment of a guardian of the individual or other guardian of a minor who
- 2332 comes within the court's jurisdiction under other provisions of this section;
- 2333 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;
- 2334 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
- 2335 Termination and Restoration of Parental Rights, including termination of residual parental
- 2336 rights and duties;
- 2337 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 2338 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
- 2339 accordance with Section [~~30-1-9~~] [81-2-304](#);
- 2340 (viii) an order for a parent or a guardian of a child under Subsection [80-6-705\(3\)](#);
- 2341 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 2342 (x) the treatment or commitment of a child with a mental illness;
- 2343 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
- 2344 Section [26B-5-204](#);
- 2345 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
- 2346 Part 4, Competency;
- 2347 (xiii) de novo review of final agency actions resulting from an informal adjudicative
- 2348 proceeding as provided in Section [63G-4-402](#);
- 2349 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
- 2350 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
- 2351 terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 2352 (xv) an ungovernable or runaway child who is referred to the juvenile court by the

2353 Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the
2354 Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:

2355 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that
2356 the child's behavior or condition endangers the child's own welfare or the welfare of others; or

2357 (B) has run away from home; and

2358 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
2359 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to
2360 comply with a promise to appear and bring a child to the juvenile court;

2361 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
2362 Expungement; and

2363 (c) the extension of a nonjudicial adjustment under Section 80-6-304.

2364 (3) The juvenile court has original jurisdiction over a petition for special findings under
2365 Section 80-3-505.

2366 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the
2367 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
2368 (2)(a)(xvi), (b), or (c).

2369 (5) This section does not restrict the right of access to the juvenile court by private
2370 agencies or other persons.

2371 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases
2372 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

2373 (7) The juvenile court has jurisdiction to make a finding of substantiated,
2374 unsubstantiated, or without merit, in accordance with Section 80-3-404.

2375 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
2376 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

2377 Section 48. Section 78A-6-104 is amended to read:

2378 **78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a**
2379 **protective order.**

2380 (1) (a) The juvenile court has jurisdiction, concurrent with the district court:

2381 (i) to establish paternity, or to order testing for purposes of establishing paternity, for a
2382 child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, when a
2383 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency

2384 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights, that
2385 involves the child;

2386 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
2387 jurisdiction over the minor's case under Section 78A-6-103; and

2388 (iii) over questions of custody, support, and parent-time of a minor if the juvenile court
2389 has jurisdiction over the minor's case under Section 78A-6-103.

2390 (b) If the juvenile court obtains jurisdiction over a paternity action under Subsection
2391 (1)(a)(i), the juvenile court may:

2392 (i) retain jurisdiction over the paternity action until paternity of the child is adjudicated;
2393 or

2394 (ii) transfer jurisdiction over the paternity action to the district court.

2395 (2) (a) The juvenile court has jurisdiction, concurrent with the district court or the
2396 justice court otherwise having jurisdiction, over a criminal information filed under Part 4a,
2397 Adult Criminal Proceedings, for an adult alleged to have committed:

2398 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to a
2399 minor;

2400 (ii) an offense under Section 53G-6-202, failure to comply with compulsory education
2401 requirements;

2402 (iii) an offense under Section 80-2-609, failure to report;

2403 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;

2404 (v) an offense under Section 76-10-2301, contributing to the delinquency of a minor; or

2405 (vi) an offense under Section 80-5-601, harboring a runaway.

2406 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the
2407 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection

2408 (2)(a).

2409 (3) (a) When a support, custody, or parent-time award has been made by a district court
2410 in a divorce action or other proceeding, and the jurisdiction of the district court in the case is
2411 continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the
2412 child comes within the jurisdiction of the juvenile court under Section 78A-6-103.

2413 (b) (i) The juvenile court may, by order, change the custody subject to Subsection
2414 ~~[30-3-10(6)]~~ 81-9-204(5), support, parent-time, and visitation rights previously ordered in the

2415 district court as necessary to implement the order of the juvenile court for the safety and
2416 welfare of the child.

2417 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long
2418 as the juvenile court continues to exercise jurisdiction.

2419 (c) If a copy of the findings and order of the juvenile court under this Subsection (3)
2420 are filed with the district court, the findings and order of the juvenile court are binding on the
2421 parties to the divorce action as though entered in the district court.

2422 (4) This section does not deprive the district court of jurisdiction to:

2423 (a) appoint a guardian for a child;

2424 (b) determine the support, custody, and parent-time of a child upon writ of habeas
2425 corpus; or

2426 (c) determine a question of support, custody, and parent-time that is incidental to the
2427 determination of an action in the district court.

2428 (5) A juvenile court may transfer a petition for a protective order for a child to the
2429 district court if the juvenile court has entered an ex parte protective order and finds that:

2430 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
2431 parent of the child who is the object of the petition;

2432 (b) the district court has a petition pending or an order related to custody or parent-time
2433 entered under [~~Title 30, Chapter 3, Divorce,~~] Title 78B, Chapter 7, Part 6, Cohabitant Abuse
2434 Protective Orders, [~~or~~] Title 78B, Chapter 15, Utah Uniform Parentage Act, or Title 81,
2435 Chapter 4, Part 4, Divorce, in which the petitioner and the respondent are parties; and

2436 (c) the best interests of the child will be better served in the district court.

2437 Section 49. Section **78A-6-356** is amended to read:

2438 **78A-6-356. Child support obligation when custody of a child is vested in an**
2439 **individual or institution.**

2440 (1) As used in this section:

2441 (a) "Office" means the Office of Recovery Services.

2442 (b) "State custody" means that a child is in the custody of a state department, division,
2443 or agency, including secure care.

2444 (2) Under this section, a juvenile court may not issue a child support order against an
2445 individual unless:

2446 (a) the individual is served with notice that specifies the date and time of a hearing to
2447 determine the financial support of a specified child;

2448 (b) the individual makes a voluntary appearance; or

2449 (c) the individual submits a waiver of service.

2450 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
2451 custody or if the guardianship of the child has been granted to another party and an agreement
2452 for a guardianship subsidy has been signed by the guardian, the juvenile court:

2453 (a) shall order the child's parent, guardian, or other obligated individual to pay child
2454 support for each month the child is in state custody or cared for under a grant of guardianship;

2455 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and
2456 in writing, of the requirement to pay child support in accordance with [~~Title 78B, Chapter 12,~~
2457 ~~Utah Child Support Act~~] Title 81, Chapter 6, Child Support; and

2458 (c) may refer the establishment of a child support order to the office.

2459 (4) When a juvenile court chooses to refer a case to the office to determine support
2460 obligation amounts in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title
2461 81, Chapter 6, Child Support, the juvenile court shall:

2462 (a) make the referral within three working days after the day on which the juvenile
2463 court holds the hearing described in Subsection (2)(a); and

2464 (b) inform the child's parent, guardian, or other obligated individual of:

2465 (i) the requirement to contact the office within 30 days after the day on which the
2466 juvenile court holds the hearing described in Subsection (2)(a); and

2467 (ii) the penalty described in Subsection (6) for failure to contact the office.

2468 (5) Liability for child support ordered under Subsection (3) shall accrue:

2469 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
2470 the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child
2471 support order for the child; or

2472 (b) beginning on the day the child is removed from the child's home, including time
2473 spent in detention or sheltered care, if the child is removed after having been returned to the
2474 child's home from state custody.

2475 (6) (a) If the child's parent, guardian, or other obligated individual contacts the office
2476 within 30 days after the day on which the court holds the hearing described in Subsection

2477 (2)(a), the child support order may not include a judgment for past due support for more than
2478 two months.

2479 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the
2480 liability of support to begin to accrue from the date of the proceeding referenced in Subsection
2481 (3) if:

2482 (i) the court informs the child's parent, guardian, or other obligated individual, as
2483 described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to
2484 contact the office within 30 days after the day on which the court holds the hearing described in
2485 Subsection (2)(a); and

2486 (ii) the office took reasonable steps under the circumstances to contact the child's
2487 parent, guardian, or other obligated individual within 30 days after the last day on which the
2488 parent, guardian, or other obligated individual was required to contact the office to facilitate the
2489 establishment of a child support order.

2490 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken
2491 reasonable steps if the office:

2492 (i) has a signed, returned receipt for a certified letter mailed to the address of the child's
2493 parent, guardian, or other obligated individual regarding the requirement that a child support
2494 order be established; or

2495 (ii) has had a documented conversation, whether by telephone or in person, with the
2496 child's parent, guardian, or other obligated individual regarding the requirement that a child
2497 support order be established.

2498 (7) In collecting arrears, the office shall comply with Section [26B-9-219](#) in setting a
2499 payment schedule or demanding payment in full.

2500 (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
2501 individual shall pay the child support to the office.

2502 (b) The clerk of the juvenile court, the office, or the department and the department's
2503 divisions shall have authority to receive periodic payments for the care and maintenance of the
2504 child, such as social security payments or railroad retirement payments made in the name of or
2505 for the benefit of the child.

2506 (9) An existing child support order payable to a parent or other individual shall be
2507 assigned to the department as provided in Section [26B-9-111](#).

2508 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
2509 the juvenile court in an individual.

2510 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the
2511 court may order the child's parent, guardian, or other obligated individual to pay child support
2512 to the individual in whom custody is vested.

2513 (ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian,
2514 or other obligated individual, verbally and in writing, of the requirement to pay child support in
2515 accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child
2516 Support.

2517 (11) The juvenile court may not order an individual to pay child support for a child in
2518 state custody if:

2519 (a) the individual's only form of income is a government-issued disability benefit;

2520 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
2521 disability, and not the child's disability; and

2522 (c) the individual provides the juvenile court and the office evidence that the individual
2523 meets the requirements of Subsections (11)(a) and (b).

2524 (12) (a) The child's parent or another obligated individual is not responsible for child
2525 support for the period of time that the child is removed from the child's home by the Division
2526 of Child and Family Services if:

2527 (i) the juvenile court finds that there were insufficient grounds for the removal of the
2528 child; and

2529 (ii) the child is returned to the home of the child's parent or guardian based on the
2530 finding described in Subsection (12)(a)(i).

2531 (b) If the juvenile court finds insufficient grounds for the removal of the child under
2532 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court shall order
2533 that the child's parent or another obligated individual is responsible for child support beginning
2534 on the day on which it became improper to return the child to the home of the child's parent or
2535 guardian.

2536 (13) After the juvenile court or the office establishes an individual's child support
2537 obligation ordered under Subsection (3), the office shall waive the obligation without further
2538 order of the juvenile court if:

2539 (a) the individual's child support obligation is established [~~under the low income table~~
2540 ~~in Section 78B-12-302 or 78B-12-304~~] in accordance with a low income table described in
2541 Title 81, Chapter 6, Part 3, Child Support Tables; or

2542 (b) the individual's only source of income is a means-tested, income replacement
2543 payment of aid, including:

2544 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
2545 Program; or

2546 (ii) cash benefits received under General Assistance, social security income, or social
2547 security disability income.

2548 Section 50. Section **78B-3-416** is amended to read:

2549 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**
2550 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**
2551 **fees.**

2552 (1) (a) The division shall provide a hearing panel in alleged medical liability cases
2553 against health care providers as defined in Section **78B-3-403**, except dentists or dental care
2554 providers.

2555 (b) (i) The division shall establish procedures for prelitigation consideration of medical
2556 liability claims for damages arising out of the provision of or alleged failure to provide health
2557 care.

2558 (ii) The division may establish rules necessary to administer the process and
2559 procedures related to prelitigation hearings and the conduct of prelitigation hearings in
2560 accordance with Sections **78B-3-416** through **78B-3-420**.

2561 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
2562 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing
2563 litigation.

2564 (d) Proceedings conducted under authority of this section are confidential, privileged,
2565 and immune from civil process.

2566 (e) The division may not provide more than one hearing panel for each alleged medical
2567 liability case against a health care provider.

2568 (2) (a) The party initiating a medical liability action shall file a request for prelitigation
2569 panel review with the division within 60 days after the service of a statutory notice of intent to

2570 commence action under Section [78B-3-412](#).

2571 (b) The request shall include a copy of the notice of intent to commence action. The
2572 request shall be mailed to all health care providers named in the notice and request.

2573 (3) (a) As used in this Subsection (3):

2574 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
2575 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

2576 (ii) "Domestic case" means a proceeding under:

2577 [~~(A)~~] ~~Title 30, Chapter 3, Divorce;~~

2578 [~~(B)~~] ~~Title 30, Chapter 4, Separate Maintenance;~~

2579 [~~(C)~~] ~~Title 30, Chapter 5, Grandparents;~~

2580 [~~(D)~~] ~~Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents
2581 Act;~~

2582 [~~(E)~~] (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

2583 [~~(F)~~] (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
2584 Enforcement Act; [or]

2585 [~~(G)~~] (C) Title 78B, Chapter 15, Utah Uniform Parentage Act[-];

2586 (D) Title 81, Chapter 4, Dissolution of Marriage; or

2587 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.

2588 (iii) "Mental health therapist" means the same as that term is defined in Section
2589 [58-60-102](#).

2590 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
2591 domestic case may not file a request for a prelitigation panel review for a malpractice action
2592 against the court-appointed therapist during the pendency of the domestic case, unless:

2593 (i) the party has requested that the court release the court-appointed therapist from
2594 appointment; and

2595 (ii) the court finds good cause to release the court-appointed therapist from the
2596 appointment.

2597 (c) If a party is prohibited from filing a request for a prelitigation panel review under
2598 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:

2599 (i) the court releasing the court-appointed therapist from appointment as described in
2600 Subsection (3)(b); or

- 2601 (ii) the court entering a final order in the domestic case.
- 2602 (4) (a) The filing of a request for prelitigation panel review under this section tolls the
2603 applicable statute of limitations until the later of:
- 2604 (i) 60 days following the division's issuance of:
- 2605 (A) an opinion by the prelitigation panel; or
- 2606 (B) a certificate of compliance under Section 78B-3-418; or
- 2607 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).
- 2608 (b) The division shall:
- 2609 (i) send any opinion issued by the panel to all parties by regular mail; and
- 2610 (ii) complete a prelitigation hearing under this section within:
- 2611 (A) 180 days after the filing of the request for prelitigation panel review; or
- 2612 (B) any longer period as agreed upon in writing by all parties to the review.
- 2613 (c) If the prelitigation hearing has not been completed within the time limits
2614 established in Subsection (4)(b)(ii), the claimant shall:
- 2615 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or
- 2616 (ii) file an affidavit with the division within 180 days of the request for pre-litigation
2617 review, in accordance with Subsection (4)(d), alleging that the respondent has failed to
2618 reasonably cooperate in scheduling the hearing.
- 2619 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):
- 2620 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division
2621 shall determine whether either the respondent or the claimant failed to reasonably cooperate in
2622 the scheduling of a pre-litigation hearing; and
- 2623 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in the
2624 scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division
2625 shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418;
2626 or
- 2627 (B) if the division makes a determination other than the determination in Subsection
2628 (4)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423,
2629 within 30 days of the determination of the division under this Subsection (4).
- 2630 (e) (i) The claimant and any respondent may agree by written stipulation that no useful
2631 purpose would be served by convening a prelitigation panel under this section.

2632 (ii) When the stipulation is filed with the division, the division shall within 10 days
2633 after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the
2634 stipulating respondent, and stating that the claimant has complied with all conditions precedent
2635 to the commencement of litigation regarding the claim.

2636 (5) The division shall provide for and appoint an appropriate panel or panels to hear
2637 complaints of medical liability and damages, made by or on behalf of any patient who is an
2638 alleged victim of medical liability. The panels are composed of:

2639 (a) one member who is a resident lawyer currently licensed and in good standing to
2640 practice law in this state and who shall serve as chairman of the panel, who is appointed by the
2641 division from among qualified individuals who have registered with the division indicating a
2642 willingness to serve as panel members, and a willingness to comply with the rules of
2643 professional conduct governing lawyers in the state, and who has completed division training
2644 regarding conduct of panel hearings;

2645 (b) (i) one or more members who are licensed health care providers listed under
2646 Section 78B-3-403, who are practicing and knowledgeable in the same specialty as the
2647 proposed defendant, and who are appointed by the division in accordance with Subsection (6);
2648 or

2649 (ii) in claims against only a health care facility or the facility's employees, one member
2650 who is an individual currently serving in a health care facility administration position directly
2651 related to health care facility operations or conduct that includes responsibility for the area of
2652 practice that is the subject of the liability claim, and who is appointed by the division; and

2653 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
2654 provider, and who is a responsible citizen of the state, selected and appointed by the division
2655 from among individuals who have completed division training with respect to panel hearings.

2656 (6) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing
2657 under a license issued by the state, is obligated as a condition of holding that license to
2658 participate as a member of a medical liability prelitigation panel at reasonable times, places,
2659 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the
2660 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

2661 (b) A licensee may be excused from appearance and participation as a panel member
2662 upon the division finding participation by the licensee will create an unreasonable burden or

2663 hardship upon the licensee.

2664 (c) A licensee whom the division finds failed to appear and participate as a panel
2665 member when so ordered, without adequate explanation or justification and without being
2666 excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

2667 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
2668 participate as a panel member when so ordered, without adequate explanation or justification
2669 and without being excused for cause by the division, may be assessed an administrative fine not
2670 to exceed \$5,000, and is guilty of unprofessional conduct.

2671 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the
2672 Physicians Education Fund created in Section 58-67a-1.

2673 (f) The director of the division may collect a fine that is not paid by:

2674 (i) referring the matter to a collection agency; or

2675 (ii) bringing an action in the district court of the county where the person against whom
2676 the penalty is imposed resides or in the county where the office of the director is located.

2677 (g) A county attorney or the attorney general of the state shall provide legal assistance
2678 and advice to the director in an action to collect a fine.

2679 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
2680 action brought by the division to collect a fine.

2681 (7) Each person selected as a panel member shall certify, under oath, that he has no
2682 bias or conflict of interest with respect to any matter under consideration.

2683 (8) A member of the prelitigation hearing panel may not receive compensation or
2684 benefits for the member's service, but may receive per diem and travel expenses in accordance
2685 with:

2686 (a) Section 63A-3-106;

2687 (b) Section 63A-3-107; and

2688 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2689 63A-3-107.

2690 (9) (a) In addition to the actual cost of administering the licensure of health care
2691 providers, the division may set license fees of health care providers within the limits
2692 established by law equal to their proportionate costs of administering prelitigation panels.

2693 (b) The claimant bears none of the costs of administering the prelitigation panel except

2694 under Section [78B-3-420](#).

2695 Section 51. Section **78B-3-426** is amended to read:

2696 **78B-3-426. Nonpatient plaintiffs.**

2697 (1) For purposes of this section, a nonpatient plaintiff does not include a patient, as
2698 defined in [~~Subsection [78B-3-403](#)(23)] [Section 78B-3-403](#).~~

2699 (2) This section does not apply to a health care malpractice action brought or seeking
2700 recovery under Section [~~30-2-11;~~] [78B-3-106](#), [78B-3-107](#), [~~or~~] [78B-3-502](#), or [81-3-111](#).

2701 (3) To establish a malpractice action against a health care provider, a nonpatient
2702 plaintiff shall be required to show that:

- 2703 (a) the health care provider owes a duty to the nonpatient plaintiff;
- 2704 (b) the nonpatient plaintiff suffered a foreseeable injury;
- 2705 (c) the nonpatient plaintiff's injury was proximately caused by an act or omission of the
2706 health care provider; and
- 2707 (d) the health care provider's act or omission was conduct that manifests a knowing and
2708 reckless indifference toward, and a disregard of, the injury suffered by the nonpatient plaintiff.

2709 Section 52. Section **78B-6-316** is amended to read:

2710 **78B-6-316. Compensatory service for violation of parent-time order or failure to**
2711 **pay child support.**

2712 (1) As used in this section, "obligor" means the same as that term is defined in Section
2713 [81-6-101](#).

2714 ~~(1)~~ (2) If a court finds by a preponderance of the evidence that a parent has refused to
2715 comply with the minimum amount of parent-time ordered in a decree of divorce, the court shall
2716 order the parent to:

- 2717 (a) perform a minimum of 10 hours of compensatory service; and
- 2718 (b) participate in workshops, classes, or individual counseling to educate the parent
2719 about the importance of complying with the court order and providing a child a continuing
2720 relationship with both parents.

2721 ~~(2)~~ (3) If a custodial parent is ordered to perform compensatory service or undergo
2722 court-ordered education, there is a rebuttable presumption that the noncustodial parent be
2723 granted parent-time by the court to provide child care during the time the custodial parent is
2724 complying with compensatory service or education in order to recompense him for parent-time

2725 wrongfully denied by the custodial parent under the divorce decree.

2726 ~~[(3)]~~ (4) If a noncustodial parent is ordered to perform compensatory service or
 2727 undergo court-ordered education, the court shall attempt to schedule the compensatory service
 2728 or education at times that will not interfere with the noncustodial parent's parent-time with the
 2729 child.

2730 ~~[(4)]~~ (5) The person ordered to participate in court-ordered education is responsible for
 2731 expenses of workshops, classes, and individual counseling.

2732 ~~[(5)]~~ (6) If a court finds by a preponderance of the evidence that an obligor~~[, as defined~~
 2733 ~~in Section 78B-12-102,]~~ has refused to pay child support as ordered by a court in accordance
 2734 with ~~[Title 78B, Chapter 12, Utah Child Support Act]~~ Title 81, Chapter 6, Child Support, the
 2735 court shall order the obligor to:

2736 (a) perform a minimum of 10 hours of compensatory service; and

2737 (b) participate in workshops, classes, or individual counseling to educate the obligor
 2738 about the importance of complying with the court order and providing the children with a
 2739 regular and stable source of support.

2740 ~~[(6)]~~ (7) The obligor is responsible for the expenses of workshops, classes, and
 2741 individual counseling ordered by the court.

2742 ~~[(7)]~~ (8) If a court orders an obligor to perform compensatory service or undergo
 2743 court-ordered education, the court shall attempt to schedule the compensatory service or
 2744 education at times that will not interfere with the obligor's parent-time with the child.

2745 ~~[(8)]~~ (9) The sanctions that the court shall impose under this section do not prevent the
 2746 court from imposing other sanctions or prevent any person from bringing a cause of action
 2747 allowed under state or federal law.

2748 ~~[(9)]~~ (10) The Legislature shall allocate the money from the Children's Legal Defense
 2749 Account to the judiciary to defray the cost of enforcing and administering this section.

2750 Section 53. Section **78B-7-204** is amended to read:

2751 **78B-7-204. Content of orders -- Modification of orders -- Penalties.**

2752 (1) A child protective order or an ex parte child protective order may contain the
 2753 following provisions the violation of which is a class A misdemeanor under Section **76-5-108**:

2754 (a) enjoin the respondent from threatening to commit or committing abuse of the child;

2755 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise

2756 communicating with the child, directly or indirectly;

2757 (c) prohibit the respondent from entering or remaining upon the residence, school, or
2758 place of employment of the child and the premises of any of these or any specified place
2759 frequented by the child;

2760 (d) upon finding that the respondent's use or possession of a weapon may pose a
2761 serious threat of harm to the child, prohibit the respondent from purchasing, using, or
2762 possessing a firearm or other specified weapon; and

2763 (e) determine ownership and possession of personal property and direct the appropriate
2764 law enforcement officer to attend and supervise the petitioner's or respondent's removal of
2765 personal property.

2766 (2) A child protective order or an ex parte child protective order may contain the
2767 following provisions the violation of which is contempt of court:

2768 (a) determine temporary custody of the child who is the subject of the petition;

2769 (b) determine parent-time with the child who is the subject of the petition, including
2770 denial of parent-time if necessary to protect the safety of the child, and require supervision of
2771 parent-time by a third party;

2772 (c) determine child support in accordance with [~~Title 78B, Chapter 12, Utah Child~~
2773 ~~Support Act~~] Title 81, Chapter 6, Child Support; and

2774 (d) order any further relief the court considers necessary to provide for the safety and
2775 welfare of the child.

2776 (3) (a) If the child who is the subject of the child protective order attends the same
2777 school or place of worship as the respondent, or is employed at the same place of employment
2778 as the respondent, the court:

2779 (i) may not enter an order under Subsection (1)(c) that excludes the respondent from
2780 the respondent's school, place of worship, or place of employment; and

2781 (ii) may enter an order governing the respondent's conduct at the respondent's school,
2782 place of worship, or place of employment.

2783 (b) A violation of an order under Subsection (3)(a) is contempt of court.

2784 (4) (a) A respondent may petition the court to modify or vacate a child protective order
2785 after notice and a hearing.

2786 (b) At the hearing described in Subsection (4)(a):

2787 (i) the respondent shall have the burden of proving by clear and convincing evidence
2788 that modification or vacation of the child protective order is in the best interest of the child; and

2789 (ii) the court shall consider:

2790 (A) the nature and duration of the abuse;

2791 (B) the pain and trauma inflicted on the child as a result of the abuse;

2792 (C) if the respondent is a parent of the child, any reunification services provided in
2793 accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; and

2794 (D) any other evidence the court finds relevant to the determination of the child's best
2795 interests, including recommendations by the other parent or a guardian of the child, or a mental
2796 health professional.

2797 (c) The child is not required to attend the hearing described in Subsection (4)(a).

2798 Section 54. Section **78B-15-102** is amended to read:

2799 **78B-15-102. Definitions.**

2800 As used in this chapter:

2801 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the
2802 father of a child.

2803 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the
2804 genetic father or a possible genetic father of a child, but whose paternity has not been
2805 determined.

2806 (3) (a) "Assisted reproduction" means a method of causing pregnancy other than sexual
2807 intercourse. [~~The term includes:~~]

2808 (b) "Assisted reproduction" includes:

2809 [~~(a)~~] (i) intrauterine insemination;

2810 [~~(b)~~] (ii) donation of eggs;

2811 [~~(c)~~] (iii) donation of embryos;

2812 [~~(d)~~] (iv) in vitro fertilization and transfer of embryos; and

2813 [~~(e)~~] (v) intracytoplasmic sperm injection.

2814 (4) "Birth expenses" means all medical costs associated with the birth of a child,
2815 including the related expenses for the biological mother during her pregnancy and delivery.

2816 (5) "Birth mother" means the biological mother of a child.

2817 (6) "Child" means an individual of any age whose parentage may be determined under

2818 this chapter.

2819 (7) "Commence" means to file the initial pleading seeking an adjudication of parentage
2820 in the appropriate tribunal of this state.

2821 (8) "Declarant father" means a male who, along with the biological mother claims to be
2822 the genetic father of a child, and signs a voluntary declaration of paternity to establish the man's
2823 paternity.

2824 (9) "Determination of parentage" means the establishment of the parent-child
2825 relationship by the signing of a valid declaration of paternity under Part 3, Voluntary
2826 Declaration of Paternity Act, or adjudication by a tribunal.

2827 (10) (a) "Donor" means an individual who produces eggs or sperm used for assisted
2828 reproduction, whether or not for consideration. [~~The term does not include:~~]

2829 (b) "Donor" does not include:

2830 [~~(a)~~] (i) a husband who provides sperm, or a wife who provides eggs, to be used for
2831 assisted reproduction by the wife;

2832 [~~(b)~~] (ii) a woman who gives birth to a child by means of assisted reproduction, except
2833 as otherwise provided in Part 8, Gestational Agreement; or

2834 [~~(c)~~] (iii) a parent under Part 7, Assisted Reproduction, or an intended parent under
2835 Part 8, Gestational Agreement.

2836 (11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group
2837 that an individual identifies as all or part of the individual's ancestry or that is so identified by
2838 other information.

2839 (12) "Financial support" means a base child support award as defined in Section
2840 [~~78B-12-102~~] [81-6-101](#), all past-due support which accrues under an order for current periodic
2841 payments, and sum certain judgments for past-due support.

2842 (13) (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a
2843 man as the father or a woman as the mother of a child. [~~The term~~]

2844 (b) "Genetic testing" includes an analysis of one or a combination of the following:

2845 [~~(a)~~] (i) deoxyribonucleic acid; or

2846 [~~(b)~~] (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum
2847 enzymes, serum proteins, or red-cell enzymes.

2848 (14) "Gestational mother" means an adult woman who gives birth to a child under a

2849 gestational agreement.

2850 (15) [~~"Man," as defined in this chapter,~~] "Man" means a male individual of any age.

2851 (16) "Medical support" means a provision in a support order that requires the purchase
2852 and maintenance of appropriate insurance for health and dental expenses of dependent children,
2853 and assigns responsibility for uninsured medical expenses.

2854 (17) "Parent" means an individual who has established a parent-child relationship
2855 under Section [78B-15-201](#).

2856 (18) (a) "Parent-child relationship" means the legal relationship between a child and a
2857 parent of the child. [~~The term~~]

2858 (b) "Parent-child relationship" includes the mother-child relationship and the
2859 father-child relationship.

2860 (19) "Paternity index" means the likelihood of paternity calculated by computing the
2861 ratio between:

2862 (a) the likelihood that the tested man is the father, based on the genetic markers of the
2863 tested man and child, conditioned on the hypothesis that the tested man is the father of the
2864 child; and

2865 (b) the likelihood that the tested man is not the father, based on the genetic markers of
2866 the tested man and child, conditioned on the hypothesis that the tested man is not the father of
2867 the child and that the father is of the same ethnic or racial group as the tested man.

2868 (20) "Presumed father" means a man who, by operation of law under Section
2869 [78B-15-204](#), is recognized as the father of a child until that status is rebutted or confirmed as
2870 set forth in this chapter.

2871 (21) "Probability of paternity" means the measure, for the ethnic or racial group to
2872 which the alleged father belongs, of the probability that the man in question is the father of the
2873 child, compared with a random, unrelated man of the same ethnic or racial group, expressed as
2874 a percentage incorporating the paternity index and a prior probability.

2875 (22) "Record" means information that is inscribed on a tangible medium or that is
2876 stored in an electronic or other medium and is retrievable in perceivable form.

2877 (23) "Signatory" means an individual who authenticates a record and is bound by its
2878 terms.

2879 (24) "State" means a state of the United States, the District of Columbia, Puerto Rico,

2880 the United States Virgin Islands, any territory, Native American Tribe, or insular possession
2881 subject to the jurisdiction of the United States.

2882 (25) "Support-enforcement agency" means a public official or agency authorized under
2883 Title IV-D of the Social Security Act which has the authority to seek:

- 2884 (a) enforcement of support orders or laws relating to the duty of support;
- 2885 (b) establishment or modification of child support;
- 2886 (c) determination of parentage; or
- 2887 (d) location of child-support obligors and their income and assets.

2888 (26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity
2889 authorized to establish, enforce, or modify support orders or to determine parentage.

2890 Section 55. Section **78B-15-113** is amended to read:

2891 **78B-15-113. Parent-time rights of father.**

2892 (1) If the tribunal determines that the alleged father is the father, [it] the tribunal may
2893 upon [its] the tribunal's own motion or upon motion of the father, order parent-time rights in
2894 accordance with [~~Sections 30-3-32 through 30-3-37~~] Title 81, Chapter 9, Custody, Parent-time,
2895 and Visitation, as [it] the tribunal considers appropriate under the circumstances.

2896 (2) Parent-time rights may not be granted to a father if the child has been subsequently
2897 adopted.

2898 Section 56. Section **78B-15-603** is amended to read:

2899 **78B-15-603. Parties to proceeding.**

2900 The following individuals shall be joined as parties in a proceeding to adjudicate
2901 parentage:

- 2902 (1) the mother of the child;
- 2903 (2) a man whose paternity of the child is to be adjudicated; and
- 2904 (3) the state [~~pursuant to Section 78B-12-113~~] in accordance with Section 81-6-106.

2905 Section 57. Section **78B-15-610** is amended to read:

2906 **78B-15-610. Joinder of judicial proceedings -- Court reliance of custody and**
2907 **parent-time standards.**

2908 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate
2909 parentage may be joined with a proceeding for adoption, termination of parental rights, child
2910 custody or visitation, child support, divorce, annulment, legal separation or separate

2911 maintenance, probate or administration of an estate, or other appropriate proceeding.

2912 (2) A respondent may not join a proceeding described in Subsection (1) with a
2913 proceeding to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform
2914 Interstate Family Support Act.

2915 (3) A court [~~may rely on Title 30, Chapter 3, Divorce, in determining issues related to~~
2916 ~~custody or parent-time~~] may determine issues of custody, parent-time, visitation, and child
2917 support in accordance with Title 81, Chapter 6, Child Support, and Title 81, Chapter 9,
2918 Custody, Parent-time, and Visitation.

2919 Section 58. Section **78B-15-623** is amended to read:

2920 **78B-15-623. Binding effect of determination of parentage.**

2921 (1) Except as otherwise provided in Subsection (2), a determination of parentage is
2922 binding on:

2923 (a) all signatories to a declaration or denial of paternity as provided in Part 3,
2924 Voluntary Declaration of Paternity Act; and

2925 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy
2926 the jurisdictional requirements of Section [78B-14-201](#).

2927 (2) A child is not bound by a determination of parentage under this chapter unless:

2928 (a) the determination was based on an unrescinded declaration of paternity and the
2929 declaration is consistent with the results of genetic testing;

2930 (b) the adjudication of parentage was based on a finding consistent with the results of
2931 genetic testing and the consistency is declared in the determination or is otherwise shown; or

2932 (c) the child was a party or was represented in the proceeding determining parentage by
2933 a guardian ad litem.

2934 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an
2935 adjudication of the parentage of a child if the question of paternity is raised and the tribunal
2936 adjudicates according to Part 6, Adjudication of Parentage, and the final order:

2937 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or
2938 similar words indicating that the husband is the father of the child; or

2939 (b) provides for support of the child by the husband unless paternity is specifically
2940 disclaimed in the order.

2941 (4) The tribunal is not considered to have made an adjudication of the parentage of a

2942 child if the child was born at the time of entry of the order and other children are named as
2943 children of the marriage, but that child is specifically not named.

2944 (5) Once the paternity of a child has been adjudicated, an individual who was not a
2945 party to the paternity proceeding may not challenge the paternity, unless:

2946 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;

2947 (b) the challenger can demonstrate by clear and convincing evidence that the challenger
2948 did not know about the adjudicatory proceeding or did not have a reasonable opportunity to
2949 know of the proceeding; and

2950 (c) there would be harm to the child to leave the order in place.

2951 (6) A party to an adjudication of paternity may challenge the adjudication only under
2952 law of this state relating to appeal, vacation of judgments, or other judicial review.

2953 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the
2954 party committed the fraud.

2955 Section 59. Section **78B-20-403** is amended to read:

2956 **78B-20-403. Visitation before termination of temporary grant of custodial**
2957 **responsibility.**

2958 After a deploying parent returns from deployment until a temporary agreement or order
2959 for custodial responsibility established under Part 2, Agreement Addressing Custodial
2960 Responsibility During Deployment, or a provision of a court order specifying temporary
2961 custodial responsibility during deployment issued under Part 3, Judicial Procedure for Granting
2962 Custodial Responsibility During Deployment, or [~~Section 30-3-10~~] Title 81, Chapter 9,
2963 Custody, Parent-time, and Visitation, is terminated, the court shall issue a temporary order
2964 granting the deploying parent reasonable contact with the child unless it is contrary to the best
2965 interest of the child, even if the time of contact exceeds the time the deploying parent spent
2966 with the child before deployment.

2967 Section 60. Section **78B-20-404** is amended to read:

2968 **78B-20-404. Termination by operation of law of temporary grant of custodial**
2969 **responsibility established by court order.**

2970 (1) If an agreement between the parties to terminate a court order for temporary
2971 custodial responsibility during deployment under Part 3, Judicial Procedure for Granting
2972 Custodial Responsibility During Deployment, or to terminate a provision of an order for

2973 temporary custodial responsibility during deployment entered under [~~Section 30-3-10~~] Title 81,
2974 Chapter 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order
2975 terminates 30 days after the day on which the deploying parent gives notice to the other parent
2976 and any nonparent granted custodial responsibility that the deploying parent has returned from
2977 deployment.

2978 (2) A proceeding seeking to prevent termination of a temporary order for custodial
2979 responsibility is governed by the law of this state other than this chapter.

2980 Section 61. Section **80-2-906** is amended to read:

2981 **80-2-906. Financial responsibility for child placed under Interstate Compact.**

2982 (1) Financial responsibility for a child placed under the provisions of the Interstate
2983 Compact on the Placement of Children shall, in the first instance, be determined in accordance
2984 with the provisions of Article V of the compact.

2985 (2) In the event of partial or complete default of performance under the compact, the
2986 provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child
2987 Support, may also be invoked.

2988 Section 62. Section **81-1-101** is enacted to read:

2989 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

2990 **CHAPTER 1. GENERAL PROVISIONS**

2991 **Part 1. General Provisions**

2992 **81-1-101. Definitions for title.**

2993 As used in this title:

2994 (1) "Child" means, except as provided in Section 81-6-101, a biological or adopted
2995 child of any age.

2996 (2) "Court" means:

2997 (a) a judge; or

2998 (b) a court commissioner if the court commissioner has authority to hear the matter
2999 under Section 78A-5-107 or the Utah Rules of Judicial Administration.

3000 (3) "Custodial parent" means:

3001 (a) a parent awarded primary physical custody of a minor child by a court order;

3002 (b) if both parents have joint physical custody:

3003 (i) the parent awarded more overnights each year by a court order; or

3004 (ii) the parent designated as the custodial parent by a court order; or
 3005 (c) if there is no court order, the parent with whom the minor child resides more than
 3006 one-half of the calendar year without regard to any temporary parent-time.

3007 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is
 3008 younger than 18 years old and is not emancipated.

3009 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless
 3010 of any designation of joint legal custody.

3011 (6) "Parent" means a parent with an established parent-child relationship as described
 3012 in Section 78B-15-201.

3013 Section 63. Section **81-1-201** is enacted to read:

3014 **Part 2. Domestic Relations Proceedings**

3015 **81-1-201. Definitions for part.**

3016 As used in this part:

3017 (1) "Alimony" means the same as that term is defined in Section 81-4-101.

3018 (2) "Child support" means the same as that term is defined in Section 81-6-101.

3019 Section 64. Section **81-1-202** is enacted to read:

3020 **81-1-202. Court records in a domestic relations action.**

3021 (1) (a) In an action under this title, Title 78B, Chapter 13, Utah Uniform Child Custody
 3022 Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family
 3023 Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, a party may file a motion
 3024 to have the records of the action other than the final judgment, order, or decree, classified as
 3025 private.

3026 (b) If the court finds that there are substantial interests favoring restricting access that
 3027 clearly outweigh the interests favoring access, the court may classify the records of the action,
 3028 or any part of the records of the action, other than the final order, judgment, or decree, as
 3029 private.

3030 (c) An order classifying part of the records of the action as private does not apply to
 3031 subsequent filings.

3032 (d) The record of an action is private until the court determines it is possible to release
 3033 the record without prejudice to the interests that justified the closure.

3034 (2) (a) Any interested person may petition the court to permit access to a record

3035 classified as private as described in Subsection (1).

3036 (b) The interested person described in Subsection (2)(a) shall serve the petition on the
 3037 parties to the closure order.

3038 (3) A party shall place the social security number of any individual, who is the subject
 3039 of an action under this title, in the records relating to the matter.

3040 Section 65. Section **81-1-203**, which is renumbered from Section 30-3-3 is renumbered
 3041 and amended to read:

3042 ~~[30-3-3].~~ **81-1-203. Award of costs~~[, attorney,]~~ and attorney and witness fees**
 3043 **-- Temporary support and maintenance.**

3044 ~~[(1) In any action filed under Title 30, Chapter 3, Divorce, Chapter 4, Separate~~
 3045 ~~Maintenance, or Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and in any~~
 3046 ~~action to establish an order of custody, parent-time, child support, alimony, or division of~~
 3047 ~~property in a domestic case]~~

3048 (1) (a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter
 3049 7, Part 6, Cohabitant Abuse Protective Orders, or in an action to establish an order of custody,
 3050 parent-time, child support, alimony, or the division of property in a domestic case, the court
 3051 may order a party to pay the costs, attorney fees, and witness fees, including expert witness
 3052 fees, of the other party to enable the other party to prosecute or defend the action.

3053 (b) The order under Subsection (1)(a) may include a provision for costs of the action.

3054 (2) In ~~[any]~~ an action to enforce an order of custody, parent-time, child support,
 3055 alimony, or division of property in a domestic case, the court may award costs and attorney fees
 3056 upon determining that the party substantially prevailed upon the claim or defense.

3057 (3) The court, in ~~[its]~~ the court's discretion, may award no fees or limited fees against a
 3058 party if the court finds the party is ~~[impecunious]~~ indigent or enters in the record the reason for
 3059 not awarding fees.

3060 ~~[(3)]~~ (4) In ~~[any action listed in]~~ an action described in Subsection (1), the court may
 3061 order a party to provide money, during the pendency of the action, for the separate support and
 3062 maintenance of the other party and of ~~[any children]~~ a minor child in the custody of the other
 3063 party.

3064 (5) The court may amend an order entered in accordance with this section before the
 3065 entry of the final order or judgment or in the final order or judgment.

3066 [(4) Orders entered under this section prior to entry of the final order or judgment may
3067 be amended during the course of the action or in the final order or judgment.]

3068 Section 66. Section **81-1-204** is enacted to read:

3069 **81-1-204. Continuing jurisdiction of a court in a domestic relations action.**

3070 In an action under this title, the court has continuing jurisdiction after a decree or final
3071 order is entered to make subsequent changes to the order, or to enter a new order, regarding:

3072 (1) the distribution of the property and obligations for debts, as is reasonable and
3073 necessary, for an action described in Chapter 4, Dissolution of Marriage;

3074 (2) alimony in accordance with Section [81-4-503](#);

3075 (3) child support and medical expenses in accordance with Sections [81-6-208](#) and
3076 [81-6-212](#); and

3077 (4) custody and parent-time in accordance with Section [81-9-208](#).

3078 Section 67. Section **81-2-101** is enacted to read:

3079 **CHAPTER 2. MARRIAGE**

3080 **Part 1. General Provisions**

3081 **81-2-101. Definitions for chapter.**

3082 Reserved.

3083 Section 68. Section **81-2-102**, which is renumbered from Section 30-1-4.1 is
3084 renumbered and amended to read:

3085 ~~[30-1-4.1].~~ **81-2-102. Marriage recognition policy.**

3086 (1) (a) It is the policy of this state to recognize as marriage only the legal union of a
3087 man and a woman as provided in this chapter.

3088 (b) Except for the relationship of marriage between a man and a woman recognized
3089 pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law
3090 creating any legal status, rights, benefits, or duties that are substantially equivalent to those
3091 provided under Utah law to a man and a woman because they are married.

3092 (2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties
3093 that are enforceable independently of this section.

3094 Section 69. Section **81-2-201**, which is renumbered from Section 30-1-36 is
3095 renumbered and amended to read:

3096 **Part 2. Premarital Counseling**

3097 ~~[30-1-36].~~ **81-2-201. Definitions for part.**

3098 As used in this part:

3099 (1) ~~[Premarital counseling may include]~~ "Premarital counseling" includes group
3100 counseling, individual counseling, and couple counseling.

3101 (2) ~~[Premarital education may include]~~ "Premarital education" includes:

3102 (a) a lecture, class, seminar, or workshop provided by a person that meets the
3103 requirements of Subsection ~~[30-1-34(2)(b)(i)]~~ 81-2-206(2)(b)(i); or

3104 (b) an online course approved by the Utah Marriage Commission as provided in
3105 Subsection ~~[30-1-34(2)(b)(i)(F)]~~ 81-2-206(2)(b)(i)(F).

3106 Section 70. Section **81-2-202**, which is renumbered from Section 30-1-30 is
3107 renumbered and amended to read:

3108 ~~[30-1-30].~~ **81-2-202. Premarital counseling or education -- State policy --**
3109 **Applicability.**

3110 It is the policy of the state to enhance the possibility of couples to achieve more stable,
3111 satisfying, and enduring marital and family relationships by providing opportunities for and
3112 encouraging the use of premarital counseling or education before securing a marriage license.

3113 Section 71. Section **81-2-203**, which is renumbered from Section 30-1-31 is
3114 renumbered and amended to read:

3115 ~~[30-1-31].~~ **81-2-203. Premarital counseling board in county -- Appointment,**
3116 **terms, compensation, offices -- Common counseling board with adjacent county.**

3117 ~~[The boards of commissioners of the respective counties in this state are]~~

3118 (1) A county is authorized to:

3119 (a) provide for premarital counseling; and [to]

3120 (b) require the use of premarital counseling as a condition precedent to the issuance of
3121 a marriage license under the provisions of this [act] part.

3122 (2) [They] The county may appoint a premarital counseling board consisting of seven
3123 members, four of whom shall be lay persons and three of whom shall be chosen from the
3124 professions of psychiatry, psychology, social work, marriage counseling, the clergy, law or
3125 medicine.

3126 (3) [They] The county may designate the terms of office and the procedures to be
3127 followed by the premarital counseling board and provide for payment of compensation and

3128 expenses for members.

3129 (4) ~~[They]~~ The county may pay the salaries and expenses of a counseling staff under
3130 the supervision of the premarital counseling board and provide office space, furnishings,
3131 equipment and supplies for ~~[their]~~ the board's use.

3132 (5) A county may join with an adjacent county or counties in forming a common
3133 premarital counseling board and in establishing a common master plan for premarital
3134 counseling.

3135 Section 72. Section **81-2-204**, which is renumbered from Section 30-1-32 is
3136 renumbered and amended to read:

3137 ~~[30-1-32]~~. **81-2-204. Master plan for counseling.**

3138 (1) It shall be the function and duty of the premarital counseling board, after holding
3139 public hearings, to make, adopt, and certify to the county legislative body a master plan for
3140 premarital counseling of marriage license applicants within the purposes and objectives of this
3141 ~~[act]~~ part.

3142 (2) The master plan described in Subsection (1) shall include:

3143 (a) counseling procedures that:

3144 (i) will make applicants aware of problem areas in their proposed marriage;

3145 (ii) suggest ways of meeting problems; and

3146 (iii) will induce reconsideration or postponement when:

3147 (A) the applicants are not sufficiently matured or are not financially capable of meeting
3148 the responsibilities of marriage; or

3149 (B) are marrying for reasons not conducive to a sound lasting marriage; and

3150 (b) standards for evaluating premarital counseling received by the applicants, prior to
3151 their application for a marriage license, which would justify issuance of certificate without
3152 further counseling being given or required.

3153 (3) The premarital counseling board may, from time to time, amend or extend the plan
3154 described in Subsection (1).

3155 (4) The premarital counseling board may, subject to Subsection (5):

3156 (a) appoint a staff and employees as may be necessary for its work; and

3157 (b) contract with social service agencies or other consultants within the county or
3158 counties for services it requires.

3159 (5) Expenditures for the appointments and contracts described in Subsection (4) may
3160 not exceed the sums appropriated by the county legislative body plus sums placed at its
3161 disposal through gift or otherwise.

3162 Section 73. Section **81-2-205**, which is renumbered from Section 30-1-33 is
3163 renumbered and amended to read:

3164 ~~[30-1-33].~~ **81-2-205. Conformity to master plan for counseling as prerequisite**
3165 **to marriage license -- Exceptions.**

3166 Whenever ~~[the board of commissioners of]~~ a county has adopted a master plan for
3167 premarital counseling no resident of the county may obtain a marriage license without
3168 conforming to the plan, except that:

3169 (1) ~~[Any person]~~ an individual who applies for a marriage license shall have the right
3170 to secure the license and to marry notwithstanding ~~[their]~~ the individual's failure to conform to
3171 the required premarital counseling or ~~[their]~~ the individual's failure to obtain a certificate of
3172 authorization from the premarital counseling board if ~~[they wait]~~ the individual waits six
3173 months from the date of application for issuance of the license[-];

3174 (2) ~~[This chapter]~~ this part does not apply to any application for a marriage license
3175 where both parties are at least 19 years ~~[of age]~~ old and neither has been previously divorced[-];

3176 (3) ~~[This chapter]~~ this part does not apply to any application for a marriage license
3177 unless both applicants have physically resided in Utah for 60 days immediately preceding their
3178 application[-]; or

3179 (4) ~~[Premarital counseling required by this act shall be]~~ premarital counseling required
3180 by this part is considered fulfilled if the applicants present a certificate verified by a clergyman
3181 that the applicants have completed a course of premarital counseling approved by a church and
3182 given by or under the supervision of the clergyman.

3183 Section 74. Section **81-2-206**, which is renumbered from Section 30-1-34 is
3184 renumbered and amended to read:

3185 ~~[30-1-34].~~ **81-2-206. Completion of counseling or education.**

3186 (1) The county clerk of a county that operates an online marriage application system
3187 and issues a marriage license to applicants who certify completion of premarital counseling or
3188 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

3189 (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify

3190 completion of premarital counseling or education in accordance with this Subsection (2).

3191 (b) To complete premarital counseling or education, the applicants:

3192 (i) shall obtain the premarital counseling or education from:

3193 (A) a licensed or ordained minister or the minister's designee who is trained by the

3194 minister or denomination to conduct premarital counseling or education;

3195 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional

3196 Practice Act;

3197 (C) an individual certified by a national organization recognized by the Utah Marriage

3198 Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as a family life

3199 educator;

3200 (D) a family and consumer sciences educator;

3201 (E) an individual who is an instructor approved by a premarital education curriculum

3202 that meets the requirements of Subsection (2)(b)(ii); or

3203 (F) an online course approved by the Utah Marriage Commission;

3204 (ii) shall receive premarital counseling or education that includes information on

3205 important factors associated with strong and healthy marriages, including:

3206 (A) commitment in marriage; and

3207 (B) effective communication and problem-solving skills, including avoiding violence

3208 and abuse in the relationship;

3209 (iii) shall complete at least three hours of premarital counseling or six hours of

3210 premarital education meeting the requirements of this Subsection (2); and

3211 (iv) shall complete the premarital counseling or education meeting the requirements of

3212 this Subsection (2) not more than one year before but at least 14 days before the day on which

3213 the marriage license is issued.

3214 (c) Although applicants are encouraged to take the premarital counseling or education

3215 together, each applicant may comply with the requirements of this Subsection (2) separately.

3216 (3) A provider of premarital counseling or education under this section is encouraged

3217 to use research-based relationship inventories.

3218 Section 75. Section **81-2-207**, which is renumbered from Section 30-1-35 is

3219 renumbered and amended to read:

3220 **[30-1-35]. 81-2-207. Persons performing counseling services designated by**

3221 **board -- Exemption from license requirements.**

3222 For the purposes of this [~~chapter~~] part, the premarital counseling board of each county
3223 or combination of counties may determine those persons who are to perform any services under
3224 this [~~chapter~~] part and any person so acting is not subject to prosecution or other sanctions for
3225 the person's failure to hold any license for these services as may be required by the laws of the
3226 state.

3227 Section 76. Section **81-2-208**, which is renumbered from Section 30-1-37 is
3228 renumbered and amended to read:

3229 ~~[30-1-37]~~. **81-2-208. Confidentiality of information obtained under counseling**
3230 **provisions.**

3231 (1) Except for the information required or to be required on the marriage license
3232 application form, any information given by a marriage license applicant in compliance with this
3233 [~~chapter~~] part:

3234 (a) shall be confidential information [~~and~~]; and

3235 (b) may not be released by any person, board, commission, or other entity. [~~However,~~]

3236 (2) Notwithstanding Subsection (1), the premarital counseling board or board of
3237 commissioners may use the information given by a marriage license applicant, without
3238 identification of individuals, to compile and release statistical data.

3239 Section 77. Section **81-2-209**, which is renumbered from Section 30-1-38 is
3240 renumbered and amended to read:

3241 ~~[30-1-38]~~. **81-2-209. Fee for counseling.**

3242 Any county adopting a master plan under this act is authorized to charge, in addition to
3243 [~~its~~] the county's ordinary marriage license application fees, not more than \$10 for premarital
3244 counseling, to be paid by the applicants at the time [~~they~~] the applicants make application.

3245 Section 78. Section **81-2-301** is enacted to read:

3246 **Part 3. Marriage License and Solemnization**

3247 **81-2-301. Definitions for part.**

3248 As used in this part:

3249 (1) "County clerk" means:

3250 (a) the county clerk of the county; or

3251 (b) an employee or designee of the county clerk who is authorized to issue marriage

3252 licenses or solemnize marriages.

3253 (2) "Judge or magistrate of the United States" means:

3254 (a) a justice of the United States Supreme Court;

3255 (b) a judge of a court of appeals;

3256 (c) a judge of a district court;

3257 (d) a judge of any court created by an act of Congress, the judges of which are entitled

3258 to hold office during good behavior;

3259 (e) a judge of a bankruptcy court;

3260 (f) a judge of a tax court; or

3261 (g) a United States magistrate.

3262 (3) "Minor" means an individual who is 16 or 17 years old.

3263 (4) (a) "Native American spiritual advisor" means an individual who:

3264 (i) leads, instructs, or facilitates a Native American religious ceremony or service or
3265 provides religious counseling; and

3266 (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.

3267 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine
3268 person, traditional religious practitioner, or holy man or woman.

3269 Section 79. Section **81-2-302**, which is renumbered from Section 30-1-7 is renumbered
3270 and amended to read:

3271 **~~[30-1-7].~~ 81-2-302. Marriage licenses -- Use within state -- Expiration.**

3272 (1) ~~[No marriage may be]~~ A marriage may not be solemnized in this state without a
3273 license issued by the county clerk of any county of this state.

3274 (2) A license issued within this state by a county clerk may only be used within this
3275 state.

3276 (3) A license that is not used within 32 days after the day on which the licensed is
3277 issued is void.

3278 Section 80. Section **81-2-303**, which is renumbered from Section 30-1-8 is renumbered
3279 and amended to read:

3280 **~~[30-1-8].~~ 81-2-303. Application for marriage license -- Contents.**

3281 ~~[(1) As used in this section, "minor" means the same as that term is defined in Section~~
3282 ~~30-1-9.]~~

3283 [(2)] (1) A county clerk may issue a marriage license only after an application is filed
3284 with the county clerk's office, requiring the following information:

3285 (a) the full names of the applicants, including the maiden or bachelor name of each
3286 applicant;

3287 (b) the social security numbers of the applicants, unless an applicant has not been
3288 assigned a number;

3289 (c) the current address of each applicant;

3290 (d) the date and place of birth, including the town or city, county, state or country, if
3291 possible;

3292 (e) the names of the applicants' respective parents, including the maiden name of a
3293 mother; and

3294 (f) the birthplaces of the applicants' respective parents, including the town or city,
3295 county, state or country, if possible.

3296 [(3)] (2) (a) If one or both of the applicants is a minor, the county clerk shall provide
3297 each minor with a standard petition on a form provided by the Judicial Council to be presented
3298 to the juvenile court to obtain the authorization required by Section [30-1-9] [81-2-304](#).

3299 (b) The form described in Subsection [(3)(a)] (2)(a) shall include:

3300 (i) all information described in Subsection [(2)] (1);

3301 (ii) [~~in accordance with Subsection 30-1-9(2)(a);~~] a place for the parent or legal
3302 guardian to indicate the parent or legal guardian's relationship to the minor in accordance with
3303 Subsection [81-2-304\(1\)\(a\)](#);

3304 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described
3305 in Section [30-1-9.1] [81-2-304](#) signed under penalty of perjury;

3306 (iv) an affidavit for each applicant regarding the accuracy of the information contained
3307 in the marriage application signed under penalty of perjury; and

3308 (v) a place for the clerk to sign that indicates that the following have provided
3309 documentation to support the information contained in the form:

3310 (A) each applicant; and

3311 (B) the minor's parent or legal guardian.

3312 [(4)] (3) (a) The social security numbers obtained under the authority of this section
3313 may not be recorded on the marriage license[-] and are not open to inspection as a part of the

3314 vital statistics files.

3315 (b) The [~~Department of Health,~~] Bureau of Vital Records and Health Statistics shall,
3316 upon request, supply the social security numbers to the Office of Recovery Services [~~within the~~
3317 ~~Department of Human Services~~].

3318 (c) The Office of Recovery Services may not use a social security number obtained
3319 under the authority of this section for any reason other than the administration of child support
3320 services.

3321 (4) (a) A county clerk may not issue a marriage license until an affidavit is made before
3322 the clerk by a party applying for the marriage license that shows there is no lawful reason in the
3323 way of the marriage.

3324 (b) The county clerk shall file and preserve the affidavit under Subsection (4)(a).

3325 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing
3326 witness to the affidavit who falsely swears in the affidavit, is guilty of perjury.

3327 (5) A county clerk who knowingly issues a marriage license for any prohibited
3328 marriage is guilty of a class A misdemeanor.

3329 Section 81. Section **81-2-304**, which is renumbered from Section 30-1-9 is renumbered
3330 and amended to read:

3331 ~~[30-1-9].~~ **81-2-304. Marriage of a minor -- Consent of parent or guardian --**
3332 **Juvenile court authorization.**

3333 [~~(1) For purposes of this section, "minor" means an individual that is 16 or 17 years~~
3334 ~~old.~~]

3335 ~~[(2)]~~ (1) (a) If [at the time of applying for a license the applicant is a minor, and not
3336 before the minor is married, a license may not be issued] an applicant is a minor at the time of
3337 applying for a license, a county clerk may not issue a marriage license without the signed
3338 consent of the minor's parent or legal guardian given in person to the clerk, except that:

3339 (i) if the parents of the minor are divorced, consent shall be given by the parent having
3340 legal custody of the minor as evidenced by an oath of affirmation to the clerk;

3341 (ii) if the parents of the minor are divorced and have been awarded joint custody of the
3342 minor, consent shall be given by the parent having physical custody of the minor the majority
3343 of the time as evidenced by an oath of affirmation to the clerk; or

3344 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the

3345 consent and provide proof of guardianship by court order as well as an oath of affirmation.

3346 (b) Each applicant, and ~~[if an applicant is a minor,]~~ the minor's consenting parent or
3347 legal guardian if an applicant is a minor, shall appear in person before the county clerk and
3348 provide legal documentation to establish the following information:

3349 (i) the legal relationship between the minor and the minor's parent or legal guardian;

3350 (ii) the legal name and identity of the minor; and

3351 (iii) the birth date of each applicant.

3352 (c) An individual may present the following documents to satisfy a requirement

3353 described in Subsection ~~[(2)(b)]~~ (1)(b):

3354 (i) for verifying the legal relationship between the minor and the minor's parent or legal
3355 guardian, one of the following:

3356 (A) the minor's certified birth certificate with the name of the parent, and an official
3357 translation if the birth certificate is in a language other than English;

3358 (B) a report of a birth abroad with the name of the minor and the parent;

3359 (C) a certified adoption decree with the name of the minor and the parent; or

3360 (D) a certified court order establishing custody or guardianship between the minor and
3361 the parent or legal guardian;

3362 (ii) for verifying the legal name and identity of the minor, one of the following:

3363 (A) an expired or current passport;

3364 (B) a driver's license;

3365 (C) a certificate of naturalization;

3366 (D) a military identification; or

3367 (E) a government employee identification card from a federal, state, or municipal
3368 government; and

3369 (iii) for verifying the birth date of each applicant, one of the following for each
3370 applicant:

3371 (A) a certified birth certificate;

3372 (B) a report of a birth abroad;

3373 (C) a certificate of naturalization;

3374 (D) a certificate of citizenship;

3375 (E) a passport;

3376 (F) a driver's license; or
3377 (G) a state identification card.
3378 (d) An individual may not use a temporary or altered document to satisfy a requirement
3379 described in Subsection [~~(2)(b)~~] (1)(b).
3380 [~~(3)~~] (2) (a) The minor and the parent or legal guardian of the minor shall obtain a
3381 written authorization to marry from:
3382 (i) a judge of the court exercising juvenile jurisdiction in the county where either party
3383 to the marriage resides; or
3384 (ii) a court commissioner as permitted by rule of the Judicial Council.
3385 (b) Before issuing written authorization for a minor to marry, the judge or court
3386 commissioner shall determine:
3387 (i) that the minor is entering into the marriage voluntarily; and
3388 (ii) the marriage is in the best [~~interests~~] interest of the minor under the circumstances.
3389 (c) The judge or court commissioner shall require that both parties to the marriage
3390 complete premarital counseling, except the requirement for premarital counseling may be
3391 waived if premarital counseling is not reasonably available.
3392 (d) The judge or court commissioner may require:
3393 (i) that the minor continue to attend school, unless excused under Section [53G-6-204](#);
3394 and
3395 (ii) any other conditions that the court deems reasonable under the circumstances.
3396 (e) The judge or court commissioner may not issue a written authorization to the minor
3397 if the age difference between both parties to the marriage is more than seven years.
3398 [~~(4)~~] (3) (a) The determination required in Subsection [~~(3)~~] (2) shall be made on the
3399 record.
3400 (b) Any inquiry conducted by the judge or commissioner may be conducted in
3401 chambers.
3402 (4) (a) A parent or legal guardian who knowingly consents or allows a minor to enter
3403 into a marriage prohibited by law is guilty of a third degree felony.
3404 (b) An individual is guilty of a third degree felony if the individual:
3405 (i) knowingly, with or without a license, solemnizes the marriage of an individual who
3406 is younger than 18 years old and the marriage is prohibited by law;

3407 (ii) without a written authorization from the juvenile court, solemnizes a marriage to
 3408 which a party is a minor;

3409 (iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor
 3410 to marry; or

3411 (iv) forges the name of a parent or legal guardian of a minor on any writing purporting
 3412 to give consent to a marriage of a minor.

3413 Section 82. Section **81-2-305**, which is renumbered from Section 30-1-6 is renumbered
 3414 and amended to read:

3415 ~~[30-1-6].~~ **81-2-305. Who may solemnize marriages -- Certificate.**

3416 ~~[(1) As used in this section:]~~

3417 ~~[(a) "Judge or magistrate of the United States" means:]~~

3418 ~~[(i) a justice of the United States Supreme Court;]~~

3419 ~~[(ii) a judge of a court of appeals;]~~

3420 ~~[(iii) a judge of a district court;]~~

3421 ~~[(iv) a judge of any court created by an act of Congress, the judges of which are~~
 3422 ~~entitled to hold office during good behavior;]~~

3423 ~~[(v) a judge of a bankruptcy court;]~~

3424 ~~[(vi) a judge of a tax court; or]~~

3425 ~~[(vii) a United States magistrate.]~~

3426 ~~[(b) (i) "Native American spiritual advisor" means an individual who:]~~

3427 ~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or~~
 3428 ~~provides religious counseling; and]~~

3429 ~~[(B) is recognized as a spiritual advisor by a federally recognized Native American~~
 3430 ~~tribe.]~~

3431 ~~[(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine~~
 3432 ~~person, traditional religious practitioner, or holy man or woman.]~~

3433 ~~[(2)]~~ (1) The following individuals may solemnize a marriage:

3434 (a) an individual 18 years old or older who is authorized by a religious denomination to
 3435 solemnize a marriage;

3436 (b) a Native American spiritual advisor;

3437 (c) the governor;

- 3438 (d) the lieutenant governor;
- 3439 (e) the state attorney general;
- 3440 (f) the state treasurer;
- 3441 (g) the state auditor;
- 3442 (h) a mayor of a municipality or county executive;
- 3443 (i) a justice, judge, or commissioner of a court of record;
- 3444 (j) a judge of a court not of record of the state;
- 3445 (k) a judge or magistrate of the United States;
- 3446 (l) the county clerk of any county in the state or the county clerk's designee as
- 3447 authorized by Section 17-20-4;
- 3448 (m) a senator or representative of the Utah Legislature;
- 3449 (n) a member of the state's congressional delegation; or
- 3450 (o) a judge or magistrate who holds office in Utah when retired, under rules set by the
- 3451 Supreme Court.

3452 ~~[(3)]~~ (2) An individual authorized under Subsection ~~[(2)]~~ (1) who solemnizes a

3453 marriage shall give to the couple married a certificate of marriage that shows the:

- 3454 (a) name of the county from which the license is issued; and
- 3455 (b) date of the license's issuance.

3456 ~~[(4)]~~ (3) Except for an individual described in Subsection ~~[(2)](f)~~ (1)(1), an individual

3457 described in Subsection ~~[(2)]~~ (1) has discretion to solemnize a marriage.

3458 ~~[(5)]~~ (4) Except as provided in Section 17-20-4 and Subsection ~~[(2)](f)~~ (1)(1), and

3459 notwithstanding any other provision in law, no individual authorized under Subsection ~~[(2)]~~ (1)

3460 to solemnize a marriage may delegate or deputize another individual to perform the function of

3461 solemnizing a marriage.

3462 (5) (a) Within 30 days after the day on which a marriage is solemnized, the individual

3463 solemnizing the marriage shall return the marriage license to the county clerk that issued the

3464 marriage license with a certificate of the marriage over the individual's signature stating the

3465 date and place of celebration and the names of two or more witnesses present at the marriage.

3466 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty

3467 of an infraction.

3468 (6) (a) An individual is guilty of a third degree felony if the individual knowingly:

3469 (i) solemnizes a marriage without a valid marriage license; or

3470 (ii) solemnizes a marriage in violation of this section.

3471 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with

3472 or without a marriage license, solemnizes a marriage between two individuals who are 18 years

3473 old or older that is prohibited by law.

3474 Section 83. Section **81-2-306**, which is renumbered from Section 30-1-12 is

3475 renumbered and amended to read:

3476 **[~~30-1-12~~]. 81-2-306. County clerk to file license and certificate -- Designation**

3477 **as vital record.**

3478 ~~[(1) (a) The license, together with the certificate of the individual officiating at the~~

3479 ~~marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk]~~

3480 (1) (a) The county clerk shall:

3481 (i) file and preserve the marriage license returned by an individual under Subsection

3482 81-2-305(5) with the certificate of the marriage; and

3483 (ii) record the marriage license and certificate in a book kept for that purpose[;] or by

3484 electronic means.

3485 (b) The record shall be properly indexed in the names of the parties so married.

3486 (2) An individual may use a diacritical mark, as defined in Section **26B-8-103**, on a

3487 marriage license.

3488 (3) A transcript shall be promptly certified and transmitted by the clerk to the state

3489 registrar of vital statistics.

3490 (4) The marriage license and the certificate of the individual officiating at the marriage

3491 are:

3492 (a) vital records as defined in Section **26B-8-101**; and [are]

3493 (b) subject to the inspection requirements described in Section **26B-8-125**.

3494 Section 84. Section **81-2-401** is enacted to read:

3495 **Part 4. Validity of Marriage**

3496 **81-2-401. Definitions for part.**

3497 Reserved.

3498 Section 85. Section **81-2-402**, which is renumbered from Section 30-1-1 is renumbered

3499 and amended to read:

3500 ~~[30-1-1].~~ **81-2-402. Incestuous marriages void.**

3501 (1) The following marriages are incestuous and void from the beginning, regardless of
3502 whether the relationship is legally recognized:

3503 (a) ~~[marriages between parents and children]~~ a marriage between a parent and a child;

3504 (b) ~~[marriages between ancestors and descendants of every degree]~~ a marriage between
3505 an ancestor and a descendant of any degree;

3506 (c) ~~[marriages between siblings of the half as well as the whole blood]~~ a marriage
3507 between siblings of the half or whole blood;

3508 ~~[(d) marriages between:]~~

3509 ~~[(i) uncles and nieces or nephews; or]~~

3510 ~~[(ii) aunts and nieces or nephews;]~~

3511 (d) a marriage between an uncle and a niece or nephew;

3512 (e) a marriage between an aunt and a niece or nephew;

3513 ~~[(e)]~~ (f) [marriages between first cousins;] except as provided in Subsection (2), a
3514 marriage between first cousins; or

3515 ~~[(f)]~~ (g) [marriages between any] except as provided in Subsection (2), a marriage
3516 between individuals related to each other within and not including the fifth degree of
3517 consanguinity computed according to the rules of the civil law~~[-except as provided in~~
3518 ~~Subsection (2)].~~

3519 (2) First cousins may marry under the following circumstances:

3520 (a) both parties are 65 years ~~[of age]~~ old or older; or

3521 (b) if both parties are 55 years ~~[of age]~~ old or older, upon a finding by the district court,
3522 located in the district in which either party resides, that either party is unable to reproduce.

3523 Section 86. Section **81-2-403**, which is renumbered from Section 30-1-2 is renumbered
3524 and amended to read:

3525 ~~[30-1-2].~~ **81-2-403. Marriages prohibited and void.**

3526 (1) The following marriages are prohibited and declared void:

3527 (a) when there is a spouse living~~[-]~~ from whom the individual marrying has not been
3528 divorced;

3529 (b) except as provided in Subsection (2), ~~[when an applicant is]~~ the individual
3530 marrying is under 18 years old; ~~[and]~~ or

3531 (c) between a divorced individual and any individual other than the one from whom the
3532 divorce was secured until:

3533 (i) the divorce decree becomes absolute~~[-and,];~~ and

3534 (ii) if an appeal is taken, until after the affirmance of the divorce decree.

3535 (2) A marriage of an individual under 18 years old is not void if the individual:

3536 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile
3537 court authorization in accordance with Section ~~[30-1-9]~~ 81-2-304; or

3538 (b) lawfully marries before May 14, 2019.

3539 Section 87. Section **81-2-404**, which is renumbered from Section 30-1-2.1 is
3540 renumbered and amended to read:

3541 ~~[30-1-2.1].~~ **81-2-404. Validation of a marriage to an individual subject to**
3542 **chronic epileptic fits who had not been sterilized.**

3543 ~~[All marriages, otherwise valid and legal, contracted prior to the effective date of this~~
3544 ~~act, to which either party was subject to chronic epileptic fits and who had not been sterilized,~~
3545 ~~as provided by law, are hereby validated and legalized in all respects as though such marriages~~
3546 ~~had been duly and legally contracted in the first instance.]~~ A marriage between two individuals
3547 that was not valid or legal before May 14, 1963, on the basis that a party was subject to chronic
3548 epileptic fits and had not been sterilized is considered valid and legal in this state.

3549 Section 88. Section **81-2-405**, which is renumbered from Section 30-1-2.2 is
3550 renumbered and amended to read:

3551 ~~[30-1-2.2].~~ **81-2-405. Validation of a marriage on the basis of the race,**
3552 **ethnicity, or national origin of the parties.**

3553 ~~[All interracial marriages, otherwise valid and legal, contracted prior to July 1, 1965, to~~
3554 ~~which one of the parties of the marriage was subject to disability to marry on account of~~
3555 ~~Subsection 30-1-2(5) or (6), as those subsections existed prior to May 14, 1963, are hereby~~
3556 ~~valid and made lawful in all respects as though such marriages had been duly and legally~~
3557 ~~contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal
3558 before July 1, 1965, on the basis of the race, ethnicity, or national origin of those individuals is
3559 considered valid and legal in this state.

3560 Section 89. Section **81-2-406**, which is renumbered from Section 30-1-2.3 is
3561 renumbered and amended to read:

3562 ~~[30-1-2.3].~~ **81-2-406. Validation of a marriage to an individual with acquired**
3563 **immune deficiency syndrome or other sexually transmitted disease.**

3564 ~~[Each marriage contracted prior to October 21, 1993, is valid and legal but for the~~
3565 ~~prohibition described in Laws of Utah 1991, Chapter 117, Section 1, Subsection 30-1-2(1)~~
3566 ~~regarding persons afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea;~~
3567 ~~is hereby valid and made lawful in all respects as though that marriage had been legally~~
3568 ~~contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal
3569 before October 21, 1993, on the basis that a party was afflicted with acquired immune
3570 deficiency syndrome, syphilis, or gonorrhea, is considered valid and legal in this state.

3571 Section 90. Section **81-2-407**, which is renumbered from Section 30-1-4 is renumbered
3572 and amended to read:

3573 ~~[30-1-4].~~ **81-2-407. Validity of a foreign marriage -- Exceptions.**

3574 A marriage solemnized in any other country, state, or territory, if valid where
3575 solemnized, is valid in this state, unless ~~[it is a marriage]:~~

3576 (1) ~~[that]~~ the marriage would be prohibited and declared void in this state~~[:]~~ under
3577 Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a); or

3578 (2) the marriage is between parties who are related to each other within and including
3579 three degrees of consanguinity, except as provided in Subsection ~~[30-1-1(2)]~~ 81-2-402(2).

3580 Section 91. Section **81-2-408**, which is renumbered from Section 30-1-4.5 is
3581 renumbered and amended to read:

3582 ~~[30-1-4.5].~~ **81-2-408. Validity of marriage not solemnized or solemnized before**
3583 **an unauthorized individual.**

3584 (1) A marriage ~~[which]~~ that is not solemnized according to this chapter ~~[shall be]~~ is
3585 legal and valid if a court or administrative order establishes that the marriage arises out of a
3586 contract between ~~[a man and a woman]~~ two individuals who:

3587 (a) are of legal age and capable of giving consent;

3588 (b) are legally capable of entering a solemnized marriage under the provisions of this
3589 chapter;

3590 (c) have cohabited;

3591 (d) mutually assume marital rights, duties, and obligations; and

3592 (e) who hold themselves out as and have acquired a uniform and general reputation as

3593 [~~husband and wife~~] spouses.

3594 (2) (a) A petition for an unsolemnized marriage shall be filed during the relationship
3595 described in Subsection (1), or within one year following the termination of that relationship.

3596 (b) Evidence of a marriage recognizable under this section may be:

3597 (i) manifested in any form~~[, and may be]~~; and

3598 (ii) proved under the same general rules of evidence as facts in other cases.

3599 (3) (a) A marriage solemnized before an individual professing to have authority to
3600 perform marriages may not be invalidated for lack of authority if consummated in the belief of
3601 the parties or either party that the person had authority and that the parties have been lawfully
3602 married.

3603 (b) Subsection (3)(a) may not be construed to validate a marriage that is prohibited or
3604 void under Section [81-2-403](#).

3605 Section 92. Section **81-2-409**, which is renumbered from Section 30-1-3 is renumbered
3606 and amended to read:

3607 ~~[30-1-3].~~ **81-2-409. Legal recognition of a child when marriage is void.**

3608 When a marriage is void under Subsection ~~[30-1-2(1)(a)]~~ [81-2-403\(1\)\(a\)](#) and the parties
3609 entered into the marriage in good faith, a child of the marriage, who is born or conceived
3610 before the parties had actual knowledge that the marriage was void, shall be legally recognized
3611 as the child of the parties.

3612 Section 93. Section **81-3-101** is enacted to read:

3613 **CHAPTER 3. RIGHTS AND OBLIGATIONS DURING MARRIAGE**

3614 **Part 1. Property Rights**

3615 **81-3-101. Definitions for part.**

3616 Reserved.

3617 Section 94. Section **81-3-102**, which is renumbered from Section 30-2-2 is renumbered
3618 and amended to read:

3619 ~~[30-2-2].~~ **81-3-102. Married individual's right to contract, sue, and be sued.**

3620 ~~[Contracts may be made by a wife, and liabilities incurred and enforced by or against~~
3621 ~~her, to the same extent and in the same manner as if she were unmarried.] A married individual~~
3622 may contract, sue, or be sued, to the same extent and in the same manner as if the individual
3623 was unmarried.

3624 Section 95. Section **81-3-103**, which is renumbered from Section 30-2-3 is renumbered
3625 and amended to read:

3626 ~~[30-2-3].~~ **81-3-103. Conveyances between spouses.**

3627 A conveyance, transfer, or lien executed by ~~[either husband or wife]~~ an individual, to or
3628 in favor of the ~~[other shall be]~~ individual's spouse is valid to the same extent as between other
3629 persons.

3630 Section 96. Section **81-3-104**, which is renumbered from Section 30-2-4 is renumbered
3631 and amended to read:

3632 ~~[30-2-4].~~ **81-3-104. Married individual's right to wages -- Actions for**
3633 **personal injury.**

3634 (1) A ~~[wife]~~ married individual may:

3635 (a) receive the wages for ~~[her]~~ the individual's personal labor[;] as if unmarried;

3636 (b) maintain an action ~~[therefor in her]~~ in the individual's own name and hold the same
3637 in [her] the individual's own right[; and may] as if unmarried; and

3638 (c) prosecute and defend all actions for the preservation and protection of ~~[her]~~ the
3639 individual's rights and property as if unmarried.

3640 (2) ~~[There shall be no right of recovery by the husband]~~ A husband does not have a
3641 right of recovery:

3642 (a) on account of personal injury or wrong to ~~[his wife, or]~~ the husband's wife; or

3643 (b) for expenses connected ~~[therewith, but the wife]~~ with the personal injury or wrong
3644 to the husband's wife.

3645 (3) (a) A wife may recover against a third person for ~~[such injury or wrong]~~ a personal
3646 injury or wrong to the wife as if unmarried~~[; and such]~~.

3647 (b) A recovery shall include expenses of medical treatment and other expenses paid or
3648 assumed by the husband.

3649 Section 97. Section **81-3-105**, which is renumbered from Section 30-2-5 is renumbered
3650 and amended to read:

3651 ~~[30-2-5].~~ **81-3-105. Separate debts.**

3652 (1) ~~[Neither spouse is]~~ A married individual is not personally liable for the separate
3653 debts, obligations, or liabilities of the [other] individual's spouse that are:

3654 (a) contracted or incurred before marriage;

3655 (b) contracted or incurred during marriage, except family expenses as provided in
 3656 Section ~~[30-2-9]~~ 81-3-109;

3657 (c) contracted or incurred after divorce or an order for separate maintenance under ~~[this~~
 3658 ~~title, except the spouse is personally liable for that portion of the expenses incurred on behalf~~
 3659 ~~of a minor child for reasonable and necessary medical and dental expenses, and other similar~~
 3660 ~~necessities as provided in a court order under Section 30-3-5, 30-4-3, or 78B-12-212, or an~~
 3661 ~~administrative order under Section 26B-9-224]~~ Chapter 4, Dissolution of Marriage, except that
 3662 the individual is personally liable for any support ordered by a court as described in Chapter 6,
 3663 Child Support, or an administrative agency as described in Title 26B, Chapter 9, Recovery
 3664 Services and Administration of Child Support; or

3665 (d) ordered by the court to be paid by the ~~[other]~~ individual's spouse under ~~[Section~~
 3666 ~~30-3-5 or 30-4-3]~~ Chapter 4, Dissolution of Marriage, and not in conflict with Section 15-4-6.5
 3667 or 15-4-6.7.

3668 (2) ~~[The]~~ A creditor of a married individual may not reach the wages, earnings,
 3669 property, rents, or other income of ~~[one spouse may not be reached by a creditor of the other~~
 3670 ~~spouse]~~ the individual's spouse to satisfy a debt, obligation, or liability ~~[of the other spouse, as~~
 3671 ~~described]~~ of the individual under Subsection (1).

3672 Section 98. Section **81-3-106**, which is renumbered from Section 30-2-6 is renumbered
 3673 and amended to read:

3674 ~~[30-2-6].~~ **81-3-106. Actions based on property rights.**

3675 ~~[Should the husband or wife obtain]~~ If a married individual obtains possession or
 3676 control of property belonging to the ~~[other]~~ individual's spouse before or after marriage, the
 3677 owner of the property may maintain an action therefor, or for any right growing out of the
 3678 same, in the same manner and to the same extent as if ~~[they were]~~ the individual was
 3679 unmarried.

3680 Section 99. Section **81-3-107**, which is renumbered from Section 30-2-7 is renumbered
 3681 and amended to read:

3682 ~~[30-2-7].~~ **81-3-107. Liability for spouse's torts.**

3683 ~~[For civil injuries committed by a married woman damages may be recovered from her~~
 3684 ~~alone, and her husband]~~

3685 (1) If a married individual is held liable in a civil action, the plaintiff may recover

3686 damages from the individual alone.

3687 (2) The spouse of the individual described in Subsection (1) may not be held liable [for
 3688 those civil injuries] in the civil action, except in [cases where he would be jointly liable with
 3689 her] an action where the spouse would be jointly liable with the individual if the marriage did
 3690 not exist.

3691 Section 100. Section **81-3-108**, which is renumbered from Section 30-2-8 is
 3692 renumbered and amended to read:

3693 ~~[30-2-8].~~ **81-3-108. Agency between spouses.**

3694 A ~~[husband or wife]~~ married individual may:

3695 (1) constitute the ~~[other his or her]~~ attorney in fact to control and dispose of ~~[his or her~~
 3696 property for their mutual benefit] the property of the individual's spouse for the mutual benefit
 3697 of the individual and the individual's spouse or otherwise~~[-and may];~~ and

3698 (2) revoke the appointment the same as other persons.

3699 Section 101. Section **81-3-109**, which is renumbered from Section 30-2-9 is
 3700 renumbered and amended to read:

3701 ~~[30-2-9].~~ **81-3-109. Family expenses -- Joint and several liability.**

3702 ~~[(1) The expenses of the family and the education of the children are chargeable upon~~
 3703 the property of both spouses or of either of them separately, for which expenses they may be
 3704 sued jointly or separately.]

3705 (1) As used in this section:

3706 (a) "Family expenses" means expenses incurred that benefit and promote the family
 3707 unit.

3708 (b) "Family expenses" do not include items purchased in accordance with a written
 3709 contract or agreement during the marriage that do not relate to the expenses described in
 3710 Subsection (1)(a).

3711 (2) (a) A married individual, and the married individual's property, is chargeable for
 3712 family expenses and expenses for the education of a minor child.

3713 (b) A married individual may be sued separately or jointly with the individual's spouse
 3714 for the expenses described in Subsection (2)(a).

3715 ~~[(2)]~~ (3) For the expenses described in Subsection [(1);] (2), where there is a written
 3716 agreement signed by [either] a spouse that allows for the recovery of agreed upon amounts, a

3717 creditor or an assignee or successor in interest of the creditor is entitled to recover the
3718 contractually allowed amounts against both spouses, jointly and severally.

3719 ~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3) applies to all contracts and agreements under this section
3720 entered into by ~~[either]~~ a spouse during the time the parties are married and living together.

3721 ~~[(4) For the purposes of this section, family expenses are considered expenses incurred~~
3722 ~~that benefit and promote the family unit. Items purchased pursuant to a written contract or~~
3723 ~~agreement during the marriage that do not relate to family expenses are not covered by this~~
3724 ~~section.]~~

3725 (5) The provisions of Subsections ~~[(2) and (3)]~~ (3) and (4) do not create a right to
3726 attorney's fees or collection fees as to the nonsigning spouse for purchases of:

3727 (a) food or clothing; or

3728 (b) home improvements or repairs over \$5,000.

3729 Section 102. Section **81-3-110**, which is renumbered from Section 30-2-10 is
3730 renumbered and amended to read:

3731 ~~[30-2-10].~~ **81-3-110. Homestead rights -- Custody of a minor child.**

3732 ~~[Neither the husband nor wife can remove the other or their children]~~

3733 (1) A married individual may not remove the individual's spouse or minor child from
3734 the homestead without the consent of the ~~[other]~~ individual's spouse, unless the owner of the
3735 property shall in good faith provide another homestead suitable to the condition in life of the
3736 family~~[- and if a husband or wife abandons his or her spouse, that spouse].~~

3737 (2) If a married individual abandons the individual's spouse, the individual's spouse is
3738 entitled to the custody of ~~[the minor children]~~ a minor child, unless a court ~~[of competent~~
3739 ~~jurisdiction shall otherwise direct]~~ with jurisdiction orders otherwise.

3740 Section 103. Section **81-3-111**, which is renumbered from Section 30-2-11 is
3741 renumbered and amended to read:

3742 ~~[30-2-11].~~ **81-3-111. Action for consortium due to personal injury.**

3743 (1) ~~[For purposes of]~~ As used in this section:

3744 (a) ~~["injury"]~~ "Injury" or "injured" means a significant permanent injury to ~~[a person]~~
3745 an individual that substantially changes that ~~[person's]~~ individual's lifestyle ~~[and includes the~~
3746 ~~following], including:~~

3747 (i) a partial or complete paralysis of one or more of the extremities;

- 3748 (ii) significant disfigurement; or
3749 (iii) incapability of the [~~person~~] individual of performing the types of jobs the [~~person~~]
3750 individual performed before the injury[~~;~~ and].
- 3751 (b) [~~"spouse"~~] "Spouse" means the legal relationship:
3752 (i) established between [~~a man and a woman~~] two individuals as recognized by the
3753 laws of this state; and
3754 (ii) existing at the time of the person's injury.
- 3755 (2) The spouse of [~~a person~~] an individual injured by a third party on or after May 4,
3756 1997, may maintain an action against the third party to recover for loss of consortium.
- 3757 (3) A claim for loss of consortium begins on the date of injury to the spouse.
- 3758 (4) The statute of limitations applicable to the injured [~~person~~] individual shall also
3759 apply to the spouse's claim of loss of consortium.
- 3760 [~~(4)~~] (5) A claim for the spouse's loss of consortium shall be:
3761 (a) made at the time the claim of the injured person is made and joinder of actions shall
3762 be compulsory; and
3763 (b) subject to the same defenses, limitations, immunities, and provisions applicable to
3764 the claims of the injured [~~person~~] individual.
- 3765 [~~(5)~~] (6) The spouse's action for loss of consortium:
3766 (a) shall be derivative from the cause of action existing [~~in~~] on behalf of the injured
3767 [~~person~~] individual; and
3768 (b) may not exist in cases where the injured [~~person~~] individual would not have a cause
3769 of action.
- 3770 [~~(6)~~] (7) Fault of the spouse of the injured [~~person~~] individual, as well as fault of the
3771 injured [~~person~~] individual, shall be compared with the fault of all other parties, pursuant to
3772 Sections 78B-5-817 through 78B-5-823, for purposes of reducing or barring any recovery by
3773 the spouse for loss of consortium.
- 3774 [~~(7)~~] (8) Damages awarded for loss of consortium, when combined with any award to
3775 the injured [~~person~~] individual for general damages, may not exceed any applicable statutory
3776 limit on noneconomic damages, including Section 78B-3-410.
- 3777 [~~(8)~~] (9) Damages awarded for loss of consortium which a governmental entity is
3778 required to pay, when combined with any award to the injured [~~person~~] individual which a

3779 governmental entity is required to pay, may not exceed the liability limit for one [person]
3780 individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity Act of
3781 Utah.

3782 Section 104. Section **81-3-201**, which is renumbered from Section 30-8-2 is
3783 renumbered and amended to read:

3784 **Part 2. Uniform Premarital Agreement Act**

3785 ~~[30-8-2]~~. **81-3-201. Definitions for part.**

3786 As used in this [chapter] part:

3787 (1) "Premarital agreement" means an agreement between prospective spouses made in
3788 contemplation of marriage and to be effective upon marriage.

3789 (2) "Property" means an interest, present or future, legal or equitable, vested or
3790 contingent, in real or personal property, including income and earnings.

3791 Section 105. Section **81-3-202**, which is renumbered from Section 30-8-3 is
3792 renumbered and amended to read:

3793 ~~[30-8-3]~~. **81-3-202. Writing -- Signature required.**

3794 (1) A premarital agreement shall be in writing and signed by both parties.

3795 (2) ~~[It]~~ A premarital agreement is enforceable without consideration.

3796 Section 106. Section **81-3-203**, which is renumbered from Section 30-8-4 is
3797 renumbered and amended to read:

3798 ~~[30-8-4]~~. **81-3-203. Content.**

3799 (1) Parties to a premarital agreement may contract with respect to:

3800 (a) the rights and obligations of each of the parties in any of the property of either or
3801 both of them whenever and wherever acquired or located;

3802 (b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,
3803 assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and
3804 control property;

3805 (c) the disposition of property upon separation, marital dissolution, death, or the
3806 occurrence or nonoccurrence of any other event;

3807 (d) the modification or elimination of spousal support;

3808 (e) the ownership rights in and disposition of the death benefit from a life insurance
3809 policy;

3810 (f) the choice of law governing the construction of the agreement, except that a court
3811 [~~of competent jurisdiction~~] with jurisdiction may apply the law of the legal domicile of either
3812 party, if it is fair and equitable; and

3813 (g) any other matter, including their personal rights and obligations, not in violation of
3814 public policy or a statute imposing a criminal penalty.

3815 (2) The right of a child, as defined in Section 81-6-101, to support, health and medical
3816 provider expenses, medical insurance, and child care coverage may not be affected by a
3817 premarital agreement.

3818 Section 107. Section **81-3-204**, which is renumbered from Section 30-8-5 is
3819 renumbered and amended to read:

3820 ~~[30-8-5]~~. **81-3-204. Effect of marriage -- Amendment -- Revocation.**

3821 (1) A premarital agreement becomes effective upon marriage.

3822 (2) (a) After marriage, a premarital agreement may be amended or revoked only by a
3823 written agreement signed by the parties.

3824 (b) The amended agreement or the revocation is enforceable without consideration.

3825 Section 108. Section **81-3-205**, which is renumbered from Section 30-8-6 is
3826 renumbered and amended to read:

3827 ~~[30-8-6]~~. **81-3-205. Enforcement.**

3828 (1) A premarital agreement is not enforceable if the party against whom enforcement is
3829 sought proves that:

3830 (a) that party did not execute the agreement voluntarily; or

3831 (b) the agreement was fraudulent when [it] the agreement was executed and, before
3832 execution of the agreement, that party:

3833 (i) was not provided a reasonable disclosure of the property or financial obligations of
3834 the other party insofar as was possible;

3835 (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the
3836 property or financial obligations of the other party beyond the disclosure provided; and

3837 (iii) did not have, or reasonably could not have had, an adequate knowledge of the
3838 property or financial obligations of the other party.

3839 (2) If a provision of a premarital agreement modifies or eliminates spousal support and
3840 that modification or elimination causes one party to the agreement to be eligible for support

3841 under a program of public assistance at the time of separation or marital dissolution, a court,
3842 notwithstanding the terms of the agreement, may require the other party to provide support to
3843 the extent necessary to avoid that eligibility.

3844 (3) An issue of fraud of a premarital agreement shall be decided by the court as a
3845 matter of law.

3846 Section 109. Section **81-3-206**, which is renumbered from Section 30-8-7 is
3847 renumbered and amended to read:

3848 ~~[30-8-7]~~. **81-3-206. Enforcement -- Void marriage.**

3849 If a marriage is determined to be void, an agreement that would otherwise have been a
3850 premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

3851 Section 110. Section **81-3-207**, which is renumbered from Section 30-8-8 is
3852 renumbered and amended to read:

3853 ~~[30-8-8]~~. **81-3-207. Limitations of actions.**

3854 Any statute of limitations applicable to an action asserting a claim for relief under a
3855 premarital agreement is tolled during the marriage of the parties to the agreement.

3856 Section 111. Section **81-3-208**, which is renumbered from Section 30-8-9 is
3857 renumbered and amended to read:

3858 ~~[30-8-9]~~. **81-3-208. Application and construction.**

3859 This ~~[act]~~ part shall be applied and construed to effectuate ~~[its]~~ the part's general
3860 purpose to make uniform the law with respect to the subject of this ~~[act]~~ part among states
3861 enacting ~~[it]~~ this uniform law.

3862 Section 112. Section **81-4-101** is enacted to read:

3863 **CHAPTER 4. DISSOLUTION OF MARRIAGE**

3864 **Part 1. General Provisions**

3865 **81-4-101. Definitions for chapter.**

3866 As used in this chapter:

3867 (1) "Alimony" means financial support made to a spouse or former spouse for the
3868 support and maintenance of that spouse.

3869 (2) "Child support" means the same as that term is defined in Section [81-6-101](#).

3870 Section 113. Section **81-4-102**, which is renumbered from Section 30-1-17.4 is
3871 renumbered and amended to read:

3872 ~~[30-1-17.4].~~ **81-4-102. Action for annulment or divorce as alternative relief.**

3873 Nothing ~~[herein]~~ in this chapter shall be construed to prevent the filing of an action
3874 requesting an annulment or a divorce as alternative relief.

3875 Section 114. Section **81-4-103**, which is renumbered from Section 30-4a-1 is
3876 renumbered and amended to read:

3877 ~~[30-4a-1].~~ **81-4-103. Nunc pro tunc order by court.**

3878 ~~[A court having jurisdiction may, upon its]~~ Upon a court's finding of good cause and
3879 giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter
3880 relating to marriage, divorce, legal separation, or annulment of marriage.

3881 Section 115. Section **81-4-104**, which is renumbered from Section 30-3-4.5 is
3882 renumbered and amended to read:

3883 ~~[30-3-4.5].~~ **81-4-104. Temporary separation order.**

3884 (1) ~~[A petitioner]~~ An individual may file an action for a temporary separation order,
3885 without filing a petition for divorce, by filing a petition for temporary separation and motion
3886 for temporary orders if:

3887 (a) the ~~[petitioner]~~ individual is lawfully married to the ~~[respondent]~~ individual from
3888 whom the separation is sought; and

3889 (b) both parties are residents of the state for at least 90 days ~~[prior to the date of filing]~~
3890 before the day on which the action is filed.

3891 (2) The temporary orders are valid for one year ~~[from the date of the hearing,]~~ after the
3892 day on which the hearing for the order is held or until one of the following occurs:

3893 (a) a petition for divorce is filed and consolidated with the petition for temporary
3894 separation; or

3895 (b) the case is dismissed.

3896 (3) If a petition for divorce is filed and consolidated with the petition for temporary
3897 separation, orders entered in the temporary separation shall continue in the consolidated case.

3898 (4) (a) ~~[Both]~~ If the parties have a minor child, the parties shall attend the divorce
3899 orientation course described in Section ~~[30-3-11.4]~~ 81-4-105 within:

3900 (i) 60 days of the filing of the petition, for the petitioner ~~[, and within];~~ and

3901 (ii) 45 days of being served, for the respondent.

3902 (b) The clerk of the court shall provide notice to the petitioner of the requirement for

3903 the divorce orientation course.

3904 (c) The petition shall include information regarding the divorce orientation course
3905 when the petition is served on the respondent.

3906 (d) Except for a temporary restraining order under Rule 65 of the Utah Rules of Civil
3907 Procedure, a party may file, but the court may not hear, a motion for an order related to the
3908 petition for temporary separation, until the moving party completes the divorce orientation
3909 course.

3910 (e) The court may waive the requirement for the parties to attend the mandatory
3911 courses under this Subsection (4), on the court's own motion or on the motion of one of the
3912 parties, if the court determines course attendance and completion are not necessary,
3913 appropriate, feasible, or in the best interest of the parties.

3914 (5) The petitioner shall serve the petition for a temporary separation order in
3915 accordance with the Utah Rules of Civil Procedure.

3916 (6) If a party files for divorce within one year after the day on which the petition for
3917 temporary separation is filed, the filing fee for a petition for temporary separation shall be
3918 credited towards the filing fee for a divorce.

3919 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~
3920 ~~accordance with the rules of civil procedure.]~~

3921 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either~~
3922 ~~party files a petition for divorce within one year from the date of filing the petition for~~
3923 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~
3924 ~~divorce.]~~

3925 Section 116. Section **81-4-105**, which is renumbered from Section 30-3-11.4 is
3926 renumbered and amended to read:

3927 ~~[30-3-11.4].~~ **81-4-105. Mandatory orientation course for divorcing parties.**

3928 (1) (a) There is established a mandatory divorce orientation course for all parties with
3929 ~~[minor children]~~ a minor child who file a petition for temporary separation or for a divorce. ~~[A~~
3930 ~~couple with no minor children is not required, but may choose to attend the course.]~~

3931 (b) The purpose of the course is to educate parties about the divorce process and
3932 reasonable alternatives.

3933 ~~[(2) A petitioner shall attend a divorce orientation course no more than 60 days after~~

3934 filing a petition for divorce.]

3935 ~~[(3) (a) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~
3936 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~
3937 ~~related to the divorce or petition for temporary separation, until the moving party completes the~~
3938 ~~divorce orientation course.]~~

3939 ~~[(b) Notwithstanding Subsection (3)(a), both parties shall attend a divorce orientation~~
3940 ~~course before a divorce decree may be entered, unless waived by the court under Section~~
3941 ~~30-3-4.]~~

3942 ~~[(4) The respondent shall attend the divorce orientation course no more than 30 days~~
3943 ~~after being served with a petition for divorce.]~~

3944 ~~[(5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~
3945 ~~course, and information regarding the course shall be included with the petition or motion,~~
3946 ~~when served on the respondent.]~~

3947 ~~[(6) (2) The divorce orientation course shall be neutral, unbiased, at least one hour in~~
3948 ~~duration, and include:~~

3949 (a) options available as alternatives to divorce;

3950 (b) resources available from courts and administrative agencies for resolving custody
3951 and support issues without filing for divorce;

3952 (c) resources available to improve or strengthen the marriage;

3953 (d) a discussion of the positive and negative consequences of divorce;

3954 (e) a discussion of the process of divorce;

3955 (f) options available for proceeding with a divorce, including:

3956 (i) mediation;

3957 (ii) collaborative law; and

3958 (iii) litigation; and

3959 (g) a discussion of post-divorce resources.

3960 ~~[(7) (3) The course may be provided in conjunction with the mandatory course for~~
3961 ~~divorcing parents required by Section ~~30-3-11.3~~ [81-4-106](#).~~

3962 ~~[(8) (4) (a) The Administrative Office of the Courts shall administer the course~~
3963 ~~pursuant to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.~~

3964 ~~(b) The contracts shall provide for the recoupment of administrative expenses through~~

3965 the costs charged to individual parties as described in Subsection (6).

3966 ~~[(9)]~~ (5) The course may be through live instruction, video instruction, or through an
3967 online provider.

3968 ~~[(10)]~~ (6) (a) A participant shall pay the costs of the course, which may not exceed \$30,
3969 to the independent contractor providing the course at the time and place of the course.

3970 (b) A petitioner who attends a live instruction course within 30 days of filing may not
3971 be charged more than \$15 for the course.

3972 (c) A respondent who attends a live instruction course within 30 days of being served
3973 with a petition for divorce or temporary separation order may not be charged more than \$15 for
3974 the course.

3975 (d) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and
3976 deposited in the Children's Legal Defense Account described in Section 51-9-408.

3977 (e) Each party who is unable to pay the costs of the course may attend the course
3978 without payment upon a prima facie showing of indigency as evidenced by an affidavit of
3979 indigency filed in the district court in accordance with Section 78A-2-302. ~~[The independent~~
3980 ~~contractor shall be reimbursed for the independent contractor's costs by the Administrative~~
3981 ~~Office of the Courts.]~~

3982 (f) A petitioner who is later determined not to meet the qualifications for indigency
3983 may be ordered to pay the costs of the course.

3984 ~~[(11) Appropriations from the General Fund to the Administrative Office of the Courts~~
3985 ~~for the divorce orientation course shall be used]~~

3986 (7) (a) The Administrative Office of the Courts shall reimburse an independent
3987 contractor that administers the mandatory orientation courts for the independent contractor's
3988 costs.

3989 (b) The Administrative Office of the Courts shall use appropriations from the
3990 Children's Legal Defense Account to pay the costs of an indigent ~~[petitioner who is determined~~
3991 ~~to be indigent as provided in Subsection (10)(e)]~~ individual who makes a showing as described
3992 in Subsection (6) to attend the mandatory orientation course under this section.

3993 ~~[(12)]~~ (8) The Online Court Assistance Program shall include instructions with the
3994 forms for divorce that inform the petitioner of the requirement of this section.

3995 ~~[(13)]~~ (9) A certificate of completion constitutes evidence to the court of course

3996 completion by the parties.

3997 ~~[(14)]~~ (10) It ~~[shall be]~~ is an affirmative defense in all divorce actions that the divorce
3998 orientation requirement was not complied with~~;~~ and the action may not continue until a party
3999 has complied.

4000 ~~[(15)]~~ (11) The Administrative Office of the Courts shall:

4001 (a) adopt a program to evaluate the effectiveness of the mandatory educational course
4002 ~~[-Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and~~

4003 (b) provide progress reports to the Judiciary Interim Committee if requested.

4004 Section 117. Section **81-4-106**, which is renumbered from Section 30-3-11.3 is
4005 renumbered and amended to read:

4006 ~~[30-3-11.3].~~ **81-4-106. Mandatory educational course for divorcing parents.**

4007 (1) (a) The Judicial Council shall approve and implement a mandatory educational
4008 course for divorcing parents in all judicial districts.

4009 (b) The mandatory educational course is designed to educate and sensitize divorcing
4010 parties to their ~~[children's]~~ minor child's needs both during and after the divorce process.

4011 (2) The Judicial Council shall adopt rules to implement and administer this program.

4012 ~~[(3) (a) As a prerequisite to receiving a divorce decree, both parties are required to~~
4013 ~~attend a mandatory course on their children's needs after filing a complaint for divorce and~~
4014 ~~receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived,~~
4015 ~~the court may permit the divorce action to proceed.]~~

4016 ~~[(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~
4017 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~
4018 ~~related to the divorce until the moving party completes the mandatory educational course for~~
4019 ~~divorcing parents required by this section.]~~

4020 ~~[(4) The court may require unmarried parents to attend this educational course when~~
4021 ~~those parents are involved in a visitation or custody proceeding before the court.]~~

4022 ~~[(5)]~~ (3) The mandatory educational course shall instruct both parties:

4023 (a) about divorce and its impacts on:

4024 (i) their ~~[child or children]~~ minor child;

4025 (ii) their family relationship; and

4026 (iii) their financial responsibilities for ~~[their child or children]~~ their minor child; and

4027 (b) that domestic violence has a harmful effect on ~~[children]~~ a minor child and family
4028 relationships.

4029 ~~[(6)]~~ (4) (a) The course may be provided through live instruction, video instruction, or
4030 an online provider.

4031 (b) The online and video options must be formatted as interactive presentations that
4032 ensure active participation and learning by the parent.

4033 ~~[(7)]~~ (5) (a) The Administrative Office of the Courts shall administer the course
4034 ~~[pursuant to]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through
4035 private or public contracts and organize the program in each of Utah's judicial districts.

4036 (b) The contracts shall provide for the recoupment of administrative expenses through
4037 the costs charged to individual parties~~[, pursuant to Subsection (9)]~~ as described in Subsection
4038 (7).

4039 ~~[(8)]~~ (6) A certificate of completion constitutes evidence to the court of course
4040 completion by the parties.

4041 ~~[(9)]~~ (7) (a) Each party shall pay the costs of the course to the independent contractor
4042 providing the course at the time and place of the course.

4043 (b) A fee of \$8 shall be collected, as part of the course fee paid by each participant, and
4044 deposited in the Children's Legal Defense Account~~;~~ described in Section [51-9-408](#).

4045 ~~[(b)]~~ (c) Each party who is unable to pay the costs of the course may attend the course
4046 without payment upon a prima facie showing of indigency as evidenced by an affidavit of
4047 indigency filed in the district court in accordance with Section [78A-2-302](#). ~~[In those situations,~~
4048 ~~the independent contractor shall be reimbursed for the independent contractor's costs from the~~
4049 ~~appropriation to the Administrative Office of the Courts for "Mandatory Educational Course~~
4050 ~~for Divorcing Parents Program."]~~

4051 (d) Before a decree of divorce may be entered, the court shall make a final review and
4052 determination of indigency and may order the payment of the costs if so determined.

4053 ~~[(10) Appropriations from the General Fund to the Administrative Office of the Courts~~
4054 ~~for the "Mandatory Educational Course for Divorcing Parents Program" shall be used]~~

4055 (8) (a) The Administrative Office of the Courts shall reimburse an independent
4056 contractor that administers the mandatory educational course for the independent contractor's
4057 costs.

4058 (b) The Administrative Office of the Courts shall use appropriations from the
 4059 Children's Legal Defense Account to pay the costs of an indigent parent who makes a showing
 4060 as [provided in Subsection (9)(b)] described in Subsection (7) to attend the mandatory
 4061 educational course under this section.

4062 [(H)] (9) The Administrative Office of the Courts shall:

4063 (a) adopt a program to evaluate the effectiveness of the mandatory educational course[:
 4064 Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and

4065 (b) provide progress reports to the Judiciary Interim Committee if requested.

4066 Section 118. Section **81-4-201** is enacted to read:

4067 **Part 2. Separate Maintenance**

4068 **81-4-201. Definitions for part.**

4069 As used in this part:

4070 (1) "Petitioner" means an individual who brings a petition for separate maintenance.

4071 (2) "Respondent" means the individual against whom a petition for separate
 4072 maintenance is brought.

4073 Section 119. Section **81-4-202**, which is renumbered from Section 30-4-1 is
 4074 renumbered and amended to read:

4075 ~~[30-4-1].~~ **81-4-202. Petition for separate maintenance -- Grounds.**

4076 ~~[Whenever a resident of this state:]~~

4077 (1) A married individual may bring a petition seeking separate maintenance from the
 4078 married individual's spouse if:

4079 (a) the married individual's spouse is a resident of this state; and

4080 (b) the married individual's spouse:

4081 [(1)] (i) deserts [a spouse] the married individual without good and sufficient cause;

4082 [(2)] (ii) being of sufficient ability to provide support, neglects or refuses to properly
 4083 provide for and suitably maintain [that spouse] the married individual;

4084 [(3)] (iii) ~~[having property within this state and the spouse being a resident of this state,~~
 4085 ~~so deserts or neglects or refuses to provide such support]~~ has property within this state and
 4086 deserts, neglects or refuses to provide support to the married individual; or

4087 [(4)] (iv) ~~[where a married person without that person's fault lives separate and apart~~
 4088 ~~from that spouse, the district court shall, on the filing of a complaint, allot, assign, set apart and~~

4089 ~~decree as alimony the use of the real and personal estate or earnings of the deserting spouse as~~
 4090 ~~the court may determine appropriate] lives separate and apart from the married individual~~
 4091 ~~without any fault to the married individual.~~

4092 (2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and
 4093 decree as alimony the use of the real and personal estate or earnings of the respondent as the
 4094 court may determine is appropriate.

4095 (3) During the pendency of the action, the court may require the [deserting spouse]
 4096 respondent to pay a sum as provided in Section [30-3-3] [81-1-203](#).

4097 Section 120. Section **81-4-203**, which is renumbered from Section 30-4-2 is
 4098 renumbered and amended to read:

4099 ~~[30-4-2].~~ **81-4-203. Venue -- Procedure.**

4100 ~~[In all actions brought hereunder the proceedings and practice shall be the same as near~~
 4101 ~~as may be as in actions for divorce; but the action may be brought in any county where the wife~~
 4102 ~~or the husband may be found.]~~

4103 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall
 4104 bring an action under this part in any county in which the petitioner or respondent is found.

4105 (2) An action under this part shall proceed in accordance with the Utah Rules of Civil
 4106 Procedure.

4107 Section 121. Section **81-4-204**, which is renumbered from Section 30-4-3 is
 4108 renumbered and amended to read:

4109 ~~[30-4-3].~~ **81-4-204. Custody and maintenance of children -- Property and**
 4110 **debt division -- Support payments.**

4111 ~~(1) [In all actions brought under this chapter]~~ In an action under this part, the court may
 4112 by order or decree:

4113 (a) provide for the care, custody, and maintenance of ~~[the minor children]~~ a minor child
 4114 of the parties [and may determine with which of the parties the children or any of them shall
 4115 remain];

4116 (b) (i) provide for support of ~~[either]~~ a spouse and the support of ~~[the minor children]~~ a
 4117 minor child remaining with that spouse;

4118 (ii) provide how and when support payments ~~[shall be]~~ are made; and

4119 (iii) provide that ~~[either]~~ a spouse have a lien upon the property of the other spouse to

4120 secure payment of the support or maintenance obligation;

4121 (c) award to [~~either~~] a spouse the possession of any real or personal property of the
4122 other spouse or acquired by the spouses during the marriage; [~~or~~]

4123 (d) specify which party is responsible for the payment of joint debts, obligations, or
4124 liabilities of the parties contracted or incurred during marriage in accordance with Section
4125 15-4-6.5;

4126 (e) require the parties to notify respective creditors or obligees regarding the court's
4127 division of debts, obligations, or liabilities and regarding the parties' separate and current
4128 addresses in accordance with Section 15-4-6.5; or

4129 (f) provide for the enforcement of the orders described in Subsections (1)(d) and (e).
4130 [~~(d) pursuant to Section 15-4-6.5;~~]

4131 [~~(i) specify which party is responsible for the payment of joint debts, obligations, or~~
4132 liabilities contracted or incurred by the parties during the marriage;]

4133 [~~(ii) require the parties to notify respective creditors or obligees regarding the court's~~
4134 division of debts, obligations, and liabilities and regarding the parties' separate, current
4135 addresses; and]

4136 [~~(iii) provide for the enforcement of these orders.~~]

4137 (2) [~~The orders and decrees~~] A court may enforce an order or decree under this section
4138 [may be enforced];

4139 (a) by sale of any property of the spouse [~~or by~~];

4140 (b) by contempt proceedings [~~or otherwise as may be necessary.~~]; or

4141 (c) as is otherwise necessary.

4142 (3) The court may:

4143 (a) change the support or maintenance of a party from time to time according to
4144 circumstances[~~, and may~~]; or

4145 (b) terminate altogether any obligation upon satisfactory proof of voluntary and
4146 permanent reconciliation.

4147 (4) An order or decree of support or maintenance [~~shall in every case be~~] described in
4148 this part is valid only during the joint lives of [~~the husband and wife~~] the parties.

4149 Section 122. Section **81-4-205**, which is renumbered from Section 30-4-4 is
4150 renumbered and amended to read:

4151 ~~[30-4-4].~~ **81-4-205. Restraining disposal of property.**

4152 ~~[At the time of filing the complaint mentioned in Section 30-4-1]~~

4153 (1) At the time of the filing of a petition described in Section 81-4-202, or at any time
 4154 subsequent ~~[thereto, the plaintiff]~~ to the filing of the petition, a party may procure from the
 4155 court, and file with the county recorder of any county in the state in which the ~~[defendant]~~ other
 4156 party may own real estate, an order enjoining and restraining the ~~[defendant]~~ other party from
 4157 disposing of or encumbering the ~~[same]~~ real estate or any portion ~~[thereof, describing such]~~ of
 4158 the real estate.

4159 (2) The party shall describe the real estate with reasonable certainty~~[, and from the time~~
 4160 of filing such order the property described therein shall be charged with a lien in favor of the
 4161 plaintiff to the extent of any judgment which may be rendered in the action.] in a filing
 4162 described in Subsection (1).

4163 (3) From the time in which a party receives a court order described in Subsection (1),
 4164 the party has a lien in favor of the party to the extent of any judgment that is rendered in an
 4165 action under this part.

4166 Section 123. Section **81-4-206**, which is renumbered from Section 30-4-5 is
 4167 renumbered and amended to read:

4168 ~~[30-4-5].~~ **81-4-206. Rights and remedies -- Imprisonment of spouse.**

4169 ~~[Like rights and remedies shall be extended to either husband or wife on the~~
 4170 ~~imprisonment of the other in the state prison under a sentence of one year or more when~~
 4171 ~~suitable provision has not been made for the support of the one not so imprisoned.] If a party to~~
 4172 an action for separate maintenance is imprisoned in the state prison for a sentence of one year
 4173 or more and a suitable provision of support has not been made for the other party, the rights
 4174 and remedies of this part shall be extended to the party that is not imprisoned.

4175 Section 124. Section **81-4-301** is enacted to read:

4176 **Part 3. Annulment**

4177 **81-4-301. Definitions for part.**

4178 As used in this part:

4179 (1) "Petitioner" means an individual who brings a petition for an annulment.

4180 (2) "Respondent" means the individual against whom a petition for an annulment is
 4181 brought.

4182 Section 125. Section **81-4-302**, which is renumbered from Section 30-1-17.1 is
4183 renumbered and amended to read:

4184 ~~[30-1-17.1].~~ **81-4-302. Annulment -- Grounds.**

4185 ~~[A marriage may be annulled]~~ A court may annul a marriage for any of the following
4186 causes existing at the time of the marriage:

4187 ~~[(1) When the marriage is prohibited or void under Title 30, Chapter 1, Marriage.]~~

4188 (1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity
4189 of Marriage; or

4190 (2) [Upon] upon grounds existing at common law.

4191 Section 126. Section **81-4-303**, which is renumbered from Section 30-1-17 is
4192 renumbered and amended to read:

4193 ~~[30-1-17].~~ **81-4-303. Petition for annulment -- Venue -- Judgment on validity**
4194 **of marriage.**

4195 (1) (a) When there is doubt as to the validity of a marriage, [either party may, in a court
4196 of equity in a county where either party is domiciled,] a party to the marriage may bring a
4197 petition for annulment to demand avoidance or affirmance of the marriage[, but when].

4198 (b) If one of the parties was under 18 years old at the time of the marriage, the other
4199 party, being of proper age at the time of the marriage, [does not have a proceeding for that
4200 cause] may not bring a petition for annulment against the party who was under 18 years old.

4201 (2) A petitioner may bring a petition for annulment in any county where the petitioner
4202 or respondent is domiciled.

4203 (3) (a) If a petition for annulment is filed upon the ground that one or both of the
4204 parties were prohibited from marriage because of the age of the parties, the court may refuse to
4205 grant the annulment if the court finds that it is in the best interest of the parties, or a child of the
4206 parties, to refuse the annulment.

4207 (b) The refusal to annul under Subsection (3)(a) makes the marriage valid and
4208 subsisting for all purposes.

4209 (4) If the parties have accumulated any property or acquired any obligations subsequent
4210 to the marriage, if there is a genuine need arising from an economic change of circumstances
4211 due to the marriage, or if there is a minor child born or expected, the court may make
4212 temporary and final orders, and subsequently modify the orders, as may be equitable, in regards

4213 to:

4214 (a) the property and obligations of the parties;

4215 (b) the support and maintenance of the parties and a minor child of the parties; and

4216 (c) the custody and parent-time for a minor child of the parties.

4217 (5) [The judgment in the action shall either declare the marriage valid or annulled and
 4218 shall be conclusive] A judgment in an action under this part:

4219 (a) shall declare the marriage valid or annulled; and

4220 (b) is conclusive upon all persons concerned with the marriage.

4221 Section 127. Section **81-4-401** is enacted to read:

4222 **Part 4. Divorce**

4223 **81-4-401. Definitions for part.**

4224 As used in this part:

4225 (1) "Cohabitation" means the same as the term, "cohabit," is defined in Section
 4226 [81-4-501](#).

4227 (2) "Mandatory courses" means:

4228 (a) the mandatory divorce orientation course described in Section [81-4-105](#); and

4229 (b) the mandatory educational course for divorcing parents described in Section
 4230 [81-4-106](#).

4231 (3) "Petitioner" means the individual who brings a petition for divorce.

4232 (4) "Respondent" means the individual against whom a petition for divorce is brought.

4233 Section 128. Section **81-4-402** is enacted to read:

4234 **81-4-402. Petition for divorce -- Divorce proceedings -- Temporary orders.**

4235 (1) An individual may bring a petition for divorce if:

4236 (a) the individual or the individual's spouse is an actual and bona fide resident of the
 4237 county where the petition is filed for at least 90 days before the day on which the petition is
 4238 filed; or

4239 (b) the individual is a member of the armed forces of the United States and the
 4240 individual is stationed under military orders in this state for at least 90 days before the day on
 4241 which the petition is filed.

4242 (2) A divorce action shall be commenced and conducted in accordance with this
 4243 chapter and the Utah Rules of Civil Procedure.

4244 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which
4245 the petition is filed, unless the court finds that extraordinary circumstances exist.

4246 (b) The court may make interim orders as the court considers just and equitable before
4247 the expiration of the 30-day period described in Subsection (3)(a).

4248 (4) (a) Except as provided in Subsection (5), if the parties to the divorce action have a
4249 minor child, the parties shall attend the mandatory courses described in Sections [81-4-105](#) and
4250 [81-4-106](#) within:

4251 (i) for the petitioner, 60 days after the day on which the petition is filed; and

4252 (ii) for the respondent, 30 days after the day on which the respondent is served.

4253 (b) If the parties to a divorce action do not have a minor child, the parties may choose
4254 to attend the mandatory divorce orientation course described in Section [81-4-105](#).

4255 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the
4256 mandatory courses.

4257 (d) A petition shall include information regarding the mandatory courses when the
4258 petition is served on the respondent.

4259 (e) Except for a temporary restraining order under Rule 65 of the Utah Rules of Civil
4260 Procedure, a party may file, but the court may not hear, a motion for an order related to the
4261 divorce until the moving party completes the mandatory courses.

4262 (5) (a) The court may waive the requirement for the parties to attend the mandatory
4263 courses under Subsection (4), on the court's own motion or on the motion of one of the parties,
4264 if the court determines course attendance and completion are not necessary, appropriate,
4265 feasible, or in the best interest of the parties.

4266 (b) If the requirement is waived, the court may permit the divorce action to proceed.

4267 (6) The use of counseling, mediation, and education services provided under this part
4268 may not be construed as condoning or promoting divorce.

4269 Section 129. Section **81-4-403**, which is renumbered from Section 30-3-39 is
4270 renumbered and amended to read:

4271 ~~[30-3-39].~~ **81-4-403. Mediation requirement.**

4272 (1) There is established a mandatory domestic mediation program to help reduce the
4273 time and tensions associated with obtaining a divorce.

4274 (2) (a) If~~[, after the filing of an answer to a complaint of divorce,]~~ there are any

4275 remaining contested issues after the filing of a response to a petition for divorce, the parties
4276 shall participate in good faith in at least one session of mediation.

4277 (b) ~~[This requirement]~~ The requirement described in Subsection (2)(a) does not
4278 preclude the entry of pretrial orders before mediation takes place.

4279 (3) The parties shall use a mediator qualified to mediate domestic disputes under
4280 criteria established by the Judicial Council in accordance with Section [78B-6-205](#).

4281 (4) Unless otherwise ordered by the court or the parties agree upon a different payment
4282 arrangement, the cost of mediation shall be divided equally between the parties.

4283 (5) The director of dispute resolution programs for the courts, the court, or the
4284 mediator may excuse either party from the requirement to mediate for good cause.

4285 (6) ~~[Mediation]~~ A mediation described in this section shall be conducted in accordance
4286 with the Utah Rules of Court-Annexed Alternative Dispute Resolution.

4287 Section 130. Section **81-4-404**, which is renumbered from Section 30-3-5.2 is
4288 renumbered and amended to read:

4289 ~~[30-3-5.2]~~. **81-4-404. Allegations of child abuse or child sexual abuse in a**
4290 **divorce proceeding -- Investigation.**

4291 (1) ~~When[, in any divorce proceeding or upon a request for modification of a divorce~~
4292 ~~decree,]~~ an allegation of child abuse or child sexual abuse is made[, implicating either] in a
4293 divorce proceeding, or a request for modification of a divorce decree, that implicates a party,
4294 the court, after making an inquiry, may order that an investigation be conducted by the Division
4295 of Child and Family Services [within the Department of Human Services] in accordance with
4296 Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective
4297 Custody of a Child.

4298 (2) A final award of custody or parent-time may not be rendered until a report on that
4299 investigation, consistent with Section [80-2-1005](#), is received by the court.

4300 (3) ~~[That investigation shall be conducted by the]~~ The Division of Child and Family
4301 Services shall conduct an investigation described in Subsection (1) within 30 days of the court's
4302 notice and request for an investigation.

4303 (4) In reviewing ~~[this report]~~ a report described in Subsection (2), the court shall
4304 comply with Sections [78A-2-703](#), [78A-2-705](#), and [78B-15-612](#).

4305 Section 131. Section **81-4-405**, which is renumbered from Section 30-3-1 is

4306 renumbered and amended to read:

4307 ~~[30-3-1].~~ **81-4-405. Grounds for divorce.**

4308 ~~[(1) Proceedings in divorce are commenced and conducted as provided by law for~~
4309 ~~proceedings in civil causes, except as provided in this chapter.]~~

4310 ~~[(2) The court may decree a dissolution of the marriage contract between the petitioner~~
4311 ~~and respondent on the grounds specified in Subsection (3) in all cases where the petitioner or~~
4312 ~~respondent has been an actual and bona fide resident of this state and of the county where the~~
4313 ~~action is brought, or if members of the armed forces of the United States who are not legal~~
4314 ~~residents of this state, where the petitioner has been stationed in this state under military orders;~~
4315 ~~for three months next prior to the commencement of the action.]~~

4316 ~~[(3)]~~ (1) [Grounds for divorce] A court may order the dissolution of a marriage contract
4317 between the petitioner and the respondent on the grounds of:

4318 (a) impotency of the respondent at the time of marriage;

4319 (b) adultery committed by the respondent subsequent to marriage;

4320 (c) willful desertion of the petitioner by the respondent for more than one year;

4321 (d) willful neglect of the respondent to provide for the petitioner the common

4322 necessities of life;

4323 (e) habitual drunkenness of the respondent;

4324 (f) conviction of the respondent for a felony;

4325 (g) cruel treatment of the petitioner by the respondent to the extent of causing bodily

4326 injury or great mental distress to the petitioner;

4327 (h) irreconcilable differences of the marriage;

4328 (i) incurable insanity; or

4329 (j) when the ~~[husband and wife]~~ petitioner and respondent have lived separately under

4330 a decree of separate maintenance of any state for three consecutive years without cohabitation.

4331 ~~[(4)]~~ (2) A decree of divorce granted under Subsection ~~[(3)(j)]~~ (1)(i) does not affect the
4332 liability of either party under any provision for separate maintenance previously granted.

4333 ~~[(5)]~~ (3) (a) ~~A [divorce may not be granted on the]~~ court may not order the dissolution
4334 of a marriage contract between the petitioner and the respondent on the grounds of insanity
4335 unless:

4336 (i) the respondent has been adjudged insane by the appropriate authorities of this or

4337 another state prior to the commencement of the action; and

4338 (ii) the court finds by the testimony of competent witnesses that the insanity of the
4339 respondent is incurable.

4340 (b) The court shall appoint for the respondent a guardian ad litem who shall protect the
4341 interests of the respondent.

4342 (c) A copy of the summons and [~~complaint~~] petition shall be served on:

4343 (i) the respondent in person or by publication, as provided by the laws of this state in
4344 other actions for divorce, or upon [~~his~~] the respondent's guardian ad litem[~~, and upon~~]; and

4345 (ii) the county attorney for the county where the action is prosecuted.

4346 [~~(c)~~] (d) The county attorney shall:

4347 (i) investigate the merits of the case [~~and~~];

4348 (ii) if the respondent resides out of this state, take depositions as necessary[;];

4349 (iii) attend the proceedings[;]; and

4350 (iv) make a defense as is just to protect the rights of the respondent and the interests of
4351 the state.

4352 [~~(d) In all actions the court and judge have jurisdiction over the payment of alimony,
4353 the distribution of property, and the custody and maintenance of minor children, as the courts
4354 and judges possess in other actions for divorce.]~~

4355 (e) The petitioner or respondent may[;]:

4356 (i) if the respondent resides in this state, upon notice, have the respondent brought into
4357 the court at trial[~~, or~~]; or

4358 (ii) have an examination of the respondent by two or more competent physicians[;] to
4359 determine the mental condition of the respondent.

4360 (f) For [~~this purpose either~~] the purpose described in Subsection (3)(e), a party may
4361 have leave from the court to enter any asylum or institution where the respondent may be
4362 confined.

4363 (g) The court shall apportion the costs of court in this action [~~shall be apportioned by
4364 the court~~].

4365 Section 132. Section **81-4-406** is enacted to read:

4366 **81-4-406. Decree of divorce -- When decree becomes absolute -- Remarriage --**
4367 **Jurisdiction to modify a decree for a child born after the decree.**

4368 (1) (a) The court shall enter a decree of divorce upon the evidence or the petitioner's
4369 affidavit in the case of default as described in Subsection (1)(b).

4370 (b) A court may not grant a divorce upon default, unless there is evidence to support a
4371 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules
4372 of Civil Procedure.

4373 (2) Unless the requirement is waived by the court under Subsection [81-4-402\(5\)](#), a
4374 court may not grant a decree of divorce for parties with a minor child until:

4375 (a) both parties have attended the mandatory courses described in Sections [81-4-105](#)
4376 and [81-4-106](#); and

4377 (b) both parties have presented a certificate of course completion for each course to the
4378 court.

4379 (3) In a decree of divorce, the court shall:

4380 (a) specify which party is responsible for the payment of joint debts, obligations, or
4381 liabilities of the parties contracted or incurred during marriage in accordance with Section
4382 [15-4-6.5](#);

4383 (b) require the parties to notify respective creditors or obligees, regarding the court's
4384 division of debts, obligations, or liabilities and regarding the parties' separate and current
4385 addresses in accordance with Section [15-4-6.5](#);

4386 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

4387 (d) if a party owns a life insurance policy or an annuity contract, include an
4388 acknowledgment by the court that the party:

4389 (i) has reviewed and updated, where appropriate, the list of beneficiaries;

4390 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries
4391 after the divorce becomes final; and

4392 (iii) understands that, if no changes are made to the policy or contract, the beneficiaries
4393 currently listed will receive any funds paid by the insurance company under the terms of the
4394 policy or contract; and

4395 (e) if the parties have a child as defined in Section [81-6-101](#), include an order for child
4396 support and medical expenses as described in Chapter 6, Child Support.

4397 (4) The court may include in the divorce decree any equitable orders relating to:

4398 (a) the parties, including any alimony to be awarded to a party in accordance with Part

4399 5, Spousal Support;

4400 (b) a child of the parties; and

4401 (c) any property, debts, or obligations.

4402 (5) A decree of divorce becomes absolute:

4403 (a) on the date it is signed by the court and entered by the clerk in the register of
4404 actions;

4405 (b) at the expiration of a period of time the court may specifically designate, unless an
4406 appeal or other proceedings for review are pending;

4407 (c) if an appeal is taken, when the decree is affirmed; or

4408 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise
4409 orders.

4410 (6) The court, upon application or on the court's own motion for good cause shown,
4411 may waive, alter, or extend a designated period of time before the decree becomes absolute, but
4412 not to exceed six months from the signing and entry of the decree.

4413 (7) A party to a divorce proceeding may not marry another individual other than the
4414 other party for whom the divorce was granted until the party's divorce becomes absolute.

4415 (8) The court has jurisdiction to modify a decree of divorce to address child support,
4416 parent-time, and other matters related to a minor child born to the parties after the decree of
4417 divorce is entered.

4418 Section 133. Section **81-4-501** is enacted to read:

4419 **Part 5. Spousal Support**

4420 **81-4-501. Definitions for part.**

4421 As used in this part:

4422 (1) "Child support guidelines" means the same as that term is defined in Section
4423 [81-6-101](#).

4424 (2) "Cohabit" means to live together, or to reside together on a regular basis, in the
4425 same residence and in a relationship of a romantic or sexual nature.

4426 (3) "Fault" means any of the following wrongful conduct during the marriage that
4427 substantially contributed to the breakup of the marriage:

4428 (a) engaging in sexual relations with an individual other than the party's spouse;

4429 (b) knowingly and intentionally causing or attempting to cause physical harm to the

4430 other party or a minor child;

4431 (c) knowingly and intentionally causing the other party or a minor child to reasonably
4432 fear life-threatening harm; or

4433 (d) substantially undermining the financial stability of the other party or the minor
4434 child.

4435 (4) "Length of the marriage" means, for purposes of alimony, the number of years from
4436 the day on which the parties are legally married to the day on which the petition for divorce is
4437 filed with the court.

4438 (5) "Payee" means the party who is or would receive alimony from the other party.

4439 (6) "Payor" means the party who is paying, or would pay, alimony to the other party.

4440 (7) "Temporary alimony" means money that the court orders a party to pay during the
4441 pendency of an action under this chapter for the support and maintenance of a party as
4442 described in Subsection 81-1-203(4).

4443 Section 134. Section **81-4-502** is enacted to read:

4444 **81-4-502. Determination of alimony.**

4445 (1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to
4446 modify alimony, the court shall consider at least the following factors in determining alimony:

4447 (a) the financial condition and needs of the payee;

4448 (b) the payee's earning capacity or ability to produce income, including the impact of
4449 diminished workplace experience resulting from primarily caring for a minor child of the

4450 payor;

4451 (c) the ability of the payor to provide support;

4452 (d) the length of the marriage;

4453 (e) whether the payee has custody of a minor child requiring support;

4454 (f) whether the payee worked in a business owned or operated by the payor; and

4455 (g) whether the payee directly contributed to any increase in the payor's skill by paying
4456 for education received by the payor or enabling the payor to attend school during the marriage.

4457 (2) (a) The court may consider the fault of the parties in determining whether to award
4458 alimony and the terms of the alimony.

4459 (b) The court may, when fault is at issue, close the proceedings and seal the court
4460 records.

4461 (3) (a) Except as otherwise provided by this section, the court shall consider the
4462 standard of living, existing at the time of separation, in determining alimony in accordance
4463 with this section.

4464 (b) In considering all relevant facts and equitable principles, the court may, in the
4465 court's discretion, base alimony on the standard of living that existed at the time of trial.

4466 (4) The court may, under appropriate circumstances, attempt to equalize the parties'
4467 respective standards of living.

4468 (5) (a) If the marriage is short in duration and a minor child has not been conceived or
4469 born during the marriage, the court may consider the standard of living that existed at the time
4470 of the marriage.

4471 (b) In determining alimony when a marriage of short duration dissolves and a minor
4472 child has not been conceived or born during the marriage, the court may consider restoring
4473 each party to the condition which existed at the time of the marriage.

4474 (6) (a) When a marriage of long duration dissolves on the threshold of a major change
4475 in the income of one of the parties due to the collective efforts of both parties, the court shall
4476 consider the change when dividing the marital property and in determining the amount of
4477 alimony.

4478 (b) If a party's earning capacity has been greatly enhanced through the efforts of both
4479 parties during the marriage, the court may make a compensating adjustment in dividing the
4480 marital property and awarding alimony.

4481 (7) (a) Except as provided in Subsection (7)(c), the court may not order alimony for a
4482 period of time longer than the length of the marriage.

4483 (b) If a party is ordered to pay temporary alimony during the pendency of a divorce
4484 action, the court shall count the period of time that the party pays temporary alimony towards
4485 the period of time for which the party is ordered to pay alimony.

4486 (c) At any time before the termination of alimony, the court may find extenuating
4487 circumstances or good cause that justify the payment of alimony for a longer period of time
4488 than the length of the marriage.

4489 Section 135. Section **81-4-503** is enacted to read:

4490 **81-4-503. Modification of alimony after divorce decree.**

4491 (1) The court has continuing jurisdiction to make substantive changes and new orders

4492 regarding alimony based on a substantial material change in circumstances not expressly stated
4493 in the divorce decree or in the findings that the court entered at the time of the divorce decree.

4494 (2) A party's retirement is a substantial material change in circumstances that is subject
4495 to a petition to modify alimony, unless the divorce decree, or the findings that the court entered
4496 at the time of the divorce decree, expressly states otherwise.

4497 (3) The court may not modify alimony or issue a new order for alimony to address
4498 needs of the recipient that did not exist at the time the decree was entered, unless the court
4499 finds extenuating circumstances that justify that action.

4500 (4) In modifying the amount of alimony, the court may not consider the income of any
4501 subsequent spouse of the payor, except that the court may consider:

4502 (a) the subsequent spouse's financial ability to share living expenses; or

4503 (b) the income of a subsequent spouse if the court finds that the payor's improper
4504 conduct justifies that consideration.

4505 Section 136. Section **81-4-504** is enacted to read:

4506 **81-4-504. Termination of alimony.**

4507 (1) (a) Except as provided in Subsection (1)(b), or unless a decree of divorce
4508 specifically provides otherwise, any order of the court that a payor pay alimony to a payee
4509 automatically terminates upon the remarriage or death of that payee.

4510 (b) If the remarriage of the payee is annulled and found to be void ab initio, the
4511 payment of alimony shall resume if the payor is made a party to the action of annulment and
4512 the payor's rights are determined.

4513 (2) If a payor establishes that a payee cohabits with another individual during the
4514 pendency of the divorce action, the court:

4515 (a) may not order the payor to pay temporary alimony to the payee; and

4516 (b) shall terminate any order that the payor pay temporary alimony to the payee.

4517 (3) (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay
4518 alimony to a payee if the payor establishes that, after the order for alimony is issued, the payee
4519 cohabits with another individual even if the payee is not cohabiting with the individual when
4520 the payor files the motion to terminate alimony.

4521 (b) A payor may not seek termination of alimony under Subsection (3)(a) later than one
4522 year after the day on which the payor knew or should have known that the payee has cohabited

4523 with another individual.

4524 Section 137. Section **81-5-101** is enacted to read:

4525 **CHAPTER 5. UNIFORM PARENTAGE ACT**

4526 **81-5-101. Reserved.**

4527 Reserved.

4528 Section 138. Section **81-6-101**, which is renumbered from Section 78B-12-102 is
4529 renumbered and amended to read:

4530 **CHAPTER 6. CHILD SUPPORT**

4531 **Part 1. General Provisions**

4532 ~~[78B-12-102].~~ **81-6-101. Definitions for chapter.**

4533 As used in this chapter:

4534 ~~[(1) "Adjusted gross income" means income calculated under Subsection~~
4535 ~~78B-12-204(1).]~~

4536 ~~[(2)]~~ (1) "Administrative agency" means the Office of Recovery Services or the
4537 Department of Health and Human Services.

4538 ~~[(3)]~~ (2) "Administrative order" means ~~[an order that has been issued by the Office of~~
4539 ~~Recovery Services, the Department of Health and Human Services, or an administrative agency~~
4540 ~~of another state or other comparable jurisdiction with similar authority to that of the office.]~~ the
4541 same as that term is defined in Section 26B-9-201.

4542 (3) "Alimony" means the same as that term is defined in Section 81-4-101.

4543 (4) "Base child support award" means the award that may be ordered and is calculated
4544 using the child support guidelines before additions for medical expenses and work-related child
4545 care costs.

4546 (5) "Base combined child support obligation" means the presumed amount of child
4547 support that the parents should provide for their child as described in Subsection 81-6-204(1).

4548 (6) "Base combined child support obligation table" means the appropriate table
4549 described in Sections 81-6-302 and 81-6-304.

4550 ~~[(5) "Base combined child support obligation table," "child support table," "base child~~
4551 ~~support obligation table," "low income table," or "table" means the appropriate table in Part 3,~~
4552 ~~Tables.]~~

4553 ~~[(6) "Cash medical support" means an obligation to equally share all reasonable and~~

4554 ~~necessary medical and dental expenses of children.]~~

4555 (7) "Child" means:

4556 (a) a son or daughter [~~under the age of 18 years~~] who is under 18 years old and who is
4557 not otherwise emancipated, self-supporting, married, or a member of the armed forces of the
4558 United States;

4559 (b) a son or daughter [~~over the age of 18 years,~~] who is 18 years old or older while
4560 enrolled in high school during the normal and expected year of graduation and not otherwise
4561 emancipated, self-supporting, married, or a member of the armed forces of the United States; or

4562 (c) a son or daughter of any age who is incapacitated from earning a living and, if able
4563 to provide some financial resources to the family, is not able to support self by own means.

4564 (8) (a) "Child support" means a base child support award, or a monthly financial award
4565 for uninsured medical expenses, ordered by a tribunal for the support of a child[~~, including~~].

4566 (b) "Child support" includes current periodic payments, arrearages that accrue under an
4567 order for current periodic payments, and sum certain judgments awarded for arrearages,
4568 medical expenses, and child care costs.

4569 (9) "Child support guidelines" means the calculation and application of child support
4570 as described in Part 2, Calculation and Adjustment of Child Support.

4571 [~~(9)~~] (10) "Child support order" [~~or "support order"~~] means a judgment, decree, or
4572 order [~~of~~] issued by a tribunal [~~whether interlocutory or final, whether or not prospectively or~~
4573 ~~retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal~~
4574 ~~separation, separate maintenance, paternity, guardianship, civil protection, or otherwise]~~
4575 whether temporary, final, or subject to modification, that:

4576 (a) establishes or modifies child support;

4577 (b) reduces child support arrearages to judgment; or

4578 (c) establishes child support or registers a child support order under [~~Chapter 14, Utah~~
4579 ~~Uniform Interstate Family Support Act]~~ Title 78B, Chapter 14, Utah Uniform Interstate Family
4580 Support Act.

4581 (11) "Child support tables" means the tables described in Part 3, Child Support Tables.

4582 [~~(10)~~] "Child support services" or "IV-D child support services" means services
4583 ~~provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.]~~

4584 [~~(11)~~] "Court" means the district court or juvenile court.]

4585 ~~[(12) "Guidelines" means the directions for the calculation and application of child~~
4586 ~~support in Part 2, Calculation and Adjustment.]~~

4587 (12) "Child support services" means the same as that term is defined in Section
4588 [26B-9-101](#).

4589 (13) "Gross income" means the amount of income calculated for a parent as described
4590 in Section [81-6-203](#).

4591 ~~[(13)]~~ (14) "Health care coverage" means coverage under which medical services are
4592 provided to a child through:

- 4593 (a) fee for service;
- 4594 (b) a health maintenance organization;
- 4595 (c) a preferred provider organization;
- 4596 (d) any other type of private health insurance; or
- 4597 (e) public health care coverage.

4598 ~~[(14)]~~ (15) (a) "Income" means earnings, compensation, or other payment due to an
4599 individual, regardless of source, whether denominated as wages, salary, commission, bonus,
4600 pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and
4601 incentive pay.

4602 (b) "Income" includes:

- 4603 (i) all gain derived from capital assets, labor, or both, including profit gained through
4604 sale or conversion of capital assets;
- 4605 (ii) interest and dividends;
- 4606 (iii) periodic payments made under pension or retirement programs or insurance
4607 policies of any type;
- 4608 (iv) unemployment compensation benefits;
- 4609 (v) workers' compensation benefits; and
- 4610 (vi) disability benefits.

4611 ~~[(15)]~~ (16) "Joint physical custody" means the ~~[child stays with each parent overnight~~
4612 ~~for more than 30% of the year, and both parents contribute to the expenses of the child in~~
4613 ~~addition to paying child support]~~ same as that term is defined in Section [81-9-101](#).

4614 (17) "Low income table" means the appropriate table under Section [81-6-303](#) or
4615 [81-6-305](#).

4616 ~~[(16)]~~ (18) "Medical expenses" means health and dental expenses and related insurance
4617 costs.

4618 (19) "Minor child" means a child who is younger than 18 years old.

4619 ~~[(17)]~~ (20) "Obligee" means an individual, this state, another state, or another
4620 comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of
4621 child support or public assistance.

4622 ~~[(18)]~~ (21) "Obligor" means a person owing a duty of support.

4623 ~~[(19)]~~ (22) "Office" means the Office of Recovery Services within the Department of
4624 Health and Human Services.

4625 ~~[(20) "Parent" includes a natural parent, or an adoptive parent.]~~

4626 ~~[(21)]~~ (23) "Pregnancy expenses" means an amount equal to:

4627 (a) the sum of a pregnant mother's:

4628 (i) health insurance premiums while pregnant that are not paid by an employer or
4629 government program; and

4630 (ii) medical costs related to the pregnancy, incurred after the date of conception and
4631 before the pregnancy ends; ~~[minus]~~ and

4632 (b) minus any portion of the amount described in Subsection ~~[(21)(a)]~~ (23)(a) that a
4633 court determines is equitable based on the totality of the circumstances, not including any
4634 amount paid by the mother or father of the child.

4635 ~~[(22)]~~ (24) "Split custody" means that each parent has physical custody of at least one
4636 of the children.

4637 ~~[(23)]~~ (25) "State" ~~[includes]~~ means a state, territory, possession of the United States,
4638 the District of Columbia, the Commonwealth of Puerto Rico, Native American ~~[Tribe]~~ tribe, or
4639 other comparable domestic or foreign jurisdiction.

4640 (26) "Support" means past-due, present, and future obligations to provide for the
4641 financial support, maintenance, or medical expenses of a child.

4642 (27) "Support order" means:

4643 (a) a child support order; or

4644 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to
4645 modification, for alimony.

4646 ~~[(24)]~~ (28) "Temporary" means a period of time that is projected to be less than 12

4647 months in duration.

4648 ~~[(25)]~~ (29) "Third party" means an agency or a person other than ~~[the biological or~~
4649 ~~adoptive parent]~~ a parent or a child who provides care, maintenance, and support to a child.

4650 ~~[(26)]~~ (30) "Tribunal" means the district court, the Department of Health and Human
4651 Services, Office of Recovery Services, or court or administrative agency of a state, territory,
4652 possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico,
4653 Native American Tribe, or other comparable domestic or foreign jurisdiction.

4654 ~~[(27)]~~ (31) "Work-related child care ~~[costs]~~ expenses" means reasonable child care
4655 costs for up to a full-time work week or training schedule as necessitated by the employment or
4656 training of a parent ~~[under Section 78B-12-215]~~.

4657 ~~[(28)]~~ (32) ~~["Worksheets" means the forms]~~ "Worksheet" means a form used to aid in
4658 calculating the base child support award.

4659 Section 139. Section **81-6-102** is enacted to read:

4660 **81-6-102. Application of chapter.**

4661 This chapter applies to any judicial or administrative order establishing or modifying an
4662 award of child support entered on or after July 1, 1989.

4663 Section 140. Section **81-6-103**, which is renumbered from Section 78B-12-103 is
4664 renumbered and amended to read:

4665 ~~[78B-12-103].~~ **81-6-103. Jurisdiction over a child support proceeding --**
4666 **Appeals.**

4667 ~~[The district court shall have jurisdiction of all proceedings brought under this chapter.]~~

4668 (1) A court has jurisdiction over a proceeding brought under this chapter in accordance
4669 with Title 78A, Judiciary and Judicial Administration.

4670 (2) An appeal may be taken from an order or judgment under this part as in other civil
4671 actions.

4672 Section 141. Section **81-6-104**, which is renumbered from Section 78B-12-105 is
4673 renumbered and amended to read:

4674 ~~[78B-12-105].~~ **81-6-104. Duty of parents to provide support for a child --**
4675 **Support follows the child.**

4676 (1) (a) Every child is presumed to be in need of the support of the ~~[child's mother and~~
4677 ~~father. Every mother and father shall support their children.]~~ child's parents.

4678 (b) Every parent shall support their child.

4679 (c) Nothing in this chapter relieves a parent of the primary obligation of support for the
4680 parent's child.

4681 (2) Except as limited in a [~~court order under Section 30-3-5, 30-4-3, or 78B-12-212~~]
4682 court order under Section 81-6-208:

4683 (a) [~~The~~] the expenses incurred on behalf of a minor child for reasonable and necessary
4684 medical and dental expenses[;] and other necessities are chargeable upon the property of both
4685 parents, regardless of the marital status of the parents[-]; and

4686 (b) [~~Either or both parents may be sued by a creditor~~] a creditor may sue a parent for
4687 the expenses described in Subsection (2)(a) incurred on behalf of [minor children] a minor
4688 child.

4689 (3) (a) A parent whose minor child has become a ward of this or any other state is not
4690 relieved of the primary obligation to support that child until the minor child is 18 years old or is
4691 legally married, regardless of any agreements or legal defenses that exist between the parents or
4692 other care providers.

4693 (b) Any state that provides support for a child shall have the right to reimbursement.

4694 (c) A third party has a right to recover support from a parent.

4695 (4) An obligation ordered for child support and medical expenses:

4696 (a) are for the use and benefit of the child; and

4697 (b) shall follow the child in a case in which a parent, or another person, is awarded sole
4698 physical custody of the child as described in Subsection 81-6-205(8).

4699 (5) The rights created in this chapter are in addition to and not in substitution to any
4700 other rights.

4701 Section 142. Section **81-6-105**, which is renumbered from Section 78B-12-105.1 is
4702 renumbered and amended to read:

4703 [~~78B-12-105.1~~]. **81-6-105. Duty of biological father to share pregnancy**
4704 **expenses.**

4705 (1) Except as otherwise provided in this section, a biological father of a child has a
4706 duty to pay 50% of the mother's pregnancy expenses.

4707 (2) (a) If paternity is disputed, a biological father owes no duty under this section until
4708 the biological father's paternity is established.

4709 (b) Once paternity is established, the biological father is subject to Subsection (1).

4710 (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the
4711 biological father reduces that parent's 50% share under Subsection (1), not the total amount of
4712 pregnancy expenses.

4713 (b) Subsection (3)(a) applies regardless of when the mother or biological father pays
4714 the pregnancy expense.

4715 (4) If a mother receives an abortion, as defined in Section 76-7-301, without the
4716 biological father's consent, the biological father owes no duty under this section, unless:

4717 (a) the abortion is necessary to avert the death of the mother; or

4718 (b) the mother was pregnant as a result of:

4719 (i) rape, as described in Section 76-5-402;

4720 (ii) rape of a child, as described in Section 76-5-402.1; or

4721 (iii) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102.

4722 (5) Subsection (1) does not apply if a court apportions pregnancy expenses [~~under~~
4723 ~~Section 30-3-5~~] in a divorce decree under Section 81-4-406.

4724 [~~(6) A person may seek payment under Subsection (1) in accordance with Section~~
4725 ~~78B-12-113.~~]

4726 (6) (a) A person who seeks payment under this section for pregnancy expenses shall
4727 provide documentation of payments, medical expenses, and insurance premiums to the court.

4728 (b) The court shall order the payment of the expenses after a review of the
4729 documentation described in Subsection (6)(a).

4730 (7) Nothing in this section [~~or Section 78B-12-212.1~~] requires a person to separately
4731 bill a biological father for pregnancy expenses.

4732 Section 143. Section 81-6-106, which is renumbered from Section 78B-12-113 is
4733 renumbered and amended to read:

4734 [~~78B-12-113~~]. **81-6-106. Duty of obligor -- Enforcement of right of support.**

4735 (1) (a) An obligor who is present in, or a resident of, this state has the duty to provide
4736 support to the child regardless of the presence or residence of the obligee.

4737 [~~(1)(a)~~] (b) The obligee may enforce [~~his~~] the obligee's right of support against the
4738 obligor.

4739 (2) (a) The office may proceed pursuant to this [~~chapter~~] part or any other applicable

4740 statute on behalf of:

4741 (i) the Department of Health and Human Services;

4742 (ii) any other department or agency of this state that provides public assistance, as
4743 defined by ~~Subsection 26B-9-201(4)~~ Section 26B-9-101, to enforce the right to recover public
4744 assistance; or

4745 (iii) the obligee, to enforce the obligee's right of support against the obligor.

4746 (b) Whenever any court action is commenced by the office to enforce payment of the
4747 obligor's support obligation, the attorney general or the county attorney of the county of
4748 residence of the obligee shall represent the office.

4749 (c) The attorney general or the county attorney does not represent or have an
4750 attorney-client relationship with the obligee or the obligor in carrying out the duties under this
4751 chapter.

4752 ~~[(2)]~~ (3) (a) A person may not commence an action, file a pleading, or submit a written
4753 stipulation to the court, without complying with Subsection ~~[(2)(b)]~~ (3)(b), if the purpose or
4754 effect of the action, pleading, or stipulation is to:

4755 (i) establish paternity;

4756 (ii) establish or modify a support obligation;

4757 (iii) change the court-ordered manner of payment of support;

4758 (iv) recover support due or owing; or

4759 (v) appeal issues regarding child support laws.

4760 (b) (i) When taking an action described in Subsection ~~[(2)(a)]~~ (3)(a), a person must file
4761 an affidavit with the court at the time the action is commenced, the pleading is filed, or the
4762 stipulation is submitted stating whether child support services have been or are being provided
4763 under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., on behalf of a child
4764 who is a subject of the action, pleading, or stipulation.

4765 (ii) If child support services have been or are being provided, under Part IV of the
4766 Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of the affidavit
4767 and a copy of the pleading or stipulation to the child and family support division of the Office
4768 of the Attorney General~~[Child Support Division]~~.

4769 (iii) (A) If notice is not given in accordance with this Subsection ~~[(2)]~~ (3), the office is
4770 not bound by any decision, judgment, agreement, or compromise rendered in the action.

4771 (B) For purposes of appeals, service must be made on the Office of the Director for the
4772 Office of Recovery Services.

4773 (c) If [~~IV-D services~~] child support services have been or are being provided, that
4774 person shall join the office as a party to the action, or mail or deliver a written request to the
4775 child and family support division of the Office of the Attorney General, [~~Child Support~~
4776 ~~Division~~] asking the office to join as a party to the action.

4777 (d) A copy of [~~that request~~] the request described in Subsection (3)(c), along with proof
4778 of service, shall be filed with the court.

4779 (e) The office shall be represented as provided in Subsection [~~(1)(b)~~] (2)(b).

4780 [~~(3) Neither the attorney general nor the county attorney represents or has an~~
4781 ~~attorney-client relationship with the obligee or the obligor in carrying out the duties under this~~
4782 ~~chapter.~~]

4783 Section 144. Section **81-6-107**, which is renumbered from Section 78B-12-201 is
4784 renumbered and amended to read:

4785 [~~78B-12-201~~]. **81-6-107. Procedure for child support proceeding --**
4786 **Documentation.**

4787 (1) In any matter in which child support is ordered, the moving party shall submit:

4788 (a) a completed [~~child support~~] worksheet;

4789 (b) the financial verification required by [~~Subsection 78B-12-203(5)~~] Section
4790 81-6-203;

4791 (c) a written statement indicating whether or not the amount of child support requested
4792 is consistent with the child support guidelines; and

4793 (d) the information required under Subsection (3).

4794 (2) (a) If the documentation of income required under Subsection (1) is not available,
4795 the moving party may submit a verified representation of the other party's income [~~by the~~
4796 ~~moving party,~~] based on the best evidence available[~~, may be submitted~~].

4797 (b) [~~The evidence shall be in affidavit form and may only be offered after a copy has~~
4798 ~~been provided~~] The moving party shall provide the evidence described in Subsection (2)(a) in
4799 affidavit form.

4800 (c) The moving party may only offer the evidence described in Subsection (2)(a) after a
4801 copy is provided to the other party in accordance with Utah Rules of Civil Procedure or Title

4802 63G, Chapter 4, Administrative Procedures Act, in an administrative proceeding.

4803 (3) (a) Upon the entry of an order in a proceeding to establish paternity or to establish,
4804 modify, or enforce a child support order, each party shall:

4805 (i) file identifying information [~~and shall~~]; and

4806 (ii) update that information as changes occur with the court that conducted the
4807 proceeding.

4808 [~~(a)~~] (b) The required identifying information shall include the person's social security
4809 number, driver's license number, residential and mailing addresses, telephone numbers, the
4810 name, address and telephone number of employers, and any other data required by the United
4811 States Secretary of Health and Human Services.

4812 [~~(b)~~] (c) [~~Attorneys~~] An attorney representing the office in child support services cases
4813 [~~are~~] is not required to file the identifying information required by Subsection [~~(3)(a)~~]; (3)(b).

4814 [~~(4)~~] ~~A stipulated amount for child support or combined child support and alimony is~~
4815 ~~adequate under the guidelines if the stipulated child support amount or combined amount~~
4816 ~~equals or exceeds the base child support award required by the guidelines.]~~

4817 Section 145. Section **81-6-108**, which is renumbered from Section 78B-12-109 is
4818 renumbered and amended to read:

4819 [~~78B-12-109~~]. **81-6-108. Waiver and estoppel.**

4820 (1) Waiver and estoppel shall apply only to the [~~custodial parent~~] obligee when there is
4821 no order already established by a tribunal if the [~~custodial parent~~] obligee freely and voluntarily
4822 waives support specifically and in writing.

4823 (2) Waiver and estoppel may not be applied against any third party or public entity that
4824 may provide support for the child.

4825 (3) [~~A noncustodial parent~~] An obligor, or alleged biological father in a paternity
4826 action, may not rely on statements made by the [~~custodial parent of the child~~] obligee
4827 concerning child support unless the statements are reduced to writing and signed by both
4828 parties.

4829 Section 146. Section **81-6-109**, which is renumbered from Section 78B-12-115 is
4830 renumbered and amended to read:

4831 [~~78B-12-115~~]. **81-6-109. Spousal privilege -- Competency of spouses.**

4832 [~~Laws~~]

4833 (1) A law attaching a privilege against the disclosure of communications between
 4834 ~~[husband and wife]~~ spouses are inapplicable under this chapter.

4835 (2) Spouses are competent witnesses to testify to any relevant matter, including
 4836 marriage and parentage.

4837 Section 147. Section **81-6-110**, which is renumbered from Section 78B-12-114 is
 4838 renumbered and amended to read:

4839 ~~[78B-12-114].~~ **81-6-110. County attorney to assist obligee.**

4840 (1) The county attorney's office shall provide assistance to an obligee desiring to
 4841 proceed under this ~~[chapter]~~ part in the following manner:

4842 (a) provide forms, approved by the Judicial Council ~~[of Utah]~~, for an order of wage
 4843 assignment if the obligee is not represented by legal counsel;

4844 (b) inform the obligee of the right to file ~~[impecuniously]~~ indigently if the obligee is
 4845 unable to bear the expenses of the action and assist the obligee with such filing;

4846 (c) advise the obligee of the available methods for service of process; and

4847 (d) assist the obligee in expeditiously scheduling a hearing before the court.

4848 (2) The county attorney's office may charge a fee not to exceed \$25 for providing
 4849 assistance to an obligee under Subsection (1).

4850 Section 148. Section **81-6-201** is enacted to read:

4851 **Part 2. Calculation and Adjustment of Child Support**

4852 **81-6-201. Definitions for part.**

4853 Reserved.

4854 Section 149. Section **81-6-202**, which is renumbered from Section 78B-12-210 is
 4855 renumbered and amended to read:

4856 ~~[78B-12-210].~~ **81-6-202. Determination of amount of child support --**

4857 **Application of child support guidelines -- Requirements for child support order.**

4858 ~~[(1) The guidelines in this chapter apply to any judicial or administrative order~~
 4859 ~~establishing or modifying an award of child support entered on or after July 1, 1989.]~~

4860 (1) (a) If a prior child support order does not exist, a substantial change in
 4861 circumstances has occurred, or a petition to modify a child support order as described in
 4862 Section [81-6-212](#) is filed, the court determining the amount of prospective child support shall
 4863 require each party to file a proposed award of child support using the child support guidelines

4864 before the court enters or modifies a child support order.

4865 (b) When no prior child support order exists, the court or administrative agency shall
4866 determine and assess all arrearages based upon the child support guidelines.

4867 (2) (a) The court or administrative agency shall apply the child support guidelines
4868 [shall be applied] as a rebuttable presumption in establishing or modifying the amount of
4869 temporary or permanent child support.

4870 (b) The rebuttable presumption means the provisions and considerations required by
4871 the child support guidelines, the award amounts resulting from the application of the child
4872 support guidelines, and the use of worksheets consistent with [these] the child support
4873 guidelines are presumed to be correct, unless [rebutted under the provisions of] the child
4874 support guidelines are rebutted in accordance with this section.

4875 (3) (a) A written finding or specific finding on the record supporting the conclusion
4876 that complying with a provision of the child support guidelines or ordering an award amount
4877 resulting from use of the child support guidelines would be unjust, inappropriate, or not in the
4878 best interest of a child in a particular case is sufficient to rebut the presumption in that case.

4879 (b) If an order rebuts the presumption through findings, [it] the order is considered a
4880 deviated order.

4881 (4) The following [shall be] are considered deviations from the child support
4882 guidelines, if:

4883 (a) the order includes a written finding that [it] the order is a deviation from the child
4884 support guidelines;

4885 (b) the [guidelines] worksheet has:

4886 (i) the box checked for a deviation; and

4887 (ii) an explanation as to the reason; or

4888 (c) the deviation is made because there were more children than provided for in the
4889 [guidelines table] child support tables.

4890 (5) If the amount in the order and the amount on the [guidelines] worksheet differ by
4891 \$10 or more:

4892 (a) the order is considered deviated; and

4893 (b) the incomes listed on the worksheet may not be used in adjusting support for
4894 emancipation as described in Section 81-6-213.

4895 (6) If the court finds sufficient evidence to rebut the guidelines as described in
4896 Subsection (3), the court shall establish child support after considering all relevant factors,
4897 including:

4898 (a) the standard of living and situation of the parties;

4899 (b) the relative wealth and income of the parties;

4900 (c) the ability of the obligor to earn;

4901 (d) the ability of the obligee to earn;

4902 (e) the ability of an incapacitated adult child to earn, or other benefits received by the
4903 adult child or on the adult child's behalf including Supplemental Security Income;

4904 (f) the needs of the obligee, the obligor, and the child;

4905 (g) the ages of the parties; and

4906 (h) the responsibilities of the obligor and the obligee for the support of others.

4907 ~~[(6)]~~ (7) (a) [Natural or adoptive children of either] If there are children of either parent
4908 who live in the home of that parent and are not children in common to both parties [may at the
4909 option of either party be taken into account], the court or administrative agency, at the option of
4910 either party, may take into account the children under the child support guidelines in setting a
4911 base child support award[, as provided] as described in Subsection [(7)] (8).

4912 (b) Additional worksheets shall be prepared that [compute] calculate the base child
4913 support award of the respective parents for the additional children.

4914 (c) [The base child support award shall then be subtracted] The court or administrative
4915 agency shall subtract the base child support award calculated under Subsection (7)(b) from the
4916 appropriate parent's income before determining the award in the [instant case] case described in
4917 Subsection (7)(a).

4918 ~~[(7)]~~ (8) In a proceeding to adjust or modify [an existing award, consideration of
4919 natural or adoptive children born after entry of the order and who are not in common to both
4920 parties may be applied] a child support order, the court or administrative agency may consider
4921 children, who are born after the entry of the child support order and are not in common to both
4922 parties, to mitigate an increase in the award, but [may not be applied] the court or
4923 administrative agency may not consider the children:

4924 (a) for the benefit of the obligee if the credit would increase the support obligation of
4925 the obligor from the most recent child support order; or

4926 (b) for the benefit of the obligor if the amount of support received by the obligee would
4927 be decreased from the most recent child support order.

4928 (9) A stipulated amount for child support or combined child support and alimony is
4929 adequate under the child support guidelines if the stipulated child support amount or combined
4930 amount equals or exceeds the base child support award required by the child support
4931 guidelines.

4932 (10) The court shall include the following provisions in a child support order:

4933 (a) a provision establishing the monthly amount of child support obligation for each
4934 parent in accordance with the child support guidelines;

4935 (b) a provision assigning responsibility for the payment of reasonable and necessary
4936 medical expenses for the child as described in Section [81-6-208](#);

4937 (c) a provision requiring the purchase and maintenance of appropriate health care
4938 insurance for the medical expenses of the child as described in Section [81-6-208](#) if health care
4939 insurance is or becomes available at a reasonable cost;

4940 (d) a provision regarding the child care expenses and costs as described in Section
4941 [81-6-209](#);

4942 (e) a provision regarding each parent's right to claim a child as a tax exemption for
4943 federal and state income tax purposes in accordance with Section [81-6-210](#);

4944 (f) provisions for income withholding as a means of collecting child support, in
4945 accordance with Title 26B, Chapter 9, Part 3, [Income Withholding in IV-D Cases](#), and Title
4946 26B, Chapter 9, Part 4, [Income Withholding in Non IV-D Cases](#); and

4947 (g) a provision regarding a parent's opportunity to adjust a child support order as
4948 described in Section [81-6-212](#).

4949 (11) The office shall include the provisions described in Section [26B-9-224](#) in a child
4950 support order.

4951 ~~[(8)(a) If a child support order has not been issued or modified within the previous~~
4952 ~~three years, a parent, legal guardian, or the office may move the court to adjust the amount of a~~
4953 ~~child support order.]~~

4954 ~~[(b) Upon receiving a motion under Subsection (8)(a), the court shall, taking into~~
4955 ~~account the best interests of the child:]~~

4956 ~~[(i) determine whether there is a difference between the payor's ordered support~~

4957 amount and the payor's support amount that would be required under the guidelines; and]
4958 ~~[(ii) if there is a difference as described in Subsection (8)(b)(i), adjust the payor's~~
4959 ~~ordered support amount to the payor's support amount provided in the guidelines if:]~~
4960 ~~[(A) the difference is 10% or more;]~~
4961 ~~[(B) the difference is not of a temporary nature; and]~~
4962 ~~[(C) the order adjusting the payor's ordered support amount does not deviate from the~~
4963 ~~guidelines.]~~
4964 ~~[(c) A showing of a substantial change in circumstances is not necessary for an~~
4965 ~~adjustment under this Subsection (8).]~~
4966 ~~[(9) (a) A parent, legal guardian, or the office may at any time petition the court to~~
4967 ~~adjust the amount of a child support order if there has been a substantial change in~~
4968 ~~circumstances. A change in the base combined child support obligation table is not a~~
4969 ~~substantial change in circumstances for the purposes of this Subsection (9).]~~
4970 ~~[(b) For purposes of this Subsection (9), a substantial change in circumstances may~~
4971 ~~include:]~~
4972 ~~[(i) material changes in custody;]~~
4973 ~~[(ii) material changes in the relative wealth or assets of the parties;]~~
4974 ~~[(iii) material changes of 30% or more in the income of a parent;]~~
4975 ~~[(iv) material changes in the employment potential and ability of a parent to earn;]~~
4976 ~~[(v) material changes in the medical needs of the child; or]~~
4977 ~~[(vi) material changes in the legal responsibilities of either parent for the support of~~
4978 ~~others.]]~~
4979 ~~[(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into~~
4980 ~~account the best interests of the child:]~~
4981 ~~[(i) determine whether a substantial change has occurred;]~~
4982 ~~[(ii) if a substantial change has occurred, determine whether the change results in a~~
4983 ~~difference of 15% or more between the payor's ordered support amount and the payor's support~~
4984 ~~amount that would be required under the guidelines; and]~~
4985 ~~[(iii) adjust the payor's ordered support amount to that which is provided for in the~~
4986 ~~guidelines if:]~~
4987 ~~[(A) there is a difference of 15% or more; and]~~

4988 ~~[(B) the difference is not of a temporary nature.]~~

4989 ~~[(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9)~~
4990 ~~shall be included in each child support order.]~~

4991 Section 150. Section **81-6-203**, which is renumbered from Section 78B-12-203 is
4992 renumbered and amended to read:

4993 ~~[78B-12-203].~~ **81-6-203. Determination of gross income for child support --**
4994 **Imputing income to a parent.**

4995 ~~[(1) As used in the guidelines, "gross income" includes prospective income from any~~
4996 ~~source, including earned and nonearned income sources which may include salaries, wages,~~
4997 ~~commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay,~~
4998 ~~pensions, interest, trust income, alimony from previous marriages, annuities, capital gains,~~
4999 ~~Social Security benefits, workers' compensation benefits, unemployment compensation,~~
5000 ~~income replacement disability insurance benefits, and payments from "nonmeans-tested"~~
5001 ~~government programs.]~~

5002 (1) (a) Each parent shall provide verification of current income to the court or
5003 administrative agency.

5004 (b) Each parent shall provide year-to-date pay stubs or employer statements and
5005 complete copies of tax returns from at least the most recent year, unless the court finds the
5006 verification is not reasonably available.

5007 (c) Verification of income from records maintained by the Department of Workforce
5008 Services may be substituted for pay stubs, employer statements, and income tax returns.

5009 (2) (a) To calculate gross income of a parent, the court or administrative agency may
5010 include:

5011 (i) prospective income of the parent, including income from earned and nonearned
5012 sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone,
5013 prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous
5014 marriages, annuities, capital gains, Social Security benefits, worker compensation benefits,
5015 unemployment compensation, income replacement disability insurance benefits, and payments
5016 from nonmeans-tested government programs; and

5017 (ii) income imputed to the parent as described in Subsection (6).

5018 ~~[(2)]~~ (b) Income from earned income sources is limited to the equivalent of one

5019 full-time 40-hour job.

5020 (c) If and only if during the time before the original support order, the parent normally
5021 and consistently worked more than 40 hours at the parent's job, the court may consider this
5022 extra time as a pattern in calculating the parent's ability to provide child support.

5023 (3) (a) The court or administrative agency shall use historical and current earnings to
5024 determine whether an underemployment or overemployment situation exists.

5025 (b) The office may not treat incarceration of at least six months as voluntary
5026 unemployment in establishing or modifying a support order.

5027 [~~(3) Notwithstanding Subsection (1), specifically excluded from gross income are:]~~

5028 [~~(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment~~
5029 ~~Program;]~~

5030 [~~(b) benefits received under a housing subsidy program, the Job Training Partnership~~
5031 ~~Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP~~
5032 ~~benefits, or General Assistance; and]~~

5033 [~~(c) other similar means-tested welfare benefits received by a parent.]~~

5034 [~~(4) (a) Gross income from self-employment or operation of a business shall be~~
5035 ~~calculated]~~

5036 (4) (a) To calculate income from self-employment or operation of a business, the court
5037 or administrative agency:

5038 (i) shall calculate gross income from self-employment or operation of a business by
5039 subtracting necessary expenses required for self-employment or business operation from gross
5040 receipts[-];

5041 (ii) [The] shall review income and expenses from self-employment or operation of a
5042 business [~~shall be reviewed]~~ to determine an appropriate level of gross income available to the
5043 parent to satisfy a child support award[-]; and

5044 (iii) [Only] may only deduct those expenses necessary to allow the business to operate
5045 at a reasonable level [~~may be deducted]~~ from gross receipts.

5046 (b) Gross income determined under this Subsection (4) may differ from the amount of
5047 business income determined for tax purposes.

5048 [~~(5) (a) When possible, gross income should first be computed on an annual basis and~~
5049 ~~then recalculated to determine the average gross monthly income.]~~

5050 ~~[(b) Each parent shall provide verification of current income. Each parent shall~~
5051 ~~provide year-to-date pay stubs or employer statements and complete copies of tax returns from~~
5052 ~~at least the most recent year unless the court finds the verification is not reasonably available.~~
5053 ~~Verification of income from records maintained by the Department of Workforce Services may~~
5054 ~~be substituted for pay stubs, employer statements, and income tax returns.]~~

5055 ~~[(c) Historical and current earnings shall be used to determine whether an~~
5056 ~~underemployment or overemployment situation exists.]~~

5057 ~~[(6) Incarceration of at least six months may not be treated as voluntary unemployment~~
5058 ~~by the office in establishing or modifying a support order.]~~

5059 ~~[(7) Gross income includes income imputed to the parent under Subsection (8).]~~

5060 ~~[(8) (a) Income may not be imputed]~~

5061 (5) When possible, the court or administrative agency shall determine the average
5062 monthly gross income for each parent by:

5063 (a) calculating the gross income of each parent on an annual basis; and

5064 (b) dividing the annual gross income for each parent by 12.

5065 (6) (a) The court or administrative agency may not impute income to a parent unless
5066 the parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a
5067 hearing is held and [the judge in a judicial proceeding or the presiding officer in an
5068 administrative proceeding] the court or administrative agency enters findings of fact as to the
5069 evidentiary basis for the imputation.

5070 (b) If income is imputed to a parent, [the income shall be based] the court or
5071 administrative agency shall base income upon employment potential and probable earnings
5072 considering, to the extent known:

5073 (i) employment opportunities;

5074 (ii) work history;

5075 (iii) occupation qualifications;

5076 (iv) educational attainment;

5077 (v) literacy;

5078 (vi) age;

5079 (vii) health;

5080 (viii) criminal record;

5081 (ix) other employment barriers and background factors; and
5082 (x) prevailing earnings and job availability for persons of similar backgrounds in the
5083 community.

5084 (c) If a parent has no recent work history or a parent's occupation is unknown, [~~that~~
5085 ~~parent may be imputed~~] the court or administrative agency may impute an income to that parent
5086 at the federal minimum wage for a 40-hour work week.

5087 (d) To impute a greater or lesser income, the [~~judge in a judicial proceeding or the~~
5088 ~~presiding officer in an administrative proceeding~~] court or administrative agency shall enter
5089 specific findings of fact as to the evidentiary basis for the imputation.

5090 [~~(d)~~] (e) [~~Income may not be imputed~~] The court or administrative agency may not
5091 impute income to a parent if any of the following conditions exist and the condition is not of a
5092 temporary nature:

5093 (i) the reasonable costs of child care for the parents' minor [~~children~~] child approach or
5094 equal the amount of income the custodial parent can earn;

5095 (ii) a parent is physically or mentally unable to earn minimum wage;

5096 (iii) a parent is engaged in career or occupational training to establish basic job skills;

5097 or

5098 (iv) unusual emotional or physical needs of a child require the custodial parent's
5099 presence in the home.

5100 (7) Notwithstanding Subsection (2), the court or administrative agency may not include
5101 the following sources of income when calculating the gross income of a parent:

5102 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
5103 Program;

5104 (b) benefits received under a housing subsidy program, the Job Training Partnership
5105 Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP
5106 benefits, or General Assistance;

5107 (c) other similar means-tested welfare benefits received by a parent;

5108 (d) the earned income of a child who is the subject of a child support award; or

5109 (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's
5110 own right, such as Supplemental Security Income.

5111 (8) (a) The court or administrative agency shall credit, as child support, the amount of

5112 social security benefits received by a child due to the earnings of the parent on whose earning
5113 record the social security benefits are based by crediting the amount against the potential
5114 obligation of that parent.

5115 (b) The court or administrative agency may consider other unearned income of a child
5116 as income of a parent depending upon the circumstances of each case.

5117 ~~[(9)(a) Gross income may not include the earnings of a minor child who is the subject~~
5118 ~~of a child support award nor benefits to a minor child in the child's own right such as~~
5119 ~~Supplemental Security Income.]~~

5120 ~~[(b) Social security benefits received by a child due to the earnings of a parent shall be~~
5121 ~~credited as child support to the parent upon whose earning record it is based, by crediting the~~
5122 ~~amount against the potential obligation of that parent. Other unearned income of a child may~~
5123 ~~be considered as income to a parent depending upon the circumstances of each case.]~~

5124 Section 151. Section **81-6-204** is enacted to read:

5125 **81-6-204. General provisions for calculating child support -- Determination of**
5126 **base combined child support obligation.**

5127 (1) To calculate child support, the court or administrative agency shall determine the
5128 base combined child support obligation for the parents by:

5129 (a) except as provided in Subsection (3), adjusting the average monthly gross income
5130 for each parent by subtracting any alimony previously ordered and paid and any child support
5131 previously ordered for that parent;

5132 (b) adjusting the average monthly gross income for each parent by subtracting any
5133 credits deemed appropriate under Subsections [81-6-202\(7\)](#) and (8);

5134 (c) combining the adjusted average monthly gross incomes for both parents; and

5135 (d) locating the base combined child support obligation in the base combined child
5136 support obligation table by finding:

5137 (i) the combined adjusted average monthly gross incomes of the parents in the table;

5138 and

5139 (ii) the total number of children in common to the parents.

5140 (2) The court or administrative agency may only use the income of the parents of the
5141 child to determine the base child support award.

5142 (3) The court or administrative agency may not subtract any alimony ordered in the

5143 pending proceeding from the gross incomes of the parents as described in Subsection (1)(c).

5144 (4) If there is no amount listed for the base combined child support obligation in the
5145 base combined child support obligation table, the base combined support obligation for the
5146 parents is \$0.

5147 (5) Upon determining the base combined child support obligation, the court or
5148 administrative agency shall make additional calculations as described in Section [81-6-205](#),
5149 [81-6-206](#), or [81-6-207](#) to determine the base child support award.

5150 (6) (a) Except as provided in Subsection (6)(b), the court may consider any amount that
5151 an incapacitated adult child can contribute to the child's support and use the amount to justify a
5152 reduction in the amount of support ordered.

5153 (b) If the case described in Subsection (6)(a) involves more than one child, the
5154 reduction may not be greater than the effect of reducing the total number of children by one.

5155 (7) (a) The base combined child support obligation table provides combined child
5156 support obligations for up to six children.

5157 (b) If a case involves more than six children, the court may add additional amounts to
5158 the base child support obligation shown in the base combined child support obligation table.

5159 (c) Unless rebutted by Subsection [81-6-202](#)(3), the court or administrative agency may
5160 not order an amount less than the amount that would be ordered for up to six children.

5161 (8) (a) If the combined adjusted gross income exceeds the highest level specified in the
5162 base combined child support obligation table, the court shall order an appropriate and just
5163 amount of child support on a case-by-case basis, except that the court may not order an amount
5164 that is less than the highest level specified in the table for the number of children due child
5165 support.

5166 (b) There is no maximum limit on the base child support award that a court may order
5167 using the child support tables.

5168 (9) The amount shown in a child support table is the child support amount for the total
5169 number of children not an amount per child.

5170 (10) For all worksheets, income and child support award figures are rounded to the
5171 nearest dollar.

5172 Section 152. Section **81-6-205** is enacted to read:

5173 **81-6-205. Sole physical custody -- Obligation calculations -- Change in physical**

5174 **custody.**

5175 (1) This section applies to a case in which a parent, or another person, is awarded sole
5176 physical custody of the children.

5177 (2) Except as provided in Subsections (3) and (4), the court or administrative agency
5178 shall determine the base child support award for each parent by:

5179 (a) dividing each parent's monthly adjusted gross income by the combined monthly
5180 adjusted gross income to determine each parent's percentage; and

5181 (b) multiplying each parent's percentage by the base combined child support obligation
5182 that is calculated as described in Subsection 81-6-204(1).

5183 (3) (a) If the base combined child support obligation is \$0, the court or administrative
5184 agency shall establish the base child support award for each parent by:

5185 (i) determining the individual monthly adjusted gross income for the parent;

5186 (ii) locating the amount of the base child support award in the low income table by
5187 finding:

5188 (A) the monthly adjusted gross income for the parent in the low income table; and

5189 (B) the number of children in common with the parents.

5190 (b) The corresponding amount in the low income table is the base child support award
5191 for that parent.

5192 (4) (a) If a parent's individual monthly adjusted gross income is less than the highest
5193 amount of monthly adjusted gross income shown in the low income table, the court or

5194 administrative agency shall determine that the base child support award is the lesser of:

5195 (i) the amount calculated using the base combined child support obligation table as
5196 described in Subsection (2); and

5197 (ii) the amount calculated using the low income table as described in Subsection (3).

5198 (b) If the monthly adjusted gross income of a parent is found in an area of the low
5199 income table in which no amount is shown, the court or administrative agency shall determine
5200 the base child support award by using the amount listed in the base combined child support
5201 obligation table and calculated as described in Subsection (2).

5202 (5) A base child support award in a sole physical custody case may not be less than
5203 \$30.

5204 (6) The amounts calculated under this section are rebuttable as described in Section

5205 [81-6-202.](#)

5206 (7) A parent without sole physical custody of the children is an obligor and is required
5207 to pay the amount of child support calculated under this section.

5208 (8) (a) When physical custody of a child changes after the original child support order,
5209 the parent without physical custody of the child is required to pay the amount of child support
5210 calculated under this section, without the need to modify the order, to:

5211 (i) the parent who has physical custody of the child;

5212 (ii) a relative to whom physical custody of the child has been voluntarily given; or

5213 (iii) the state when the child is residing outside of the home in the protective custody,
5214 temporary custody, or care of the state or a state-licensed facility for at least 30 days.

5215 (b) When physical custody of a child changes from the physical custody that is
5216 assumed in the original child support order calculated under this section, the modification of
5217 the child support order is not necessary even if only one parent is specifically ordered to pay in
5218 the child support order.

5219 Section 153. Section **81-6-206** is enacted to read:

5220 **81-6-206. Joint physical custody -- Obligation calculations.**

5221 (1) This section applies to a case in which the parents are awarded joint physical
5222 custody of the children.

5223 (2) If the base combined child support obligation that is calculated as described in
5224 Subsection [81-6-204](#)(1) is \$0, the base child support award for each parent is \$0.

5225 (3) If the base combined child support obligation that is calculated as described in
5226 Subsection [81-6-204](#)(1) is greater than \$0, the court or administrative agency shall determine
5227 each parent's share of the base combined child support obligation by:

5228 (a) dividing each parent's monthly adjusted gross income by the combined monthly
5229 adjusted gross income to determine each parent's percentage; and

5230 (b) multiplying each parent's percentage by the base combined child support obligation.

5231 (4) The court or administrative agency shall determine the base child support award for
5232 the parent with the lesser number of overnights by:

5233 (a) multiplying the number of overnights over 110 and under 131 for that parent by
5234 .0027;

5235 (b) multiplying the number calculated under Subsection (4)(a) by the base combined

5236 child support obligation;

5237 (c) multiplying the number of overnights over 130 for that parent by .0084;

5238 (d) multiplying the number calculated under Subsection (4)(c) by the base combined

5239 child support obligation; and

5240 (e) subtracting the numbers calculated in Subsections (4)(b) and (4)(d) from that

5241 parent's share of the base combined child support obligation calculated under Subsection (3).

5242 (5) If the base child support award calculated under Subsection (4) is greater than \$0,

5243 the parent with the lesser number of overnights is the obligor and is required to pay child

5244 support.

5245 (6) If the base child support award calculated under Subsection (4) is less than \$0:

5246 (a) the parent with the lesser number of overnights is the obligee; and

5247 (b) the parent with the greater number of overnights is the obligor and is required to

5248 pay child support.

5249 (7) If the parents have an equal parent-time schedule under Section [81-9-305](#), the

5250 amount of time to be spent with the parent who has the lower monthly adjusted gross income is

5251 considered 183 overnights, regardless of whether the parent receives 182 overnights or 183

5252 overnights under the equal parent-time schedule.

5253 Section 154. Section **81-6-207** is enacted to read:

5254 **81-6-207. Split physical custody -- Obligation calculations.**

5255 (1) This section applies to a case in which the parents are awarded split physical

5256 custody of the children.

5257 (2) If the base combined child support obligation that is calculated as described in

5258 Subsection [81-6-204](#)(1) is \$0, the base child support award for each parent is \$0.

5259 (3) If the base combined child support obligation that is calculated as described in

5260 Subsection [81-6-204](#)(1) is greater than \$0, the court shall determine the base child support

5261 award by:

5262 (a) dividing the number of children with each parent by the combined number of

5263 children to calculate each parent's percentage of children;

5264 (b) dividing each parent's monthly adjusted gross income by the combined monthly

5265 adjusted gross income to calculate each parent's percentage of the combined monthly adjusted

5266 gross income;

5267 (c) multiplying each parent's percentage of the combined monthly adjusted gross
 5268 income by the base combined child support obligation to calculate each parent's share of the
 5269 base combined child support obligation;

5270 (d) multiplying each parent's share of the base combined child support obligation by
 5271 the other parent's percentage of children to determine the individual child support obligations
 5272 for each parent; and

5273 (e) subtracting the lesser individual child support obligation from the higher individual
 5274 child support obligation to reach the base child support award.

5275 (4) The parent with the higher individual child support obligation is the parent required
 5276 to pay the base child support award calculated under Subsection (3).

5277 Section 155. Section **81-6-208**, which is renumbered from Section 78B-12-212 is
 5278 renumbered and amended to read:

5279 ~~[78B-12-212].~~ **81-6-208. Requirements for a child support order regarding**
 5280 **medical expenses -- Determination of parental liability for medical expenses.**

5281 (1) As used in this section, "health insurance" means the same as that term is defined in
 5282 Section [31A-1-301](#).

5283 ~~[(1)]~~ (2) Except as provided in Subsection ~~[(3)]~~ (4), a child support order issued or
 5284 modified in this state on or after May 3, 2023, shall require compliance with the requirements
 5285 described in Subsection ~~[(2)]~~ (3) as of the effective date of the child support order.

5286 ~~[(2)]~~ (3) A child support order shall:

5287 (a) ~~[order that]~~ require the parents provide health care coverage for the medical
 5288 expenses of a child;

5289 (b) ~~[order that]~~ require the parents provide health insurance for the medical expenses of
 5290 a child if health insurance is available to the parents at a reasonable cost;

5291 (c) ~~[in accordance with Subsection [30-3-5\(3\)\(b\)\(ii\)](#) and Section [30-3-5.4](#);~~ designate
 5292 which health~~[- hospital, or dental]~~ insurance plan is primary and which health~~[- hospital, or~~
 5293 ~~dental]~~ insurance plan is secondary if, at any time, a child is covered by both parents' health~~[-~~
 5294 ~~hospital, or dental]~~ insurance plans as described in Subsection (7);

5295 (d) ~~[require]~~ require each parent to share equally the out-of-pocket costs of the
 5296 premium actually paid by a parent for the child's portion of health insurance; and

5297 (e) ~~[in accordance with Subsection [30-3-5\(3\)\(a\)](#);~~ include a provision that requires each

5298 parent to equally share all reasonable and necessary uninsured and unreimbursed medical and
5299 dental expenses incurred for a child, including co-payments, co-insurance, and deductibles.

5300 ~~[(3)]~~ (4) ~~[A court]~~ The court may deviate from the requirements described in
5301 Subsection ~~[(2)]~~ (3) if:

5302 (a) the court makes specific findings establishing good cause for the deviation; or

5303 (b) subject to the court's approval, the parents agree which parent shall provide health
5304 insurance for the child.

5305 ~~[(4)]~~ (5) In determining whether to take the action described in Subsection ~~[(3)]~~ (4), the
5306 court may consider:

5307 (a) the reasonableness of the cost;

5308 (b) the availability of a group insurance policy;

5309 (c) the coverage of the policy; or

5310 (d) the preference of the custodial parent.

5311 ~~[(5)]~~ (6) Subject to Subsection ~~[(3)]~~ (4), if a child support order does not contain the
5312 requirements described in Subsection ~~[(2)]~~ (3):

5313 (a) the parents are nonetheless subject to the requirements described in Subsection ~~[(2)]~~
5314 (3), as applicable; and

5315 (b) for purposes of Subsection ~~[(2)(e)]~~ (3)(c), the health insurance plan of the parent
5316 whose birthday falls first in the calendar year is primary, and the health insurance plan of the
5317 parent whose birthday falls second in the calendar year is secondary.

5318 (7) (a) The provisions of an order under Subsection (3)(c) shall:

5319 (i) take effect if at any time a child is covered by both parents' health insurance plans;
5320 and

5321 (ii) include the following language: "If, at any point in time, a child is covered by the
5322 health insurance plans of both parents, the health insurance plan of (Parent's Name) shall be
5323 primary coverage for the child and the health insurance plan of (Other Parent's Name) shall be
5324 secondary coverage for the child. If a parent remarries and the child is not covered by that
5325 parent's health insurance plan but is covered by a step-parent's plan, the health insurance plan
5326 of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the
5327 same designation as the primary or secondary plan of the child."

5328 (b) A court or administrative agency may not modify the language required by

5329 Subsection (7)(a)(ii).

5330 (c) Notwithstanding Subsection (7)(b), the court may allocate the payment of medical
5331 expenses including co-payments, deductibles, and co-insurance not covered by health insurance
5332 between the parents.

5333 (d) In designating primary coverage pursuant to Subsection (3)(c), the court may take
5334 into account:

5335 (i) the birth dates of the parents;

5336 (ii) a requirement in a court order, if any, for one of the parents to maintain health
5337 insurance coverage for a child;

5338 (iii) the parent with physical custody of the child; or

5339 (iv) any other factor the court considers relevant.

5340 ~~[(6)(a)]~~ (8) (a) The parent who provides health insurance may receive credit against
5341 the base child support award or recover the other parent's share of the child's portion of the
5342 premium.

5343 (b) If the parent does not have health insurance but another member of the parent's
5344 household provides health insurance for the child, the parent may receive credit against the
5345 base child support award or recover the other parent's share of the child's portion of the
5346 premium.

5347 ~~[(7)(a)]~~ (9) (a) The child's portion of the premium is a per capita share of the premium
5348 actually paid.

5349 (b) The premium expense for a child shall be calculated by dividing the premium
5350 amount by the number of persons covered under the policy and multiplying the result by the
5351 number of children in the instant case.

5352 ~~[(8)(a)]~~ (10) (a) The parent maintaining health care coverage or insurance shall
5353 provide verification of coverage to the other parent, or to the ~~[Office of Recovery Services]~~
5354 office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., upon initial
5355 enrollment of the child, and after initial enrollment on or before January 2 of each calendar
5356 year.

5357 (b) The parent shall notify the other parent, or the ~~[Office of Recovery Services]~~ office
5358 under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., of any change of
5359 insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew

5360 or should have known of the change.

5361 ~~[(9)]~~ (c) A parent who incurs medical expenses shall provide written verification of the
5362 cost and payment of medical expenses to the other parent within 30 days of payment.

5363 ~~[(10)]~~ (d) ~~[In addition to any other sanctions provided by the court, a]~~ The court may
5364 deny a parent incurring medical expenses [may be denied] the right to receive credit for the
5365 expenses or to recover the other parent's share of the expenses if that parent fails to comply
5366 with [Subsections (8) and (9)] this Subsection (10).

5367 (11) (a) The court or administrative agency may issue an order determining the amount
5368 of a parent's liability for medical expenses of a child when the parent:

5369 (i) is required by a prior court or administrative order to:

5370 (A) share those expenses with the other parent of the child; or

5371 (B) obtain insurance for medical expenses but fails to do so; or

5372 (ii) receives direct payment from an insurer under insurance coverage obtained after the
5373 prior court or administrative order was issued.

5374 (b) If the prior court or administrative order does not specify what proportions of the
5375 expenses are to be shared:

5376 (i) the court may determine the amount of liability as may be reasonable and necessary;

5377 and

5378 (ii) the administrative agency may determine the amount of liability in accordance with
5379 established rules.

5380 (c) This Subsection (11) applies to an order without regard to when the order was
5381 issued.

5382 Section 156. Section **81-6-209**, which is renumbered from Section 78B-12-214 is
5383 renumbered and amended to read:

5384 ~~[78B-12-214].~~ **81-6-209. Requirements for a child support order regarding**
5385 **child care costs and expenses -- Actual expenses for child care.**

5386 ~~[(1) The child support order shall require that each parent share equally the reasonable~~
5387 ~~work-related child care expenses of the parents.]~~

5388 (1) The court or administrative agency shall require in a child support order that each
5389 parent share equally the reasonable work-related child care expenses of the parents.

5390 (2) (a) If an actual expense for child care is incurred, a parent shall begin paying [his]

5391 the parent's share on a monthly basis immediately upon presentation of proof of the child care
5392 expense[~~,-but if~~].

5393 (b) If the child care expense ceases to be incurred, [that] the parent may suspend
5394 making monthly payment of that expense, while [it] the expense is not being incurred, without
5395 obtaining a modification of the child support order.

5396 ~~[(b)]~~ (c) (i) In the absence of a court order to the contrary, a parent who incurs child
5397 care expense shall provide written verification of the cost and identity of a child care provider
5398 to the other parent upon initial engagement of a provider and thereafter on the request of the
5399 other parent.

5400 (ii) In the absence of a court order to the contrary, the parent shall notify the other
5401 parent of any change of child care provider or the monthly expense of child care within 30
5402 calendar days [of the date of the change] after the day on which the change occurred.

5403 ~~(3) [In addition to any other sanctions provided by the court, a]~~ The court may deny a
5404 parent incurring child care expenses [may be denied] the right to receive credit for the expenses
5405 or to recover the other parent's share of the expenses if the parent incurring the expenses fails to
5406 comply with Subsection [~~(2)(b)~~] (2)(c).

5407 (4) (a) The court or administrative agency shall presume that child care costs should be
5408 included in a child support order if a parent, during extended parent-time, is working and
5409 actually incurring the child care costs.

5410 (b) The presumption under Subsection (4)(a) is rebutted if:

5411 (i) the obligor's base child support award, in combination with the award of medical
5412 expenses, exceeds 50% of the obligor's adjusted gross income; or

5413 (ii) by adding the child care costs, the obligor's child support obligation would exceed
5414 50% of the obligor's adjusted gross income.

5415 (5) (a) The court or administrative agency may award child care costs on a case-by-case
5416 basis if the child care costs are related to the career and occupational training of the custodial
5417 parent or the child care costs would be in the interest of justice.

5418 (b) The court or administrative agency may assign financial responsibility in a child
5419 support order for all or a portion of child care expenses incurred on behalf of a child due to the
5420 employment or training of the custodial parent.

5421 (6) (a) The court or administrative agency may impute a monthly obligation for child

5422 care costs when the court imputes income to a parent who is providing child care for the child
 5423 so that the parties are not incurring child care costs for the child.

5424 (b) The court shall apply any monthly obligation imputed under Subsection (6)(a)
 5425 towards any actual child care costs incurred within the same month for the child.

5426 Section 157. Section **81-6-210**, which is renumbered from Section 78B-12-217 is
 5427 renumbered and amended to read:

5428 ~~[78B-12-217].~~ **81-6-210. Award of tax exemption for a child.**

5429 (1) ~~[No presumption exists]~~ There is no presumption as to which parent should be
 5430 awarded the right to claim a child ~~[or children as exemptions]~~ as an exemption for federal and
 5431 state income tax purposes.

5432 (2) Unless the parties otherwise stipulate in writing, the court ~~[or administrative~~
 5433 ~~agency]~~ shall award in any final order the exemption on a case-by-case basis.

5434 ~~[(2)]~~ (3) In awarding the exemption, the court ~~[or administrative agency]~~ shall
 5435 consider:

5436 (a) as the primary factor, the relative contribution of each parent to the cost of raising
 5437 the child; and

5438 (b) among other factors, the relative tax benefit to each parent.

5439 ~~[(3)]~~ (4) (a) Notwithstanding Subsection ~~[(2)]~~ (3), the court ~~[or administrative agency]~~
 5440 may not award any exemption to ~~[the noncustodial parent if that parent is not current in his]~~ a
 5441 parent if the parent is not current in the parent's child support obligation~~[, in which case].~~

5442 (b) If a parent is not current in the parent's child support obligation under Subsection
 5443 (4)(a), the court ~~[or administrative agency]~~ may award an exemption to the ~~[custodial parent]~~
 5444 other parent.

5445 ~~[(4)]~~ (5) An exemption may not be awarded to a parent unless the award will result in a
 5446 tax benefit to that parent.

5447 Section 158. Section **81-6-211**, which is renumbered from Section 78B-12-216 is
 5448 renumbered and amended to read:

5449 ~~[78B-12-216].~~ **81-6-211. Reduction for extended parent-time.**

5450 (1) The base child support award ~~[shall be]~~ is:

5451 (a) reduced by 50% for each child for time periods during which the child is with the
 5452 noncustodial parent by order of the court or by written agreement of the parties for at least 25

5453 of any 30 consecutive days of extended parent-time; or

5454 (b) reduced by 25% for each child for time periods during which the child is with the
5455 noncustodial parent by order of the court[;] or by written agreement of the parties for at least 12
5456 of any 30 consecutive days of extended parent-time.

5457 (2) If the [~~dependent~~] child is a client of cash assistance provided under Title 35A,
5458 Chapter 3, Part 3, Family Employment Program, the administrative agency shall approve any
5459 agreement by the parties for reduction of child support during extended parent-time [~~shall be~~
5460 ~~approved by the administrative agency~~].

5461 (3) [~~Normal~~] For purposes of this section, normal parent-time and holiday visits to the
5462 custodial parent [~~shall not be~~] are not considered extended parent-time.

5463 (4) For cases receiving [~~IV-D~~] child support services in accordance with [~~Title 26B,~~
5464 ~~Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child Support~~
5465 ~~Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, to receive the~~
5466 ~~adjustment~~] Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the
5467 noncustodial parent shall provide written documentation to the office of the extended
5468 parent-time schedule to receive the adjustment under Subsection (1), including the beginning
5469 and ending dates, [~~to the Office of Recovery Services~~] in the form of [~~either~~] a court order or a
5470 voluntary written agreement between the parties.

5471 (5) If the noncustodial parent complies with Subsection (4), owes no past-due support,
5472 and pays the full, unadjusted amount of current child support due for the month of scheduled
5473 extended parent-time and the following month, the [~~Office of Recovery Services~~] office shall
5474 refund the difference from the child support due to the custodial parent or the state, between the
5475 full amount of current child support received during the month of extended parent-time and the
5476 adjusted amount of current child support due:

5477 (a) from current child support received in the month following the month of scheduled
5478 extended parent-time; or

5479 (b) from current child support received in the month following the month written
5480 documentation of the scheduled extended parent-time is provided to the office, whichever
5481 occurs later.

5482 (6) If the noncustodial parent complies with Subsection (4), owes past-due support, and
5483 pays the full, unadjusted amount of current child support due for the month of scheduled

5484 extended parent-time, the [~~Office of Recovery Services~~] office shall apply the difference, from
5485 the child support due to the custodial parent or the state, between the full amount of current
5486 child support received during the month of extended parent-time and the adjusted amount of
5487 current child support due, to the past-due support obligation in the case.

5488 (7) For cases not receiving [~~IV-D~~] child support services in accordance with [~~Title~~
5489 ~~26B, Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child~~
5490 ~~Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, any~~
5491 ~~potential adjustment of the support payment during the month of extended visitation or any~~
5492 ~~refund that may be due to the noncustodial parent from the custodial parent, shall be resolved~~
5493 ~~between the parents or through the court without involvement by the Office of Recovery~~
5494 ~~Services] Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the
5495 court or the parents shall resolve, without involvement by the office, any potential adjustment
5496 of the child support payment during the month of extended visitation or any refund that is due
5497 to the noncustodial parent from the custodial parent.~~

5498 (8) For purposes of this section, the per child amount to which the abatement applies
5499 [~~shall be~~] is calculated by dividing the base child support award by the number of children
5500 included in the award.

5501 (9) The reduction in this section does not apply to parents with joint physical custody
5502 obligations calculated in accordance with Section [~~78B-12-208~~] 81-6-206.

5503 Section 159. Section **81-6-212** is enacted to read:

5504 **81-6-212. Modification of child support order -- Adjustment of child support.**

5505 (1) The amount of prospective child support is equal to the amount granted by a prior
5506 child support order unless:

5507 (a) there is a substantial change of circumstances on the part of the obligor or obligee
5508 as described in this section; or

5509 (b) an adjustment is made as described in this section or Subsection 81-6-215(5).

5510 (2) If the prior child support order contains a stipulated provision for the automatic
5511 adjustment for prospective child support, the prospective child support is the amount as stated
5512 in the order, without a showing of a substantial change of circumstances, if the stipulated
5513 provision:

5514 (a) is clear and unambiguous;

5515 (b) is self-executing;

5516 (c) provides for child support that equals or exceeds the base child support award
5517 required by the child support guidelines; and

5518 (d) does not allow a decrease in child support as a result of the obligor's voluntary
5519 reduction of income.

5520 (3) (a) A parent, legal guardian, or the office may, at any time, petition the court to
5521 adjust the amount of a child support order if there has been a substantial change in
5522 circumstances.

5523 (b) A change in the child support tables is not a substantial change in circumstances for
5524 the purposes of Subsection (3)(a).

5525 (c) For purposes of this Subsection (3)(a), a substantial change in circumstances may
5526 include:

5527 (i) material changes in custody;

5528 (ii) material changes in the relative wealth or assets of the parties;

5529 (iii) material changes of 30% or more in the income of a parent;

5530 (iv) material changes in the employment potential and ability of a parent to earn;

5531 (v) material changes in the medical needs of the child; or

5532 (vi) material changes in the legal responsibilities of either parent for the support of
5533 others.

5534 (4) Upon receiving a petition under Subsection (3)(a), the court shall, taking into
5535 account the best interests of the child:

5536 (a) determine whether a substantial change has occurred;

5537 (b) if a substantial change has occurred, determine whether the change results in a
5538 difference of 15% or more between the obligor's ordered support amount and the obligor's
5539 support amount that would be required under the child support guidelines; and

5540 (c) adjust the obligor's ordered support amount to that which is provided for in the
5541 child support guidelines if:

5542 (i) there is a difference of 15% or more; and

5543 (ii) the difference is not of a temporary nature.

5544 (5) (a) If a child support order has not been issued or modified within the previous
5545 three years, a parent, legal guardian, or the office may move the court to adjust the amount of a

5546 child support order.

5547 (b) Upon receiving a motion under Subsection (5)(a), the court shall, taking into
5548 account the best interests of the child:

5549 (i) determine whether there is a difference between the obligor's ordered support
5550 amount and the obligor's support amount that would be required under the child support
5551 guidelines; and

5552 (ii) if there is a difference as described in Subsection (5)(b)(i), adjust the obligor's
5553 ordered support amount to the obligor's support amount provided in the child support
5554 guidelines if:

5555 (A) the difference is 10% or more;

5556 (B) the difference is not of a temporary nature; and

5557 (C) the order adjusting the obligor's ordered support amount does not deviate from the
5558 child support guidelines.

5559 (c) A showing of a substantial change in circumstances is not necessary for an
5560 adjustment under Subsection (4).

5561 Section 160. Section **81-6-213** is enacted to read:

5562 **81-6-213. Adjustment to child support when child becomes emancipated.**

5563 (1) Except as otherwise provided in the child support order, the base child support
5564 award is automatically adjusted to the base child support award for the remaining number of
5565 children due child support, without the need to modify the most recent child support order by a
5566 court, when a child:

5567 (a) becomes 18 years old or graduates from high school during the child's normal and
5568 expected year of graduation, whichever occurs later;

5569 (b) dies, marries, becomes a member of the armed forces of the United States; or

5570 (c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.

5571 (2) The base child support award is adjusted as described in Subsection (1) by using
5572 the child support table that was used to establish the most recent child support order and by
5573 using the income of the parties as specified in the most recent child support order or the
5574 worksheets.

5575 (3) The base child support award may not be reduced by a per child amount derived
5576 from the base child support award originally ordered.

5577 (4) If the incomes of the parties are not specified in the most recent child support order
 5578 or the worksheets, the information regarding the incomes is not consistent, or the order deviates
 5579 from the child support guidelines, the base child support award is not automatically adjusted
 5580 under Subsection (1) and the child support order will continue until modified by the issuing
 5581 tribunal.

5582 (5) If the child support order is deviated and the parties subsequently obtain a court
 5583 order that adjusts the amount of child support back to the date of the emancipation of the child,
 5584 the office may not be required to repay any difference in the child support collected during the
 5585 interim.

5586 Section 161. Section **81-6-214**, which is renumbered from Section 78B-12-218 is
 5587 renumbered and amended to read:

5588 ~~[78B-12-218].~~ **81-6-214. Accountability of support provided to benefit child**
 5589 **-- Accounting.**

5590 (1) The court or administrative agency [~~which~~] that issues the initial or modified order
 5591 for child support may, upon the petition of the obligor, order prospectively the obligee to
 5592 furnish an accounting of amounts provided for the child's benefit to the obligor, including an
 5593 accounting or receipts.

5594 (2) The court or administrative agency may prescribe the frequency and the form of the
 5595 accounting [~~which shall include~~], including receipts [~~and an accounting~~].

5596 (3) The obligor may petition for the accounting only if current on all child support that
 5597 has been ordered.

5598 Section 162. Section **81-6-301** is enacted to read:

5599 **Part 3. Child Support Tables**

5600 **81-6-301. Definitions for part.**

5601 Reserved.

5602 Section 163. Section **81-6-302**, which is renumbered from Section 78B-12-301 is
 5603 renumbered and amended to read:

5604 ~~[78B-12-301].~~ **81-6-302. Base combined child support obligation table --**
 5605 **Both parents -- Child support orders entered before January 1, 2023.**

5606 The table in this section [~~shall be~~] is used to:

5607 (1) establish a child support order entered for the first time on or after January 1, 2008,

5608 but before January 1, 2023;

5609 (2) modify a child support order entered for the first time on or after January 1, 2008,

5610 but before January 1, 2023;

5611 (3) modify a temporary judicial child support order established on or before December

5612 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

5613 (4) modify a final child support order entered on or before December 31, 2007, if the

5614 modification is made on or after January 1, 2010, but before January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
726 -	750	138	245	286	319	351	382
751 -	775	141	252	294	328	360	392
776 -	800	146	259	301	336	370	402
801 -	825	151	265	309	345	379	412
826 -	850	155	272	317	353	389	423
851 -	875	160	279	324	362	398	433
876 -	900	165	285	332	370	407	443
901 -	925	169	292	340	379	417	453
926 -	950	174	299	348	387	426	464
951 -	975	179	305	355	396	436	474
976 -	1,000	183	312	363	405	445	484
1,001 -	1,050	193	322	374	417	459	500
1,051 -	1,100	201	335	390	435	478	520
1,101 -	1,150	210	348	405	452	497	541
1,151 -	1,200	220	362	420	469	516	561
1,201 -	1,250	229	375	436	486	535	582
1,251 -	1,300	238	388	451	503	553	602

5635	1,301 - 1,350	248	401	467	520	572	623
5636	1,351 - 1,400	256	414	481	536	590	642
5637	1,401 - 1,450	265	426	495	552	607	661
5638	1,451 - 1,500	275	438	510	568	625	680
5639	1,501 - 1,550	284	451	524	584	643	699
5640	1,551 - 1,600	293	463	538	600	660	718
5641	1,601 - 1,650	303	476	553	616	678	737
5642	1,651 - 1,700	311	488	567	632	695	757
5643	1,701 - 1,750	320	500	581	648	713	776
5644	1,751 - 1,800	330	513	596	664	731	795
5645	1,801 - 1,850	339	525	610	680	748	814
5646	1,851 - 1,900	348	538	624	696	766	833
5647	1,901 - 1,950	358	550	638	712	783	852
5648	1,951 - 2,000	366	562	652	727	800	870
5649	2,001 - 2,100	385	580	673	750	825	898
5650	2,101 - 2,200	399	604	701	781	859	935
5651	2,201 - 2,300	410	628	728	812	893	972
5652	2,301 - 2,400	420	652	756	843	927	1,009
5653	2,401 - 2,500	431	676	784	874	961	1,046
5654	2,501 - 2,600	443	700	811	904	995	1,082
5655	2,601 - 2,700	453	723	838	934	1,028	1,118
5656	2,701 - 2,800	464	747	865	964	1,060	1,154
5657	2,801 - 2,900	475	770	891	994	1,093	1,189
5658	2,901 - 3,000	485	794	918	1,024	1,126	1,225
5659	3,001 - 3,100	496	817	945	1,054	1,159	1,261
5660	3,101 - 3,200	508	838	970	1,081	1,189	1,294
5661	3,201 - 3,300	518	859	994	1,108	1,219	1,326
5662	3,301 - 3,400	529	881	1,018	1,135	1,248	1,358

5663	3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
5664	3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
5665	3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
5666	3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
5667	3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
5668	3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
5669	4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
5670	4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
5671	4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
5672	4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665
5673	4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
5674	4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
5675	4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
5676	4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
5677	4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
5678	4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5679	5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5680	5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5681	5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5682	5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878
5683	5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894
5684	5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5685	5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5686	5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5687	5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5688	5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
5689	6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
5690	6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005

5691	6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023
5692	6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
5693	6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
5694	6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
5695	6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
5696	6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
5697	6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
5698	6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
5699	7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
5700	7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
5701	7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
5702	7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
5703	7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
5704	7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
5705	7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
5706	7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
5707	7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
5708	7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
5709	8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
5710	8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
5711	8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
5712	8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
5713	8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
5714	8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
5715	8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
5716	8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
5717	8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
5718	8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334

5719	9,001 - 9,100	976	1,553	1,767	1,970	2,167	2,358
5720	9,101 - 9,200	983	1,568	1,785	1,990	2,189	2,382
5721	9,201 - 9,300	988	1,584	1,803	2,010	2,211	2,405
5722	9,301 - 9,400	994	1,599	1,820	2,030	2,233	2,429
5723	9,401 - 9,500	999	1,614	1,838	2,049	2,254	2,453
5724	9,501 - 9,600	1,004	1,630	1,856	2,069	2,276	2,477
5725	9,601 - 9,700	1,010	1,645	1,874	2,089	2,298	2,500
5726	9,701 - 9,800	1,015	1,661	1,891	2,109	2,320	2,524
5727	9,801 - 9,900	1,021	1,673	1,905	2,124	2,336	2,542
5728	9,901 - 10,000	1,026	1,683	1,917	2,137	2,351	2,557
5729	10,001 - 10,100	1,033	1,694	1,928	2,150	2,365	2,573
5730	10,101 - 10,200	1,039	1,704	1,940	2,163	2,379	2,589
5731	10,201 - 10,300	1,045	1,715	1,951	2,176	2,394	2,604
5732	10,301 - 10,400	1,051	1,725	1,963	2,189	2,408	2,620
5733	10,401 - 10,500	1,058	1,736	1,975	2,202	2,422	2,635
5734	10,501 - 10,600	1,064	1,746	1,986	2,215	2,436	2,651
5735	10,601 - 10,700	1,070	1,757	1,998	2,228	2,451	2,666
5736	10,701 - 10,800	1,077	1,767	2,010	2,241	2,465	2,682
5737	10,801 - 10,900	1,083	1,778	2,021	2,254	2,479	2,697
5738	10,901 - 11,000	1,090	1,788	2,033	2,267	2,494	2,713
5739	11,001 - 11,100	1,096	1,799	2,045	2,280	2,508	2,729
5740	11,101 - 11,200	1,103	1,809	2,056	2,293	2,522	2,744
5741	11,201 - 11,300	1,109	1,820	2,068	2,306	2,537	2,760
5742	11,301 - 11,400	1,116	1,830	2,080	2,319	2,551	2,775
5743	11,401 - 11,500	1,123	1,841	2,091	2,332	2,565	2,791
5744	11,501 - 11,600	1,129	1,851	2,103	2,345	2,579	2,806
5745	11,601 - 11,700	1,136	1,862	2,115	2,358	2,594	2,822
5746	11,701 - 11,800	1,143	1,872	2,126	2,371	2,608	2,838

5747	11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
5748	11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
5749	12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
5750	12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
5751	12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
5752	12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
5753	12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
5754	12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
5755	12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
5756	12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
5757	12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
5758	12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
5759	13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
5760	13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
5761	13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
5762	13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
5763	13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
5764	13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
5765	13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
5766	13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
5767	13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
5768	13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
5769	14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
5770	14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
5771	14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
5772	14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
5773	14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
5774	14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220

5775	14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
5776	14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
5777	14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
5778	14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
5779	15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
5780	15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
5781	15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
5782	15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
5783	15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
5784	15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
5785	15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
5786	15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
5787	15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
5788	15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
5789	16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
5790	16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
5791	16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
5792	16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
5793	16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
5794	16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
5795	16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
5796	16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
5797	16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
5798	16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
5799	17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
5800	17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
5801	17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
5802	17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517

5803	17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
5804	17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
5805	17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
5806	17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
5807	17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
5808	17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
5809	18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
5810	18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
5811	18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
5812	18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
5813	18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
5814	18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
5815	18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
5816	18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
5817	18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
5818	18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
5819	19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
5820	19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
5821	19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
5822	19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
5823	19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
5824	19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
5825	19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
5826	19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
5827	19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
5828	19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
5829	20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
5830	22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537

5831	24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
5832	26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
5833	28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
5834	30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
5835	32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
5836	34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
5837	36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
5838	38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
5839	40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
5840	42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
5841	44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
5842	46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
5843	48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
5844	50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
5845	52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
5846	54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
5847	56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
5848	58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
5849	60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
5850	62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
5851	64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
5852	66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
5853	68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
5854	70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
5855	72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
5856	74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
5857	76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
5858	78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472

5859	80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
5860	82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
5861	84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
5862	86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
5863	88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
5864	90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
5865	92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
5866	94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
5867	96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
5868	98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

5869 Section 164. Section **81-6-303**, which is renumbered from Section 78B-12-302 is
 5870 renumbered and amended to read:

5871 ~~[78B-12-302]~~. **81-6-303. Low income table -- Obligor parent only -- Child**
 5872 **support orders entered before January 1, 2023.**

5873 The table in this section [~~shall be~~] is used to:

5874 (1) establish a child support order entered for the first time on or after January 1, 2008,
 5875 but before January 1, 2023;

5876 (2) modify a child support order entered for the first time on or after January 1, 2008,
 5877 but before January 1, 2023;

5878 (3) modify a temporary judicial child support order established on or before December
 5879 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

5880 (4) modify a final child support order entered on or before December 31, 2007, if the
 5881 modification is made on or after January 1, 2010, but before January 1, 2025.

5882	Individual Monthly Adjusted Gross Income		Number of Children					
5883			1	2	3	4	5	6
5884	From	To						

5885	0 -	649	30	30	30	30	30	30
5886	650 -	675	30	30	30	30	31	31
5887	676 -	700	58	60	60	61	61	62
5888	701 -	725	88	88	90	91	92	92
5889	726 -	750	117	118	119	120	122	123
5890	751 -	775		148	149	151	153	155
5891	776 -	800		178	179	182	183	186
5892	801 -	825		207	209	212	214	216
5893	826 -	850		236	239	242	244	247
5894	851 -	875		266	269	272	275	278
5895	876 -	900			299	303	305	309
5896	901 -	925			329	333	337	339
5897	926 -	950				363	366	370
5898	951 -	975				393	398	402
5899	976 -	1,000					428	433
5900	1,001 -	1,050						494

5901 Section 165. Section **81-6-304**, which is renumbered from Section 78B-12-303 is
 5902 renumbered and amended to read:

5903 ~~[78B-12-303]~~. **81-6-304. Based combined child support obligation table --**
 5904 **Both parents -- Child support orders entered on or after January 1, 2023.**

5905 The following table ~~[shall be]~~ is used to:

- 5906 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 5907 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 5908 (3) modify a temporary judicial child support order established on or before December
 5909 31, 2022, if the new order is entered on or after January 1, 2023; or
- 5910 (4) modify a final child support order entered on or before December 31, 2022, if the
 5911 modification is made on or after January 1, 2025.

5912	Combined Monthly Adjusted Gross Income		Number of Children					
	From	To	1	2	3	4	5	6
5913								
5914	From	To						
5915	1,951 -	2,000	366					
5916	2,001 -	2,100	385					
5917	2,101 -	2,200	399					
5918	2,201 -	2,300	410	628	728			
5919	2,301 -	2,400	420	652	756	843	927	
5920	2,401 -	2,500	431	676	784	874	961	1,046
5921	2,501 -	2,600	443	700	811	904	995	1,082
5922	2,601 -	2,700	453	723	838	934	1,028	1,118
5923	2,701 -	2,800	464	747	865	964	1,060	1,154
5924	2,801 -	2,900	475	770	891	994	1,093	1,189
5925	2,901 -	3,000	485	794	918	1,024	1,126	1,225
5926	3,001 -	3,100	496	817	945	1,054	1,159	1,261
5927	3,101 -	3,200	508	838	970	1,081	1,189	1,294
5928	3,201 -	3,300	518	859	994	1,108	1,219	1,326
5929	3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
5930	3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
5931	3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
5932	3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
5933	3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
5934	3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
5935	3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
5936	4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
5937	4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
5938	4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636

5939	4,301 - 4,400	616	1,081	1,248	1,391	1,530	1,665
5940	4,401 - 4,500	624	1,101	1,270	1,416	1,557	1,694
5941	4,501 - 4,600	633	1,119	1,291	1,439	1,583	1,722
5942	4,601 - 4,700	641	1,133	1,306	1,456	1,601	1,742
5943	4,701 - 4,800	650	1,147	1,321	1,473	1,620	1,762
5944	4,801 - 4,900	659	1,161	1,336	1,489	1,638	1,783
5945	4,901 - 5,000	668	1,175	1,351	1,506	1,657	1,803
5946	5,001 - 5,100	676	1,189	1,366	1,523	1,675	1,823
5947	5,101 - 5,200	684	1,203	1,381	1,540	1,694	1,843
5948	5,201 - 5,300	693	1,217	1,396	1,557	1,712	1,863
5949	5,301 - 5,400	701	1,227	1,408	1,570	1,726	1,878
5950	5,401 - 5,500	710	1,238	1,419	1,582	1,741	1,894
5951	5,501 - 5,600	719	1,248	1,431	1,595	1,755	1,909
5952	5,601 - 5,700	728	1,259	1,442	1,608	1,769	1,925
5953	5,701 - 5,800	733	1,269	1,454	1,621	1,783	1,940
5954	5,801 - 5,900	739	1,280	1,465	1,634	1,797	1,956
5955	5,901 - 6,000	745	1,290	1,477	1,647	1,812	1,971
5956	6,001 - 6,100	751	1,302	1,490	1,661	1,827	1,988
5957	6,101 - 6,200	756	1,313	1,503	1,676	1,843	2,005
5958	6,201 - 6,300	763	1,325	1,516	1,690	1,859	2,023
5959	6,301 - 6,400	769	1,336	1,528	1,704	1,874	2,039
5960	6,401 - 6,500	775	1,347	1,540	1,717	1,889	2,055
5961	6,501 - 6,600	780	1,358	1,553	1,731	1,904	2,072
5962	6,601 - 6,700	786	1,369	1,565	1,745	1,919	2,088
5963	6,701 - 6,800	786	1,380	1,577	1,759	1,934	2,105
5964	6,801 - 6,900	841	1,391	1,590	1,772	1,950	2,121
5965	6,901 - 7,000	850	1,402	1,602	1,786	1,965	2,138
5966	7,001 - 7,100	859	1,413	1,614	1,800	1,980	2,154

5967	7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
5968	7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
5969	7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
5970	7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
5971	7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
5972	7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
5973	7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
5974	7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
5975	7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
5976	8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
5977	8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
5978	8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
5979	8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
5980	8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
5981	8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
5982	8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
5983	8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
5984	8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
5985	8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
5986	9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
5987	9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
5988	9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
5989	9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
5990	9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
5991	9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
5992	9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
5993	9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
5994	9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542

5995	9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
5996	10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
5997	10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
5998	10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
5999	10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
6000	10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
6001	10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
6002	10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
6003	10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
6004	10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
6005	10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
6006	11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
6007	11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
6008	11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
6009	11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
6010	11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
6011	11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
6012	11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
6013	11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
6014	11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
6015	11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
6016	12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
6017	12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
6018	12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
6019	12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
6020	12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
6021	12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
6022	12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967

6023	12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
6024	12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
6025	12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
6026	13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
6027	13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
6028	13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
6029	13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
6030	13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
6031	13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
6032	13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
6033	13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
6034	13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
6035	13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
6036	14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
6037	14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
6038	14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
6039	14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
6040	14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
6041	14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
6042	14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
6043	14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
6044	14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
6045	14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
6046	15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
6047	15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
6048	15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
6049	15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
6050	15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325

6051	15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
6052	15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
6053	15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
6054	15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
6055	15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
6056	16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
6057	16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
6058	16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
6059	16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
6060	16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
6061	16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
6062	16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
6063	16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
6064	16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
6065	16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
6066	17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
6067	17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
6068	17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
6069	17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
6070	17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
6071	17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
6072	17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
6073	17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
6074	17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
6075	17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
6076	18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
6077	18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
6078	18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609

6079	18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
6080	18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
6081	18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
6082	18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
6083	18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
6084	18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
6085	18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
6086	19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
6087	19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
6088	19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
6089	19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
6090	19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
6091	19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
6092	19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
6093	19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
6094	19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
6095	19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
6096	20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
6097	22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
6098	24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
6099	26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
6100	28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
6101	30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
6102	32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
6103	34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
6104	36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
6105	38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
6106	40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352

6107	42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
6108	44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
6109	46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
6110	48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
6111	50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
6112	52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
6113	54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
6114	56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
6115	58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
6116	60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
6117	62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
6118	64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
6119	66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
6120	68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
6121	70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
6122	72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
6123	74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
6124	76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
6125	78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
6126	80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
6127	82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
6128	84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
6129	86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
6130	88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
6131	90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
6132	92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
6133	94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
6134	96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272

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98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472
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6136 Section 166. Section **81-6-305**, which is renumbered from Section 78B-12-304 is
 6137 renumbered and amended to read:

6138 ~~[78B-12-304]~~. **81-6-305. Low income table -- Obligor parent only -- Child**
 6139 **support orders entered on or after January 1, 2023.**

6140 The following table [~~shall be~~] is used to:

- 6141 (1) establish a child support order entered for the first time on or after January 1, 2023;
 6142 (2) modify a child support order entered for the first time on or after January 1, 2023;
 6143 (3) modify a temporary judicial child support order established on or before December
 6144 31, 2022, if the new order is entered on or after January 1, 2023; or
 6145 (4) modify a final child support order entered on or before December 31, 2022, if the
 6146 modification is made on or after January 1, 2025.

6147

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
0 -	50	30	30	30	30	30	30
51 -	100	30	40	50	50	50	50
101 -	150	30	50	75	75	75	75
151 -	750	30	55	75	90	100	105
751 -	1,256	60	111	151	181	201	211
1,257 -	1,270	75	138	189	226	251	264
1,271 -	1,280	76	140	191	229	254	267
1,281 -	1,290	77	141	192	231	256	269
1,291 -	1,300	77	142	194	232	258	271
1,301 -	1,310	78	143	195	234	260	273

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6160	1,311 -	1,320	79	144	197	236	262	275
6161	1,321 -	1,330	79	145	198	238	264	277
6162	1,331 -	1,340	80	146	200	240	266	280
6163	1,341 -	1,350	80	148	201	241	268	282
6164	1,351 -	1,360	95	162	216	257	284	297
6165	1,361 -	1,370	95	163	218	259	286	299
6166	1,371 -	1,380	96	165	219	260	288	302
6167	1,381 -	1,390	97	166	221	262	290	304
6168	1,391 -	1,400	97	167	223	264	292	306
6169	1,401 -	1,410	98	168	224	266	294	308
6170	1,411 -	1,420	113	183	240	282	310	325
6171	1,421 -	1,430	114	185	242	284	313	327
6172	1,431 -	1,440	114	186	243	286	315	329
6173	1,441 -	1,450	115	187	245	288	317	331
6174	1,451 -	1,460	116	189	247	290	319	334
6175	1,461 -	1,470	131	205	263	307	336	351
6176	1,471 -	1,480	132	206	265	309	338	353
6177	1,481 -	1,490	133	207	267	311	341	355
6178	1,491 -	1,500	134	209	268	313	343	358
6179	1,501 -	1,510	135	210	270	315	345	360
6180	1,511 -	1,520	151	227	287	332	363	378
6181	1,521 -	1,530	152	228	289	335	365	380
6182	1,531 -	1,540	153	230	291	337	367	383
6183	1,541 -	1,550	154	231	293	339	370	385
6184	1,551 -	1,560	155	233	295	341	372	388
6185	1,561 -	1,570	172	250	312	359	390	406
6186	1,571 -	1,580	173	251	314	361	393	408
6187	1,581 -	1,590	174	253	316	364	395	411

6188	1,591 -	1,600	175	255	318	366	398	414
6189	1,601 -	1,610	176	256	320	368	400	416
6190	1,611 -	1,620	193	274	338	387	419	435
6191	1,621 -	1,630	195	276	340	389	421	438
6192	1,631 -	1,640	196	277	343	391	424	440
6193	1,641 -	1,650	197	279	345	394	427	443
6194	1,651 -	1,660	198	281	347	396	429	446
6195	1,661 -	1,670	216	299	365	415	448	465
6196	1,671 -	1,680	217	301	368	418	451	468
6197	1,681 -	1,690	219	303	370	420	454	471
6198	1,691 -	1,700	220	304	372	423	457	473
6199	1,701 -	1,710	221	306	374	425	459	476
6200	1,711 -	1,720	240	325	394	445	479	496
6201	1,721 -	1,730	241	327	396	447	482	499
6202	1,731 -	1,740	242	329	398	450	485	502
6203	1,741 -	1,750	244	331	400	453	487	505
6204	1,751 -	1,760	245	333	403	455	490	508
6205	1,761 -	1,770	264	352	423	475	511	528
6206	1,771 -	1,780	266	354	425	478	514	531
6207	1,781 -	1,790	267	356	427	481	516	534
6208	1,791 -	1,800	269	358	430	484	519	537
6209	1,801 -	1,810	270	360	432	486	522	540
6210	1,811 -	1,820	290	380	453	507	543	561
6211	1,821 -	1,830	291	382	455	510	546	565
6212	1,831 -	1,840	293	385	458	513	549	568
6213	1,841 -	1,850	295	387	460	515	552	571
6214	1,851 -	1,860	296	389	463	518	555	574
6215	1,861 -	1,870	316	409	484	540	577	596

6216	1,871 -	1,880	318	412	486	543	580	599
6217	1,881 -	1,890	320	414	489	545	583	602
6218	1,891 -	1,900	321	416	492	548	586	605
6219	1,901 -	1,910	323	418	494	551	589	608
6220	1,911 -	1,920	344	440	516	573	612	631
6221	1,921 -	1,930	346	442	519	576	615	634
6222	1,931 -	1,940	348	444	521	579	618	637
6223	1,941 -	1,950	349	446	524	582	621	641
6224	1,951 -	1,960	351	449	527	585	624	644
6225	1,961 -	1,970		471	549	608	647	667
6226	1,971 -	1,980		473	552	611	650	670
6227	1,981 -	1,990		475	555	614	654	674
6228	1,991 -	2,000		478	557	617	657	677
6229	2,001 -	2,050		480	560	620	660	680
6230	2,051 -	2,100		513	595	656	697	718
6231	2,101 -	2,150		546	630	693	735	756
6232	2,151 -	2,200		581	667	731	774	796
6233	2,201 -	2,250		616	704	770	814	836
6234	2,251 -	2,300				810	855	878
6235	2,301 -	2,350					897	920
6236	2,351 -	2,400						964
6237	2,401 -	2,450						1,008

6238 Section 167. Section **81-6-401** is enacted to read:

6239 **Part 4. Child Support Guidelines Advisory Committee**

6240 **81-6-401. Definitions for part.**

6241 As used in this part, "advisory committee" means the Child Support Guidelines
 6242 Advisory Committee.

6243 Section 168. Section **81-6-402**, which is renumbered from Section 78B-12-401 is

6244 renumbered and amended to read:

6245 ~~[78B-12-401].~~ **81-6-402. Creation of advisory committee.**

6246 (1) (a) There is created the advisory committee known as the "Child Support
6247 Guidelines Advisory Committee."

6248 ~~[(b) As used in this part, "advisory committee" means the Child Support Guidelines
6249 Advisory Committee.]~~

6250 ~~[(c)]~~ (b) The governor shall appoint the 11 members of the advisory committee as
6251 follows:

6252 (i) one representative recommended by the Office of Recovery Services;

6253 (ii) one representative recommended by the Judicial Council;

6254 (iii) two representatives recommended by the Utah State Bar Association;

6255 (iv) two representatives of noncustodial parents;

6256 (v) two representatives of custodial parents;

6257 (vi) one representative with expertise in economics; and

6258 (vii) two representatives from diverse interests related to child support issues and who
6259 are not members of the Utah State Bar Association, as the governor may consider appropriate.

6260 (2) (a) The term of a member of the advisory committee is four years.

6261 (b) When a vacancy occurs in the membership for any reason, the governor shall
6262 appoint a replacement for the unexpired term of the member.

6263 (c) The governor may appoint a member of the advisory committee to more than one
6264 term.

6265 (3) (a) Six members of the advisory committee constitute a quorum.

6266 (b) The vote of a majority of a quorum present is an action of the advisory committee.

6267 (4) The advisory committee shall elect two members to serve as cochaIRS of the
6268 advisory committee for a term of one year.

6269 (5) The advisory committee shall meet at the time and place designated by the cochaIRS.

6270 Section 169. Section **81-6-403**, which is renumbered from Section 78B-12-402 is
6271 renumbered and amended to read:

6272 ~~[78B-12-402].~~ **81-6-403. Duties -- Report -- Staff.**

6273 (1) The advisory committee shall review the child support guidelines to ensure the
6274 application of the guidelines results in the determination of appropriate child support award

6275 amounts.

6276 (2) The advisory committee shall submit, in accordance with Section [68-3-14](#), a written
6277 report to the [legislative] Judiciary Interim Committee on or before October 1, 2021, and then
6278 on or before October 1 of every fourth year subsequently.

6279 (3) The advisory committee's report shall include recommendations of the majority of
6280 the advisory committee, as well as specific recommendations of individual members of the
6281 advisory committee.

6282 (4) Staff for the advisory committee shall be provided from the existing budget of the
6283 Department of Health and Human Services.

6284 Section 170. Section **81-6-404**, which is renumbered from Section 78B-12-403 is
6285 renumbered and amended to read:

6286 ~~[78B-12-403]~~. **81-6-404. Expenses for per diem and travel.**

6287 A member may not receive compensation or benefits for the member's service, but may
6288 receive per diem and travel expenses in accordance with:

6289 (1) Section [63A-3-106](#);

6290 (2) Section [63A-3-107](#); and

6291 (3) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
6292 [63A-3-107](#).

6293 Section 171. Section **81-7-101** is enacted to read:

6294 **CHAPTER 7. PAYMENT AND ENFORCEMENT OF SPOUSAL AND CHILD**
6295 **SUPPORT**

6296 **81-7-101. Definitions for chapter.**

6297 As used in this chapter:

6298 (1) "Alimony" means the same as that term is defined in Section [81-4-101](#).

6299 (2) "Child support" means the same as that term is defined in Section [81-6-101](#).

6300 (3) "Child support services" means the same as that term is defined in Section
6301 [26B-9-101](#).

6302 (4) "Obligee" means the same as that term is defined in Section [81-6-101](#).

6303 (5) "Obligor" means the same as that term is defined in Section [81-6-101](#).

6304 (6) "Support order" means the same as that term is defined in Section [81-6-101](#).

6305 (7) "Tribunal" means the same as that term is defined in Section [81-6-101](#).

6306 Section 172. Section **81-7-102**, which is renumbered from Section 78B-12-112 is
 6307 renumbered and amended to read:

6308 ~~[78B-12-112].~~ **81-7-102. Payment under child support or alimony order --**
 6309 **Judgment.**

6310 (1) All monthly payments of child support ~~[shall be]~~ and alimony are due on the 1st
 6311 day of each month [pursuant to Title 26B, Chapter 9, Part 2, Child Support Services, Title 26B,
 6312 Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income
 6313 Withholding in Non IV-D Cases] in accordance with Title 26B, Chapter 9, Recovery Services
 6314 and Administration of Child Support.

6315 (2) For purposes of child support services and income withholding ~~[pursuant to]~~
 6316 described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9,
 6317 Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the
 6318 1st day of the following month.

6319 (3) For purposes other than those specified in Subsection (1), ~~[support shall be]~~ child
 6320 support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month,
 6321 unless the order or decree provides for a different time for payment.

6322 ~~[(3)]~~ (4) Each payment or installment of ~~[child or spousal support]~~ child support or
 6323 alimony under any support order~~[, as defined by Section 78B-12-102,]~~ is, on and after the date
 6324 [it] the payment or installment is due:

6325 (a) a judgment with the same attributes and effect of any judgment of a district court,
 6326 except as provided in Subsection ~~[(4)]~~ (5);

6327 (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction;
 6328 and

6329 (c) not subject to retroactive modification by this or any other jurisdiction, except as
 6330 provided in Subsection ~~[(4)]~~ (5).

6331 ~~[(4)]~~ (5) (a) A ~~[child or spousal support]~~ child support or alimony payment under a
 6332 support order may be modified with respect to any period during which a modification is
 6333 pending, but only from the date of service of the pleading on:

6334 (i) the obligee~~[-];~~ if the obligor is the petitioner~~[- or on];~~ or

6335 (ii) the obligor~~[-];~~ if the obligee is the petitioner.

6336 (b) If the tribunal orders that the support order should be modified, the effective date of

6337 the modification shall be the month following service on the ~~[parent]~~ party whose support is
6338 affected.

6339 (c) Once the tribunal determines that a modification is appropriate, the tribunal shall
6340 order a judgment to be entered for any difference in the original order and the modified amount
6341 for the period from the service of the pleading until the final order of modification is entered.

6342 ~~[(5)]~~ (6) The judgment provided for in Subsection ~~[(3)(a)]~~ (4)(a), to be effective and
6343 enforceable as a lien against the real property interest of any third party relying on the public
6344 record, shall be docketed in the district court in accordance with Sections [78B-5-202](#) and
6345 [26B-9-214](#).

6346 Section 173. Section **81-7-103**, which is renumbered from Section 30-3-3.5 is
6347 renumbered and amended to read:

6348 ~~[30-3-3.5]~~. **81-7-103. Collection fee for past due child support or alimony.**

6349 (1) As used in this section:

6350 (a) "Debtor" means a person obligated or allegedly obligated to pay a domestic
6351 relations debt.

6352 (b) "Domestic relations debt" means an obligation or alleged obligation to pay past due
6353 child support or alimony.

6354 (2) (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:

6355 (i) the court issues a judgment requiring the payment of a domestic relations debt by
6356 the debtor;

6357 (ii) imposing a collection fee on the debtor or in relation to the domestic relations debt
6358 is not prohibited or otherwise restricted by another federal or state law; and

6359 (iii) the person owed the domestic relations debt has a contingency arrangement with
6360 an attorney to collect the domestic relations debt.

6361 (b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:

6362 (i) the principal amount due;

6363 (ii) applicable interest;

6364 (iii) a collection fee equal to the amount provided in the contingency agreement, except
6365 that the collection fee may not exceed the lesser of:

6366 (A) the actual amount the person owed the domestic relations debt is required to pay
6367 for collection costs, regardless of whether that amount is a specific dollar amount or a

6368 percentage of the principal amount owed for the domestic relations debt; or

6369 (B) 40% of the principal amount owed to the person for the domestic relations debt;

6370 (iv) reasonable attorney fees; and

6371 (v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).

6372 (3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred
6373 at the time the person owed a domestic relations debt enters into an agreement with an attorney
6374 to collect the domestic relations debt.

6375 (4) An obligation to pay a collection fee imposed under this section is in addition to
6376 any obligation to pay reasonable attorney fees that may exist.

6377 (5) The Office of Recovery Services may not collect an order issued pursuant to
6378 Subsection (2).

6379 Section 174. Section **81-8-101** is enacted to read:

6380 **CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT**

6381 **81-8-101. Reserved.**

6382 Reserved.

6383 Section 175. Section **81-9-101**, which is renumbered from Section 30-3-10.1 is
6384 renumbered and amended to read:

6385 **CHAPTER 9. CUSTODY, PARENT-TIME, AND VISITATION**

6386 **Part 1. General Provisions**

6387 ~~[30-3-10.1].~~ **81-9-101. Definitions for chapter.**

6388 As used in this chapter:

6389 (1) (a) "Custodial responsibility" includes all powers and duties relating to caretaking
6390 authority and decision-making authority for a minor child.

6391 (b) "Custodial responsibility" includes physical custody, legal custody, parenting time,
6392 right to access, visitation, and authority to grant limited contact with a minor child.

6393 (2) "Domestic violence" means the same as that term is defined in Section 77-36-1.

6394 ~~[(2) "Joint legal custody":]~~

6395 ~~[(a) means the sharing of the rights, privileges, duties, and powers of a parent by both~~
6396 ~~parents, where specified;]~~

6397 ~~[(b) may include an award of exclusive authority by the court to one parent to make~~
6398 ~~specific decisions;]~~

6399 ~~[(c) does not affect the physical custody of the child except as specified in the order of~~
6400 ~~joint legal custody;]~~

6401 ~~[(d) is not based on awarding equal or nearly equal periods of physical custody of and~~
6402 ~~access to the child to each of the parents, as the best interest of the child often requires that a~~
6403 ~~primary physical residence for the child be designated; and]~~

6404 ~~[(e) does not prohibit the court from specifying one parent as the primary caretaker and~~
6405 ~~one home as the primary residence of the child.]~~

6406 ~~[(3) "Joint physical custody":]~~

6407 ~~[(a) means the child stays with each parent overnight for more than 30% of the year,~~
6408 ~~and both parents contribute to the expenses of the child in addition to paying child support;]~~

6409 ~~[(b) can mean equal or nearly equal periods of physical custody of and access to the~~
6410 ~~child by each of the parents, as required to meet the best interest of the child;]~~

6411 ~~[(c) may require that a primary physical residence for the child be designated; and]~~

6412 ~~[(d) does not prohibit the court from specifying one parent as the primary caretaker and~~
6413 ~~one home as the primary residence of the child.]~~

6414 (3) "Joint legal custody" means the sharing of the rights, privileges, duties, and powers
6415 of a parent by both parents, where specified.

6416 (4) "Joint physical custody" means the minor child stays with each parent overnight for
6417 more than 30% of the year and both parents contribute to the expenses of the minor child in
6418 addition to paying child support.

6419 (5) (a) "Parenting functions" means those aspects of the parent-child relationship in
6420 which the parent makes decisions and performs functions necessary for the care and growth of
6421 the minor child.

6422 (b) "Parenting functions" include:

6423 (i) maintaining a loving, stable, consistent, and nurturing relationship with the minor
6424 child;

6425 (ii) attending to the daily needs of the minor child, such as feeding, clothing, physical
6426 care, grooming, supervision, health care, day care, and engaging in other activities which are
6427 appropriate to the developmental level of the minor child and that are within the social and
6428 economic circumstances of the particular family;

6429 (iii) attending to adequate education for the minor child, including remedial or other

6430 education essential to the best interest of the minor child;

6431 (iv) assisting the minor child in developing and maintaining appropriate interpersonal
6432 relationships;

6433 (v) exercising appropriate judgment regarding the minor child's welfare, consistent
6434 with the minor child's developmental level and family social and economic circumstances; and

6435 (vi) providing for the financial support of the minor child.

6436 (6) (a) "Parenting plan" means a plan for parenting a minor child.

6437 (b) "Parenting plan" includes the allocation of parenting functions that are incorporated
6438 in any final decree or decree of modification including an action for dissolution of marriage,
6439 annulment, legal separation, or paternity.

6440 [(4)] (7) "Service member" means a member of a uniformed service.

6441 (8) "Supervised parent-time" means parent-time that requires the noncustodial parent to
6442 be accompanied during parent-time by an individual approved by the court.

6443 (9) "Surrogate care" means care by any individual other than the parent of the minor
6444 child.

6445 [(5)] (10) "Uniformed service" means:

6446 (a) active and reserve components of the United States Armed Forces;

6447 (b) the United States Merchant Marine;

6448 (c) the commissioned corps of the United States Public Health Service;

6449 (d) the commissioned corps of the National Oceanic and Atmospheric Administration
6450 of the United States; or

6451 (e) the National Guard of a state.

6452 (11) "Uninterrupted time" means parent-time exercised by one parent without
6453 interruption at any time by the presence of the other parent.

6454 (12) "Virtual parent-time" means parent-time facilitated by tools such as telephone,
6455 email, instant messaging, video conferencing, and other wired or wireless technologies over the
6456 Internet or other communication media, to supplement in-person visits between a noncustodial
6457 parent and a minor child or between a minor child and the custodial parent when the minor
6458 child is staying with the noncustodial parent.

6459 Section 176. Section **81-9-102**, which is renumbered from Section 30-3-38 is
6460 renumbered and amended to read:

6461 ~~[30-3-38].~~ 81-9-102. Expedited Parent-time Enforcement Program.

6462 ~~[(1) There is established an Expedited Parent-time Enforcement Program in the third~~
6463 ~~judicial district to be administered by the Administrative Office of the Courts.]~~

6464 ~~[(2)]~~ (1) As used in this section:

6465 (a) "Mediator" means a person who:

6466 (i) is qualified to mediate parent-time disputes under criteria established by the
6467 Administrative Office of the Courts; and

6468 (ii) agrees to follow billing guidelines established by the Administrative Office of the
6469 Courts and this section.

6470 (b) "Services to facilitate parent-time" or "services" means services designed to assist
6471 families in resolving parent-time problems through:

6472 (i) counseling;

6473 (ii) supervised parent-time;

6474 (iii) neutral drop-off and pick-up;

6475 (iv) educational classes; and

6476 (v) other related activities.

6477 (2) The Administrative Office of the Courts shall administer an Expedited Parent-time
6478 Enforcement Program in the third judicial district.

6479 (3) (a) If a parent files a motion in the third district court alleging that court-ordered
6480 parent-time rights are being violated, the clerk of the court, after assigning the case to a judge,
6481 shall refer the case to the administrator of this program for assignment to a mediator, unless a
6482 parent is incarcerated or otherwise unavailable.

6483 (b) Unless the court rules otherwise, a parent residing outside of the state is not
6484 unavailable.

6485 (c) The director of the program for the courts, the court, or the mediator may excuse
6486 either party from the requirement to mediate for good cause.

6487 ~~[(b)]~~ (d) Upon receipt of a case, the mediator shall:

6488 (i) meet with the parents to address parent-time issues within 15 days of the motion
6489 being filed;

6490 (ii) assess the situation;

6491 (iii) facilitate an agreement on parent-time between the parents; and

6492 (iv) determine whether a referral to a service provider under Subsection ~~[(3)(e)]~~ (3)(e)
6493 is warranted.

6494 ~~[(e)]~~ (e) While a case is in mediation, a mediator may refer the parents to a service
6495 provider designated by the Department of Health and Human Services for services to facilitate
6496 parent-time if:

6497 (i) the services may be of significant benefit to the parents; or

6498 (ii) (A) a mediated agreement between the parents is unlikely; and

6499 (B) the services may facilitate an agreement.

6500 ~~[(f)]~~ (f) At any time during mediation, a mediator shall terminate mediation and
6501 transfer the case to the administrator of the program for referral to the ~~[judge or court~~
6502 ~~commissioner]~~ court to whom the case was assigned under Subsection (3)(a) if:

6503 (i) a written agreement between the parents is reached; or

6504 (ii) the parents are unable to reach an agreement through mediation and:

6505 (A) the parents have received services to facilitate parent-time;

6506 (B) both parents object to receiving services to facilitate parent-time; or

6507 (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.

6508 ~~[(e)]~~ (g) Upon receiving a case from the administrator of the program, a ~~[judge or court~~
6509 ~~commissioner]~~ court may:

6510 (i) review the agreement of the parents and, if acceptable, sign it as an order;

6511 (ii) order the parents to receive services to facilitate parent-time;

6512 (iii) proceed with the case; or

6513 (iv) take other appropriate action.

6514 (4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a
6515 minor child who is the subject of a parent-time order against the other parent or a member of
6516 the other parent's household to a mediator or service provider, the mediator or service provider
6517 shall immediately report that information to:

6518 (i) the ~~[judge assigned to the case who]~~ court and the court may immediately issue
6519 orders and take other appropriate action to resolve the allegation and protect the minor child;
6520 and

6521 (ii) the Division of Child and Family Services within the Department of Health and
6522 Human Services in the manner required by Title 80, Chapter 2, Part 6, Child Abuse and

6523 Neglect Reports.

6524 (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time
6525 rights or a member of that parent's household, parent-time by that parent shall, pursuant to an
6526 order of the court, be supervised until:

- 6527 (i) the allegation has been resolved; or
- 6528 (ii) a court orders otherwise.

6529 (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to
6530 mediate parent-time problems and a service provider may continue to provide services to
6531 facilitate parent-time unless otherwise ordered by a court.

6532 (5) (a) The Department of Health and Human Services may contract with one or more
6533 entities in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to provide:

- 6534 (i) services to facilitate parent-time;
- 6535 (ii) case management services; and
- 6536 (iii) administrative services.

6537 (b) An entity who contracts with the Department of Health and Human Services under
6538 Subsection (5)(a) shall:

- 6539 (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and
- 6540 (ii) agree to follow billing guidelines established by the Department of Health and
6541 Human Services and this section.

6542 (6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:

- 6543 (i) reduced to a sum certain;
- 6544 (ii) divided equally between the parents; and
- 6545 (iii) charged against each parent taking into account the ability of that parent to pay
6546 under billing guidelines adopted in accordance with this section.

6547 (b) A ~~judge~~ court may order a parent to pay an amount in excess of that provided for
6548 in Subsection (6)(a) if the parent:

- 6549 (i) failed to participate in good faith in mediation or services to facilitate parent-time;
- 6550 or
- 6551 (ii) made an unfounded assertion or claim of physical or sexual abuse of a minor child.

6552 (c) (i) The cost of mediation and services to facilitate parent-time may be charged to
6553 parents at periodic intervals.

6554 (ii) Mediation and services to facilitate parent-time may only be terminated on the
6555 ground of nonpayment if both parents are delinquent.

6556 (7) (a) The Judicial Council may make rules to implement and administer the
6557 provisions of this program related to mediation.

6558 (b) The Department of Health and Human Services may make rules to implement and
6559 administer the provisions of this program related to services to facilitate parent-time.

6560 (8) (a) (i) The Administrative Office of the Courts shall adopt outcome measures to
6561 evaluate the effectiveness of the mediation component of this program.

6562 (ii) ~~[Progress reports shall be provided]~~ The Administrative Office of the Courts shall
6563 provide progress reports to the Judiciary Interim Committee as requested by the committee.

6564 (b) (i) The Department of Health and Human Services shall adopt outcome measures to
6565 evaluate the effectiveness of the services component of this program.

6566 (ii) ~~[Progress reports shall be provided]~~ The Department of Health and Human
6567 Services shall provide progress reports to the Judiciary Interim Committee as requested by the
6568 committee.

6569 (c) The Administrative Office of the Courts and the Department of Health and Human
6570 Services may adopt joint outcome measures and file joint reports to satisfy the requirements of
6571 Subsections ~~[(7)(a)]~~ (8)(a) and (b).

6572 (9) The Department of Health and Human Services shall, by following the procedures
6573 and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, apply for federal
6574 funds as available.

6575 Section 177. Section **81-9-201** is enacted to read:

6576 **Part 2. Custody and Parent-time Between Parents**

6577 **81-9-201. Definitions for part.**

6578 Reserved.

6579 Section 178. Section **81-9-202**, which is renumbered from Section 30-3-33 is
6580 renumbered and amended to read:

6581 ~~[30-3-33].~~ **81-9-202. Advisory guidelines for a custody and parent-time**
6582 **arrangement.**

6583 (1) In addition to the parent-time schedules provided in Sections ~~[30-3-35 and~~
6584 ~~30-3-35.5]~~ 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern

6585 ~~[all parent-time arrangements]~~ a custody and parent-time arrangement between parents.

6586 ~~[(1)]~~ (2) ~~[Parent-time schedules]~~ A parent-time schedule mutually agreed upon by both
6587 parents ~~[are]~~ is preferable to a court-imposed solution.

6588 ~~[(2)]~~ (3) ~~[The]~~ A parent-time schedule shall be used to maximize the continuity and
6589 stability of the minor child's life.

6590 ~~[(3)]~~ (4) ~~[Special consideration shall be given by each parent]~~ Each parent shall give
6591 special consideration to make the minor child available to attend family functions including
6592 funerals, weddings, family reunions, religious holidays, important ceremonies, and other
6593 significant events in the life of the minor child or in the life of either parent which may
6594 inadvertently conflict with the parent-time schedule.

6595 ~~[(4)]~~ (5) (a) The court shall determine the responsibility for the pick up, delivery, and
6596 return of the ~~[child shall be determined by the court]~~ minor child when the parent-time order is
6597 entered~~[, and may be changed].~~

6598 (b) The court may change the responsibility described in Subsection (5)(a) at any time
6599 a subsequent modification is made to the parent-time order.

6600 ~~[(5)]~~ (c) If the noncustodial parent will be providing transportation, the custodial parent
6601 shall:

6602 (i) have the minor child ready for parent-time at the time the minor child is to be
6603 picked up ~~[and shall]~~; and

6604 (ii) be present at the custodial home or ~~[shall]~~ make reasonable alternate arrangements
6605 to receive the minor child at the time the minor child is returned.

6606 ~~[(6)]~~ (d) If the custodial parent will be transporting the minor child, the noncustodial
6607 parent shall:

6608 (i) be at the appointed place at the time the noncustodial parent is to receive the minor
6609 child~~[, and]~~; and

6610 (ii) have the minor child ready to be picked up at the appointed time and place~~[-]~~ or
6611 have made reasonable alternate arrangements for the custodial parent to pick up the minor
6612 child.

6613 ~~[(7)]~~ (6) ~~[Regular]~~ A parent may not interrupt regular school hours ~~[may not be~~
6614 interrupted] for a school-age minor child for the exercise of parent-time ~~[by either parent].~~

6615 ~~[(8)]~~ (7) The court may:

6616 (a) make alterations in the parent-time schedule to reasonably accommodate the work
6617 schedule of both parents [~~and may~~]; and

6618 (b) increase the parent-time allowed to the noncustodial parent but may not diminish
6619 the standardized parent-time provided in Sections [~~30-3-35 and 30-3-35.5~~] [81-9-302](#) and
6620 [81-9-304](#).

6621 ~~[(9)]~~ (8) The court may make alterations in the parent-time schedule to reasonably
6622 accommodate the distance between the parties and the expense of exercising parent-time.

6623 ~~[(10)]~~ (9) [~~Neither parent-time nor child support is to be withheld due to either~~] A
6624 parent may not withhold parent-time or child support due to the other parent's failure to comply
6625 with a court-ordered parent-time schedule.

6626 ~~[(11)]~~ (10) (a) The custodial parent shall notify the noncustodial parent within 24 hours
6627 of receiving notice of all significant school, social, sports, and community functions in which
6628 the minor child is participating or being honored[~~, and the~~].

6629 (b) The noncustodial parent [~~shall be~~] is entitled to attend and participate fully in the
6630 functions described in Subsection (10)(a).

6631 ~~[(12)]~~ (c) The noncustodial parent shall have access directly to all school reports
6632 including preschool and daycare reports and medical records [~~and shall be notified immediately~~
6633 ~~by the custodial parent~~].

6634 (d) A parent shall immediately notify the other parent in the event of a medical
6635 emergency.

6636 ~~[(13)]~~ (11) Each parent shall provide the other with the parent's current address and
6637 telephone number, email address, and other virtual parent-time access information within 24
6638 hours of any change.

6639 ~~[(14)]~~ (12) (a) Each parent shall permit and encourage, during reasonable hours,
6640 reasonable and uncensored communications with the minor child, in the form of mail privileges
6641 and virtual parent-time if the equipment is reasonably available[~~, provided that if the parties~~].

6642 (b) If the parents cannot agree on whether the equipment is reasonably available, the
6643 court shall decide whether the equipment for virtual parent-time is reasonably available[~~;~~] by
6644 taking into consideration:

6645 ~~[(a)]~~ (i) the best interests of the minor child;

6646 ~~[(b)]~~ (ii) each parent's ability to handle any additional expenses for virtual parent-time;

6647 and

6648 ~~[(e)]~~ (iii) any other factors the court considers material.

6649 ~~[(15)]~~ (13) (a) Parental care ~~[shall be]~~ is presumed to be better care for the minor child
6650 than surrogate care ~~[and the]~~.

6651 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
6652 parent, if willing and able to transport the ~~[children]~~ minor child, to provide the child care.

6653 (c) Child care arrangements existing during the marriage are preferred as are child care
6654 arrangements with nominal or no charge.

6655 ~~[(16)]~~ (14) Each parent shall:

6656 (a) provide all surrogate care providers with the name, current address, and telephone
6657 number of the other parent ~~[and shall]~~; and

6658 (b) provide the noncustodial parent with the name, current address, and telephone
6659 number of all surrogate care providers unless the court for good cause orders otherwise.

6660 ~~[(17)]~~ (15) (a) Each parent ~~[shall be]~~ is entitled to an equal division of major religious
6661 holidays celebrated by the parents~~[, and the]~~.

6662 (b) The parent who celebrates a religious holiday that the other parent does not
6663 celebrate shall have the right to be together with the minor child on the religious holiday.

6664 ~~[(18)]~~ (16) If the minor child is on a different parent-time schedule than a sibling,
6665 based on Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and 81-9-304, the parents should consider
6666 if an upward deviation for parent-time with all the minor children so that parent-time is
6667 uniform between school aged and nonschool aged children, is appropriate.

6668 ~~[(19)]~~ (17) (a) When one or both parents are servicemembers or contemplating joining
6669 a uniformed service, the parents should resolve issues of custodial responsibility in the event of
6670 deployment as soon as practicable through reaching a voluntary agreement pursuant to Section
6671 78B-20-201 or through court order obtained pursuant to ~~[Section 30-3-10]~~ this part.

6672 (b) Servicemembers shall ensure their family care plan reflects orders and agreements
6673 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents Custody,
6674 Parent-time, and Visitation Act.

6675 (18) (a) For emergency purposes, whenever the minor child travels with a parent, the
6676 parent shall provide the following information to the other parent:

6677 (i) an itinerary of travel dates;

6678 (ii) destinations;
6679 (iii) places where the minor child or traveling parent can be reached; and
6680 (iv) the name and telephone number of an available third person who would be
6681 knowledgeable of the minor child's location.

6682 (b) Unchaperoned travel of a minor child under the age of five years is not
6683 recommended.

6684 Section 179. Section **81-9-203**, which is renumbered from Section 30-3-10.9 is
6685 renumbered and amended to read:

6686 **[30-3-10.9]. 81-9-203. Custody and parent-time proceedings -- Requirements for**
6687 **parenting plan.**

6688 (1) In a custody or parent-time proceeding that is not a divorce action, the court may
6689 require the parents to attend the mandatory educational course described in Section [81-4-106](#).

6690 (2) (a) In a proceeding between parents regarding the custody or parent-time for a
6691 minor child, the parent shall file and serve a proposed parenting plan at the time of the filing of
6692 the parent's original petition or at the time of filing the parent's answer or counterclaim.

6693 (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting
6694 plan, the parent shall file the proposed parenting plan with the petition to modify or the answer
6695 or counterclaim to the petition to modify.

6696 (c) A parent who desires joint legal custody shall file a proposed parenting plan in
6697 accordance with this section.

6698 (3) If a parent files a proposed parenting plan in compliance with this section, the
6699 parent may move the court for an order of default to adopt the plan if the other parent fails to
6700 file a proposed parenting plan as required by this section.

6701 (4) A parent may file and serve an amended proposed parenting plan according to the
6702 Utah Rules of Civil Procedure.

6703 (5) The parent submitting a proposed parenting plan shall attach a verified statement
6704 that the plan is proposed by that parent in good faith.

6705 (6) (a) Both parents may submit a parenting plan which has been agreed upon.

6706 (b) The parents shall attach a verified statement to the parenting plan that is signed by
6707 both parents.

6708 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad

6709 litem to represent the best interests of the minor child, who may, if necessary, file a separate
 6710 parenting plan reflecting the best interests of the minor child.

6711 (8) (a) If a parent is a service member, the parenting plan shall be consistent with
 6712 Subsection (16).

6713 (b) If a parent becomes a service member after a parenting plan is adopted, the parents
 6714 shall amend the existing parenting plan as soon as practical to comply with Subsection (16).

6715 ~~[(1)]~~ (9) The objectives of a parenting plan are to:

6716 (a) provide for the minor child's physical care;

6717 (b) maintain the minor child's emotional stability;

6718 (c) provide for the minor child's changing needs as the minor child grows and matures
 6719 in a way that minimizes the need for future modifications to the parenting plan;

6720 (d) set forth the authority and responsibilities of each parent with respect to the minor
 6721 child consistent with the definitions outlined in this chapter;

6722 (e) minimize the minor child's exposure to harmful parental conflict;

6723 (f) encourage the parents, where appropriate, to meet the responsibilities to their
 6724 ~~[minor children]~~ minor child through agreements in the parenting plan rather than relying on
 6725 judicial intervention; and

6726 (g) protect the best interests of the minor child.

6727 ~~[(2)]~~ (10) (a) The parenting plan shall contain:

6728 (i) provisions for resolution of future disputes between the parents, allocation of
 6729 decision-making authority, and residential provisions for the minor child~~[-and provisions];~~

6730 (ii) provisions addressing notice and parent-time responsibilities in the event of the
 6731 relocation of ~~[either party. It may contain other provisions comparable to those in Sections~~
 6732 ~~30-3-5 and 30-3-10.3 regarding the welfare of the child.]~~ a party; and

6733 (iii) a process for resolving disputes, unless precluded or limited by statute.

6734 ~~[(3) A process for resolving disputes shall be provided unless precluded or limited by~~
 6735 ~~statute.]~~

6736 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:

6737 ~~[(a)]~~ (i) counseling;

6738 ~~[(b)]~~ (ii) mediation or arbitration by a specified individual or agency; or

6739 ~~[(c)]~~ (iii) court action.

6740 ~~[(4)]~~ (c) In the dispute resolution process under Subsection (10)(b):

6741 ~~[(a)]~~ (i) preference shall be given to the provisions in the parenting plan;

6742 ~~[(b)]~~ (ii) parents shall use the designated process to resolve disputes relating to

6743 implementation of the plan, except those related to financial support, unless an emergency

6744 exists;

6745 ~~[(c)]~~ (iii) a written record shall be prepared of any agreement reached in counseling or

6746 mediation and provided to each party;

6747 ~~[(d)]~~ (iv) if arbitration becomes necessary, a written record shall be prepared and a

6748 copy of the arbitration award shall be provided to each party;

6749 ~~[(e)]~~ (v) if the court finds that a parent has used or frustrated the dispute resolution

6750 process without good reason, the court may award attorney fees and financial sanctions to the

6751 prevailing parent;

6752 ~~[(f)]~~ (vi) the district court has the right of review from the dispute resolution process;

6753 and

6754 ~~[(g)]~~ (vii) the provisions of this Subsection ~~[(4)]~~ (10)(c) shall be set forth in any final

6755 decree or order.

6756 ~~[(5)]~~ (11) (a) Subject to the other provisions of this Subsection ~~[(5)]~~ (11), the parenting

6757 plan shall allocate decision-making authority to one or both parties regarding the minor child's

6758 education, healthcare, and religious upbringing.

6759 (b) The parties may incorporate an agreement related to the care and growth of the

6760 minor child in these specified areas or in other areas into the plan~~[, consistent with]~~ that are

6761 consistent with parenting functions and the criteria outlined in Subsection [30-3-10.7(2) and

6762 Subsection (1)] (9).

6763 (c) Regardless of the allocation of decision-making in the parenting plan, ~~[either]~~ a

6764 parent may make emergency decisions affecting the health or safety of the minor child.

6765 ~~[(b)]~~ (d) A minor child's education plan shall designate the following:

6766 (i) the home residence for purposes of identifying the appropriate school or another

6767 specific plan that provides for where the minor child will attend school;

6768 (ii) which parent has authority to make education decisions for the minor child if the

6769 parents cannot agree; and

6770 (iii) whether one or both parents have access to the minor child during school and

6771 authority to check the minor child out of school.

6772 [~~(e)~~] (e) [~~If no education provision is included in the parent plan~~] If an education
6773 provision is not included in the parenting plan:

6774 (i) a parent with sole physical custody shall make the decisions listed in Subsection
6775 [~~(5)(b)~~] (11)(d);

6776 (ii) in the event of joint physical custody when one parent has custody a majority of the
6777 time[~~, pursuant to Subsection 30-3-10.3(4).~~] as described in Subsection 81-9-205(10):

6778 (A) the parent having the minor child the majority of the time shall make the decisions
6779 listed in Subsections [~~(5)(b)(i)~~] (11)(d)(i) and (ii); and

6780 (B) both parents with joint physical custody shall have access to the minor child during
6781 school and authority to check the child out of school; or

6782 (iii) in the event of joint physical custody when the parents have custody an equal
6783 amount of time:

6784 (A) the court shall determine how the decisions listed in Subsections [~~(5)(b)(i)~~]
6785 (11)(d)(i) and (ii) are made; and

6786 (B) both parents with joint physical custody shall have access to the minor child during
6787 school and authority to check the minor child out of school.

6788 [~~(6)~~] (12) Each parent may make decisions regarding the day-to-day care and control of
6789 the minor child while the minor child is residing with that parent.

6790 [~~(7)~~] (13) When mutual decision-making is designated but cannot be achieved, the
6791 parties shall make a good faith effort to resolve the issue through the dispute resolution
6792 process.

6793 [~~(8)~~] (14) The parenting plan shall include a residential schedule that designates in
6794 which parent's home [~~each~~] a minor child shall reside on given days of the year, including
6795 provisions for holidays, birthdays of family members, vacations, and other special occasions.

6796 [~~(9)~~] (15) (a) If a parent fails to comply with a provision of the parenting plan or a child
6797 support order, the other parent's obligations under the parenting plan or the child support order
6798 are not affected.

6799 (b) Failure to comply with a provision of the parenting plan or a child support order
6800 may result in a finding of contempt of court.

6801 [~~(10)~~] (16) (a) [~~When one or both parents are servicemembers~~] If a parent is a service

6802 member, the parenting plan shall contain provisions that address the foreseeable parenting and
6803 custodial issues likely to arise in the event of notification of deployment or other contingency,
6804 including long-term deployments, short-term deployments, death, incapacity, and
6805 noncombatant evacuation operations.

6806 (b) The provisions in the parenting plan described in Subsection ~~[(10)(a)]~~ (16)(a) shall
6807 comport substantially with the requirements of an agreement made pursuant to Section
6808 78B-20-201.

6809 Section 180. Section **81-9-204**, which is renumbered from Section 30-3-10 is
6810 renumbered and amended to read:

6811 ~~[30-3-10]~~. **81-9-204. Custody and parent-time of a minor child -- Custody**
6812 **factors -- Evidence of domestic violence in a custody case -- Preferences.**

6813 ~~[(1) If a married couple having one or more minor children are separated, or the~~
6814 ~~married couple's marriage is declared void or dissolved, the court shall enter, and has~~
6815 ~~continuing jurisdiction to modify, an order of custody and parent-time.]~~

6816 (1) In a proceeding between parents in which the custody and parent-time of a minor
6817 child is at issue, the court shall consider the best interests of the minor child in determining any
6818 form of custody and parent-time.

6819 (2) The court shall determine whether an order for custody or parent-time is in the best
6820 interests of the minor child by a preponderance of the evidence.

6821 ~~[(2)]~~ (3) [In determining any form of custody and parent-time under Subsection (1), the
6822 court shall consider the best interest of the child and may consider among other factors the
6823 court finds relevant, the following] To determine the best interests of the minor child, the court
6824 shall consider the following factors for each parent:

6825 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
6826 abuse, involving the minor child, the parent, or a household member of the parent;

6827 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet
6828 the developmental needs of the minor child, including the minor child's:

6829 (i) physical needs;

6830 (ii) emotional needs;

6831 (iii) educational needs;

6832 (iv) medical needs; and

- 6833 (v) any special needs;
- 6834 (c) the parent's capacity and willingness to function as a parent, including:
- 6835 (i) parenting skills;
- 6836 (ii) co-parenting skills, including:
- 6837 (A) ability to appropriately communicate with the other parent;
- 6838 (B) ability to encourage the sharing of love and affection; and
- 6839 (C) willingness to allow frequent and continuous contact between the minor child and
- 6840 the other parent, except that, if the court determines that the parent is acting to protect the
- 6841 minor child from domestic violence, neglect, or abuse, the parent's protective actions may be
- 6842 taken into consideration; and
- 6843 (iii) ability to provide personal care rather than surrogate care;
- 6844 (d) [~~in accordance with Subsection (10);~~] the past conduct and demonstrated moral
- 6845 character of the parent as described in Subsection (8);
- 6846 (e) the emotional stability of the parent;
- 6847 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 6848 drinking, or other causes;
- 6849 (g) whether the parent has intentionally exposed the minor child to pornography or
- 6850 [~~material harmful to minors, as "material" and "harmful to minors" are~~] material that is harmful
- 6851 to minors, as those terms are defined in Section 76-10-1201;
- 6852 (h) the parent's reasons for having relinquished custody or parent-time in the past;
- 6853 (i) duration and depth of desire for custody or parent-time;
- 6854 (j) the parent's religious compatibility with the minor child;
- 6855 (k) the parent's financial responsibility;
- 6856 (l) the minor child's interaction and relationship with step-parents, extended family
- 6857 members of other individuals who may significantly affect the minor child's best interests;
- 6858 (m) who has been the primary caretaker of the minor child;
- 6859 (n) previous parenting arrangements in which the minor child has been happy and
- 6860 well-adjusted in the home, school, and community;
- 6861 (o) the relative benefit of keeping siblings together;
- 6862 (p) the stated wishes and concerns of the minor child, taking into consideration the
- 6863 minor child's cognitive ability and emotional maturity;

6864 (q) the relative strength of the minor child's bond with the parent, meaning the depth,
6865 quality, and nature of the relationship between the parent and the minor child; and

6866 (r) any other factor the court finds relevant.

6867 ~~[(3) There is a rebuttable presumption that joint legal custody, as defined in Section~~
6868 ~~30-3-10.1, is in the best interest of the child, except in cases when there is:]~~

6869 ~~[(a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional~~
6870 ~~abuse involving the child, a parent, or a household member of the parent;]~~

6871 ~~[(b) special physical or mental needs of a parent or child, making joint legal custody~~
6872 ~~unreasonable;]~~

6873 ~~[(c) physical distance between the residences of the parents, making joint decision~~
6874 ~~making impractical in certain circumstances; or]~~

6875 ~~[(d) any other factor the court considers relevant including those listed in this section~~
6876 ~~and Section 30-3-10.2.]~~

6877 ~~[(4) (a) The person who desires joint legal custody shall file a proposed parenting plan~~
6878 ~~in accordance with Sections 30-3-10.8 and 30-3-10.9.]~~

6879 ~~[(b) A presumption for joint legal custody may be rebutted by a showing by a~~
6880 ~~preponderance of the evidence that it is not in the best interest of the child.]~~

6881 ~~[(5)] (4) (a) A minor child may not be required by either party to testify unless the trier~~
6882 ~~of fact determines that extenuating circumstances exist that would necessitate the testimony of~~
6883 ~~the minor child be heard and there is no other reasonable method to present the minor child's~~
6884 ~~testimony.~~

6885 (b) (i) The court may inquire ~~[of the child's]~~ and take into consideration the minor
6886 child's desires regarding future custody or parent-time schedules, but the expressed desires are
6887 not controlling and the court may determine the minor child's custody or parent-time otherwise.

6888 (ii) The desires of a minor child who is 14 years old or older shall be given added
6889 weight, but is not the single controlling factor.

6890 (c) (i) If an interview with a minor child is conducted by the court pursuant to
6891 Subsection ~~[(5)(b)] (4)(b)~~, the interview shall be conducted by the ~~[judge]~~ court in camera.

6892 (ii) The prior consent of the parties may be obtained but is not necessary if the court
6893 finds that an interview with a minor child is the only method to ascertain the minor child's
6894 desires regarding custody.

6895 [(6)] (5) (a) Except as provided in Subsection [(6)(b)] (5)(b), a court may not
6896 discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding
6897 custody or determining whether a substantial change has occurred for the purpose of modifying
6898 an award of custody.

6899 (b) The court may not consider the disability of a parent as a factor in awarding custody
6900 or modifying an award of custody based on a determination of a substantial change in
6901 circumstances, unless the court makes specific findings that:

6902 (i) the disability significantly or substantially inhibits the parent's ability to provide for
6903 the physical and emotional needs of the minor child at issue; and

6904 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
6905 available to supplement the parent's ability to provide for the physical and emotional needs of
6906 the minor child at issue.

6907 (c) Nothing in this section may be construed to apply to adoption proceedings under
6908 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

6909 [(7)] (6) This section does not establish:

6910 (a) a preference for either parent solely because of the gender of the parent[-]; or

6911 [(8)] (b) [~~This section establishes neither a preference nor a presumption~~] a preference
6912 for or against joint physical custody or sole physical custody, but allows the court and the
6913 family the widest discretion to choose a parenting plan that is in the best interest of the minor
6914 child.

6915 [(9)] (7) When an issue before the court involves custodial responsibility in the event
6916 of a deployment of [~~one or both parents who are service members~~] a parent who is a service
6917 member and the service member has not yet been notified of deployment, the court shall
6918 resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

6919 [(10)] (8) In considering the past conduct and demonstrated moral standards of each
6920 party under Subsection [(2)(d)] (3)(d) or any other factor a court finds relevant, the court may
6921 not:

6922 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal
6923 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in
6924 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies,
6925 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection

6926 [58-37-3.7](#)(2) or (3) any differently than the court would consider or treat the lawful possession
6927 or use of any prescribed controlled substance; or

6928 (b) discriminate against a parent because of the parent's status as a:

6929 (i) cannabis production establishment agent, as that term is defined in Section

6930 [4-41a-102](#);

6931 (ii) medical cannabis pharmacy agent, as that term is defined in Section [26B-4-201](#);

6932 (iii) medical cannabis courier agent, as that term is defined in Section [26B-4-201](#); or

6933 (iv) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,

6934 Cannabinoid Research and Medical Cannabis.

6935 (9) (a) The court shall consider evidence of domestic violence if evidence of domestic
6936 violence is presented.

6937 (b) The court shall consider, as primary, the safety and well-being of the minor child
6938 and the parent who experiences domestic violence.

6939 (c) An order issued by a court pursuant to Title 78B, Chapter 7, Part 6, Cohabitant
6940 Abuse Protective Orders, shall be considered evidence of real harm or substantiated potential
6941 harm to the minor child.

6942 (d) If a parent relocates because of an act of domestic violence or family violence by
6943 the other parent, the court shall make specific findings and orders with regards to the
6944 application of Section [81-9-209](#).

6945 (10) Absent a showing by a preponderance of evidence of real harm or substantiated
6946 potential harm to the minor child:

6947 (a) it is in the best interest of the minor child to have frequent, meaningful, and
6948 continuing access to each parent following separation or divorce;

6949 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
6950 access with the parent's minor child consistent with the minor child's best interests; and

6951 (c) it is in the best interest of the minor child to have both parents actively involved in
6952 parenting the minor child.

6953 Section 181. Section **81-9-205**, which is renumbered from Section 30-3-10.2 is
6954 renumbered and amended to read:

6955 **[~~30-3-10.2~~]. 81-9-205. Presumption of joint legal custody -- Joint custody factors**
6956 **-- Order for joint custody.**

6957 ~~[(1) The court may order joint legal custody or joint physical custody or both if one or~~
6958 ~~both parents have filed a parenting plan in accordance with Section 30-3-10.8 and the court~~
6959 ~~determines that joint legal custody or joint physical custody or both is in the best interest of the~~
6960 ~~child.]~~

6961 ~~[(2) In determining whether the best interest of a child will be served by ordering joint~~
6962 ~~legal custody or joint physical custody or both, the court shall consider the custody factors in~~
6963 ~~Section 30-3-10 and the following factors:]~~

6964 (1) The court may order joint legal custody or joint physical custody or both joint legal
6965 custody and joint physical custody if:

6966 (a) one or both parents have filed a parenting plan as described in Section 81-9-203;

6967 and

6968 (b) the court determines that, by a preponderance of the evidence, joint legal custody or
6969 joint physical custody or both joint legal custody and joint physical custody is in the best
6970 interest of the minor child in accordance with Subsection (5) and Section 81-9-204.

6971 (2) (a) There is a rebuttable presumption that joint legal custody is in the best interest
6972 of the minor child, except in cases when there is:

6973 (i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
6974 abuse involving the minor child, a parent, or a household member of the parent;

6975 (ii) special physical or mental needs of a parent or minor child, making joint legal
6976 custody unreasonable;

6977 (iii) physical distance between the residences of the parents, making joint decision
6978 making impractical in certain circumstances; or

6979 (iv) any other factor the court considers relevant, including the factors described in
6980 Subsection (5) and Section 81-9-204.

6981 (b) A presumption for joint legal custody may be rebutted by showing by a
6982 preponderance of the evidence that it is not in the best interest of the minor child.

6983 (3) (a) Joint legal custody does not affect the physical custody of the minor child
6984 except as specified in the order of joint legal custody.

6985 (b) Joint legal custody is not based on awarding equal or nearly equal periods of
6986 physical custody of and access to the minor child to each of the parents because the best
6987 interest of the minor child often requires that a primary physical residence for the minor child

6988 be designated.

6989 (c) In ordering joint legal custody, the court:

6990 (i) may include an award of exclusive authority by the court to one parent to make
6991 specific decisions regarding the minor child; and

6992 (ii) is not prohibited from specifying one parent as the primary caretaker and one home
6993 as the primary residence of the minor child.

6994 (4) (a) Joint physical custody may result in equal or nearly equal periods of physical
6995 custody of and access to the minor child by each of the parents to meet the best interest of the
6996 minor child.

6997 (b) Joint physical custody may require that a physical residence for the minor child be
6998 designated.

6999 (c) In ordering joint physical custody, the court is not prohibited from specifying one
7000 parent as the primary caretaker and one home as the primary residence of the minor child.

7001 (5) In addition to the factors described in Section [81-9-204](#), the court shall consider the
7002 following factors in determining whether joint legal custody, joint physical custody, or both
7003 joint legal custody and joint physical custody, is in the best interest of the minor child:

7004 (a) whether the physical, psychological, and emotional needs and development of the
7005 minor child will benefit from joint legal custody or joint physical custody or both joint legal
7006 custody and joint physical custody;

7007 (b) the ability of the parents to give first priority to the welfare of the minor child and
7008 reach shared decisions in the minor child's best interest;

7009 (c) co-parenting skills, including:

7010 (i) ability to appropriately communicate with the other parent;

7011 (ii) ability to encourage the sharing of love and affection; and

7012 (iii) willingness to allow frequent and continuous contact between the minor child and
7013 the other parent, except that, if the court determines that the parent is acting to protect the
7014 minor child from domestic violence, neglect, or abuse, the parent's protective actions may be
7015 taken into consideration; ~~and~~

7016 (d) whether both parents participated in raising the minor child before the divorce;

7017 (e) the geographical proximity of the homes of the parents;

7018 (f) the preference of the minor child if the minor child is of sufficient age and capacity

7019 to reason so as to form an intelligent preference as to joint legal custody or joint physical
7020 custody or both joint legal custody and joint physical custody;

7021 (g) the maturity of the parents and their willingness and ability to protect the minor
7022 child from conflict that may arise between the parents;

7023 (h) the past and present ability of the parents to cooperate with each other and make
7024 decisions jointly; and

7025 (i) any other factor the court finds relevant.

7026 [~~(3) The determination of the best interest of the child shall be by a preponderance of~~
7027 ~~the evidence.~~]

7028 [~~(4)~~] (6) The court shall inform both parties that an order for joint physical custody
7029 may preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment
7030 Support Act.

7031 (7) An order of joint legal custody or joint physical custody shall provide terms the
7032 court determines appropriate, which may include specifying:

7033 (a) the county of residence of the minor child, until altered by further order of the court,
7034 or the custodian who has the sole legal right to determine the residence of the minor child;

7035 (b) that the parents shall exchange information concerning the health, education, and
7036 welfare of the minor child, and where possible, confer before making decisions concerning any
7037 of these areas;

7038 (c) the rights and duties of each parent regarding the minor child's present and future
7039 physical care, support, and education;

7040 (d) provisions to minimize disruption of the minor child's attendance at school and
7041 other activities, the minor child's daily routine, and the minor child's association with friends;
7042 and

7043 (e) as necessary, the remaining parental rights, privileges, duties, and powers to be
7044 exercised by the parents solely, concurrently, or jointly.

7045 (8) An order of joint legal custody or joint physical custody shall require the parenting
7046 plan contain a dispute resolution procedure that the parties agree to use:

7047 (a) in accordance with Subsection [81-9-203\(10\)](#); and

7048 (b) before seeking enforcement or modification of the terms and conditions of the order
7049 of joint legal custody or joint physical custody through litigation, except in emergency

7050 situations requiring ex parte orders to protect the minor child.

7051 (9) The court shall, where possible, include in the order the terms of the parenting plan
7052 provided in accordance with Section 81-9-203.

7053 (10) Any parental rights not specifically addressed by the court order may be exercised
7054 by the parent having physical custody of the minor child the majority of the time.

7055 (11) The appointment of joint legal or physical custodians does not impair or limit the
7056 authority of the court to order support of the minor child, including payments by one custodian
7057 to the other.

7058 (12) An order of joint legal custody, in itself, is not grounds for modifying a support
7059 order.

7060 ~~[(5)]~~ (13) The court may order that when possible the parties attempt to settle future
7061 disputes by a dispute resolution method before seeking enforcement or modification of the
7062 terms and conditions of the order of joint legal custody or joint physical custody through
7063 litigation, except in emergency situations requiring ex parte orders to protect the minor child.

7064 Section 182. Section **81-9-206**, which is renumbered from Section 30-3-34 is
7065 renumbered and amended to read:

7066 ~~[30-3-34].~~ **81-9-206. Determination of parent-time schedule -- Parent-time**
7067 **factors.**

7068 (1) If the parties are unable to agree on a parent-time schedule, the court may:

7069 (a) establish a parent-time schedule; or

7070 (b) order a parent-time schedule described in ~~[Section 30-3-35, 30-3-35.1, 30-3-35.2,~~
7071 ~~or 30-3-35.5]~~ Part 3, Parent-time Schedules.

7072 (2) ~~[The advisory guidelines as provided in Section 30-3-33 and the parent-time~~
7073 ~~schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be considered]~~ There is a
7074 presumption that the advisory guidelines described in Section 81-9-202 and the parent-time
7075 schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which
7076 the noncustodial parent and the minor child ~~[shall be]~~ are entitled.

7077 (3) A court may consider the following when ordering a parent-time schedule:

7078 (a) whether parent-time would endanger the minor child's physical health or mental
7079 health, or significantly impair the minor child's emotional development;

7080 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional

- 7081 abuse, involving the minor child, a parent, or a household member of the parent as described
7082 Subsection (4) and Section 81-9-204;
- 7083 (c) the distance between the residency of the minor child and the noncustodial parent;
 - 7084 (d) a credible allegation of child abuse has been made;
 - 7085 (e) the lack of demonstrated parenting skills without safeguards to ensure the minor
7086 child's well-being during parent-time;
 - 7087 (f) the financial inability of the noncustodial parent to provide adequate food and
7088 shelter for the minor child during periods of parent-time;
 - 7089 (g) the preference of the minor child if the court determines the minor child is of
7090 sufficient maturity;
 - 7091 (h) the incarceration of the noncustodial parent in a county jail, secure youth
7092 corrections facility, or an adult corrections facility;
 - 7093 (i) shared interests between the minor child and the noncustodial parent;
 - 7094 (j) the involvement or lack of involvement of the noncustodial parent in the school,
7095 community, religious, or other related activities of the minor child;
 - 7096 (k) the availability of the noncustodial parent to care for the minor child when the
7097 custodial parent is unavailable to do so because of work or other circumstances;
 - 7098 (l) a substantial and chronic pattern of missing, canceling, or denying regularly
7099 scheduled parent-time;
 - 7100 (m) the minimal duration of and lack of significant bonding in the parents' relationship
7101 before the conception of the minor child;
 - 7102 (n) the parent-time schedule of siblings;
 - 7103 (o) the lack of reasonable alternatives to the needs of a nursing minor child; and
 - 7104 (p) any other criteria the court determines relevant to the best interests of the minor
7105 child.
- 7106 (4) The court shall enter the reasons underlying the court's order for parent-time that:
- 7107 (a) incorporates a parent-time schedule [~~provided in Section 30-3-35 or 30-3-35.5~~]
7108 described in Section 81-9-302 or 81-9-304; or
 - 7109 (b) provides more or less parent-time than a parent-time schedule [~~provided in Section~~
7110 ~~30-3-35 or 30-3-35.5~~] described in Section 81-9-302 or 81-9-304.
- 7111 (5) A court may not order a parent-time schedule unless the court determines by a

7112 preponderance of the evidence that the parent-time schedule is in the best interest of the minor
7113 child.

7114 (6) Once the parent-time schedule has been established, the parties may not alter the
7115 parent-time schedule except by mutual consent of the parties or a court order.

7116 (7) (a) If the court orders parent-time and a protective order or stalking injunction is
7117 still in place, the court shall consider whether to order the parents to conduct parent-time
7118 pick-up and transfer through a third party.

7119 (b) The parent who is the stated victim in the protective order or stalking injunction
7120 may submit to the court, and the court shall consider, the name of a person considered suitable
7121 to act as the third party.

7122 (c) If the court orders the parents to conduct parent-time through a third party, the
7123 parenting plan shall specify the time, day, place, manner, and the third party to be used to
7124 implement the exchange.

7125 (8) If there is a protective order, stalking injunction, or the court finds that a parent has
7126 committed domestic violence, the court shall:

7127 (a) consider the impact of domestic violence in awarding parent-time; and

7128 (b) make specific findings regarding the award of parent-time.

7129 (9) Upon a specific finding by the court of the need for peace officer enforcement, the
7130 court may include a provision in an order for parent-time that authorizes a peace officer to
7131 enforce the order for parent-time.

7132 (10) When parent-time has not taken place for an extended period of time and the
7133 minor child lacks an appropriate bond with the noncustodial parent, both parents shall consider
7134 the possible adverse effects upon the minor child and gradually reintroduce an appropriate
7135 parent-time plan for the noncustodial parent.

7136 Section 183. Section **81-9-207**, which is renumbered from Section 30-3-34.5 is
7137 renumbered and amended to read:

7138 **[30-3-34.5]. 81-9-207. Supervised parent-time.**

7139 ~~[(1) Considering the fundamental liberty interests of parents and children, it is the~~
7140 ~~policy of this state that divorcing parents have unrestricted and unsupervised access to their~~
7141 ~~children. When necessary to protect a child and no less restrictive means is reasonably~~
7142 ~~available however, a court may order supervised parent-time if the court finds evidence that the~~

7143 child would be subject to physical or emotional harm or child abuse, as described in Sections
7144 ~~76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114~~, from the noncustodial parent if left
7145 unsupervised with the noncustodial parent.]

7146 (1) If it is necessary to protect a minor child and there is no less restrictive means
7147 reasonably available, a court may order supervised parent-time if the court finds evidence that
7148 the minor child would be subject to physical or emotional harm or child abuse, as described in
7149 Sections ~~76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114~~, from the noncustodial parent if left
7150 unsupervised with the noncustodial parent.

7151 (2) (a) A court that orders supervised parent-time shall give preference to persons
7152 suggested by the parties to supervise, including relatives.

7153 (b) If the court finds that the persons suggested by the parties are willing to supervise,
7154 and are capable of protecting the [~~children~~] minor child from physical or emotional harm, or
7155 child abuse, the court shall authorize the persons to supervise parent-time.

7156 [~~(3)~~] (c) If the court is unable to authorize any persons to supervise parent-time
7157 [~~pursuant to Subsection (2)~~], the court may require that the noncustodial parent seek the
7158 services of a professional individual or agency to exercise their supervised parent-time.

7159 [~~(4)~~] (3) At the time supervised parent-time is imposed, the court shall consider:

7160 (a) whether the cost of professional or agency services is likely to prevent the
7161 noncustodial parent from exercising parent-time; and

7162 (b) whether the requirement for supervised parent-time should expire after a set period
7163 of time.

7164 [~~(5)~~] (4) (a) The court shall, in its order for supervised parent-time, provide specific
7165 goals and expectations for the noncustodial parent to accomplish before unsupervised
7166 parent-time may be granted.

7167 (b) The court shall schedule one or more follow-up hearings to revisit the issue of
7168 supervised parent-time.

7169 [~~(6)~~] (5) A noncustodial parent may, at any time, petition the court to modify the order
7170 for supervised parent-time if the noncustodial parent can demonstrate that the specific goals
7171 and expectations set by the court [~~in Subsection (5)~~] as described in Subsection (4) have been
7172 accomplished.

7173 Section 184. Section **81-9-208**, which is renumbered from Section 30-3-10.4 is

7174 renumbered and amended to read:

7175 ~~[30-3-10.4].~~ **81-9-208. Modification or termination of a custody or parent-time**
7176 **order -- Noncompliance with a parent-time order.**

7177 (1) The court has continuing jurisdiction to make subsequent changes to modify:

7178 (a) custody of a minor child if there is a showing of a substantial and material change
7179 in circumstances since the entry of the order; and

7180 (b) parent-time for a minor child if there is a showing that there is a change in
7181 circumstances since the entry of the order.

7182 ~~[(+)]~~ (2) On the petition of one or both of the parents, or the joint legal or physical
7183 custodians if they are not the parents, the court may, after a hearing, modify or terminate an
7184 order that established joint legal custody or joint physical custody if:

7185 (a) the verified petition or accompanying affidavit initially alleges that admissible
7186 evidence will show that there has been a substantial and material change in the circumstances
7187 of the minor child or one or both parents or joint legal or physical custodians [~~have materially~~
7188 ~~and substantially changed~~] since the entry of the order to be modified;

7189 (b) a modification of the terms and conditions of the order would be an improvement
7190 for and in the best interest of the minor child; and

7191 (c) (i) both parents have complied in good faith with the dispute resolution procedure
7192 in accordance with Subsection ~~[30-3-10.3(7)]~~ 81-9-205(8); or

7193 (ii) if no dispute resolution procedure is contained in the order that established joint
7194 legal custody or joint physical custody, the court orders the parents to participate in a dispute
7195 resolution procedure in accordance with Subsection ~~[30-3-10.2(5)]~~ 81-9-205(13) unless the
7196 parents certify that, in good faith, they have used a dispute resolution procedure to resolve their
7197 dispute.

7198 ~~[(2)]~~ (3) (a) In determining whether the best interest of a minor child will be served by
7199 either modifying or terminating the joint legal custody or joint physical custody order, the court
7200 shall, in addition to other factors the court considers relevant, consider the factors [~~outlined in~~
7201 ~~Section 30-3-10 and Subsection 30-3-10.2(2)]~~ described in Sections 81-9-204 and 81-9-205.

7202 (b) A court order modifying or terminating an existing joint legal custody or joint
7203 physical custody order shall contain written findings that:

7204 (i) a [~~material and substantial~~] substantial and material change of circumstance has

7205 occurred; and

7206 (ii) a modification of the terms and conditions of the order would be an improvement
7207 for and in the best interest of the minor child.

7208 (c) The court shall give substantial weight to the existing joint legal custody or joint
7209 physical custody order when the minor child is thriving, happy, and well-adjusted.

7210 [~~(3)~~] (4) The court shall, in every case regarding a petition for termination of a joint
7211 legal custody or joint physical custody order, consider reasonable alternatives to preserve the
7212 existing order in accordance with [~~Subsection 30-3-10(3)~~] Section 81-9-204.

7213 (5) The court may modify the terms and conditions of the existing order in accordance
7214 with [~~Subsection 30-3-10(8)~~] this chapter and may order the parents to file a parenting plan in
7215 accordance with [~~this chapter~~] Section 81-9-203.

7216 [~~(4)~~] (6) A parent requesting a modification from sole custody to joint legal custody or
7217 joint physical custody or both, or any other type of shared parenting arrangement, shall file and
7218 serve a proposed parenting plan with the petition to modify in accordance with Section
7219 [~~30-3-10.8~~] 81-9-203.

7220 [~~(5) If the court finds that an action under this section is filed or answered frivolously
7221 and in a manner designed to harass the other party, the court shall assess attorney fees as costs
7222 against the offending party.~~]

7223 [~~(6)~~] (7) If an issue before the court involves custodial responsibility in the event of
7224 deployment of one or both parents who are service members, and the service member has not
7225 yet been notified of deployment, the court shall resolve the issue based on the standards in
7226 Sections 78B-20-306 through 78B-20-309.

7227 (8) If the court finds that an action to modify custody or parent-time is filed or
7228 answered frivolously and, in a manner, designed to harass the other party, the court shall assess
7229 attorney fees as costs against the offending party.

7230 (9) If a petition to modify custody or parent-time provisions of a court order is made
7231 and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by
7232 the prevailing party in that action if the court determines that the petition was without merit and
7233 not asserted or defended against in good faith.

7234 (10) If a motion or petition alleges noncompliance with a parent-time order by a parent,
7235 or a visitation order by a grandparent or other member of the immediate family where a

7236 visitation or parent-time right has been previously granted by the court, the court:

7237 (a) may award to the prevailing party:

7238 (i) actual attorney fees incurred;

7239 (ii) the costs incurred by the prevailing party because of the other party's failure to

7240 provide or exercise court-ordered visitation or parent-time, including:

7241 (A) court costs;

7242 (B) child care expenses;

7243 (C) transportation expenses actually incurred;

7244 (D) lost wages, if ascertainable; or

7245 (E) counseling for a parent or a minor child if ordered or approved by the court; or

7246 (iii) any other appropriate equitable remedy; and

7247 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up

7248 parent-time is not in the best interest of the minor child.

7249 Section 185. Section **81-9-209**, which is renumbered from Section 30-3-37 is

7250 renumbered and amended to read:

7251 **[30-3-37]. 81-9-209. Notice of relocation -- Effect of relocation on parent-time**
7252 **schedule.**

7253 (1) ~~[For purposes of this section]~~ As used in this section, "relocation" means moving
7254 150 miles or more from the residence of the other parent.

7255 (2) The relocating parent shall provide ~~[60 days advance]~~ written notice ~~[of the~~
7256 ~~intended relocation]~~ to the other parent at least 60 days before the day on which the relocating
7257 parent intends to relocate.

7258 (3) The written notice of relocation under Subsection (2) shall contain statements
7259 affirming ~~[the following]:~~

7260 (a) the parent-time provisions in Subsection ~~[(6)]~~ (9) or a parent-time schedule
7261 approved by both parties will be followed; and

7262 (b) ~~[neither parent will]~~ that a parent will not interfere with the other's parental rights
7263 pursuant to court ordered parent-time arrangements~~;~~ or the parent-time schedule approved by
7264 both parties.

7265 ~~[(3)]~~ (4) The court shall, upon motion of any party or upon the court's own motion,
7266 schedule a hearing with notice to:

7267 (a) review the notice of relocation and [~~parent-time schedule as provided in Section~~
7268 ~~30-3-35~~] the relevant parent-time schedule under Section 81-8-302 or 81-8-304; and

7269 (b) make appropriate orders regarding the parent-time schedule and costs for
7270 parent-time transportation.

7271 [(4)] (5) In a hearing to review the notice of relocation, the court shall, in determining
7272 if the relocation of a custodial parent is in the best interest of the minor child, consider any
7273 other factors that the court considers relevant to the determination.

7274 (6) If the court determines that relocation is not in the best interest of the minor child,
7275 and the custodial parent relocates, the court may order a change of custody.

7276 [(5)] (7) (a) If the court finds that the relocation is in the best interest of the minor
7277 child, the court shall determine the parent-time schedule and allocate the transportation costs
7278 that will be incurred for the minor child to visit the noncustodial parent.

7279 (b) In making [~~its determination,~~] a determination under Subsection (7)(a), the court
7280 shall consider:

7281 [(a)] (i) the reason for the parent's relocation;

7282 [(b)] (ii) the additional costs or difficulty to both parents in exercising parent-time;

7283 [(c)] (iii) the economic resources of both parents; and

7284 [(d)] (iv) other factors the court considers necessary and relevant.

7285 (8) If a parent relocates because of an act of domestic violence or family violence by
7286 the other parent, the court shall make specific findings and orders with regard to the application
7287 of this section.

7288 [(6)] (9) Unless otherwise ordered by the court, upon the relocation[~~, as defined in~~
7289 ~~Subsection (1),~~] of one of the parties, the following schedule [~~shall be the minimum~~
7290 ~~requirements for parent-time for children 5 to 18 years of age~~] is the minimum parent-time the
7291 noncustodial parent is entitled to a minor child who is five to 18 years old:

7292 (a) in years ending in an odd number, the minor child shall spend the following
7293 holidays with the noncustodial parent:

7294 (i) Thanksgiving holiday beginning Wednesday until Sunday; and

7295 (ii) Spring break, if applicable, beginning the last day of school before the holiday until
7296 the day before school resumes;

7297 (b) in years ending in an even number, the minor child shall spend the following

7298 holidays with the noncustodial parent:

7299 (i) the entire winter school break period; and

7300 (ii) the Fall school break beginning the last day of school before the holiday until the
7301 day before school resumes;

7302 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
7303 weeks~~[- The children should be returned to the custodial home no later than seven days before~~
7304 ~~school begins; however, this week shall be counted when determining the amount of~~
7305 ~~parent-time to be divided between the parents for the summer or off-track period]; and~~

7306 (d) one weekend per month, at the option and expense of the noncustodial parent.

7307 (10) For extended parent-time under Subsection (9)(c), the minor child should be
7308 returned to the custodial home no later than seven days before school begins, except that this
7309 week is counted when determining the amount of parent-time to be divided between the parents
7310 for the summer or off-track period.

7311 ~~[(7)]~~ (11) (a) The court may also set a parent-time schedule for ~~[children under the age~~
7312 ~~of five]~~ a minor child who is younger than five years old.

7313 (b) The schedule shall take into consideration the following:

7314 ~~[(a)]~~ (i) the age of the minor child;

7315 ~~[(b)]~~ (ii) the developmental needs of the minor child;

7316 ~~[(c)]~~ (iii) the distance between the parents' homes;

7317 ~~[(d)]~~ (iv) the travel arrangements and cost;

7318 ~~[(e)]~~ (v) the level of attachment between the minor child and the noncustodial parent;

7319 and

7320 ~~[(f)]~~ (vi) any other factors relevant to the best interest of the minor child.

7321 ~~[(8)]~~ (12) The noncustodial parent's monthly weekend entitlement is subject to the
7322 following restrictions.

7323 (a) (i) If the noncustodial parent has not designated a specific weekend for parent-time,
7324 the noncustodial parent shall receive the last weekend of each month unless a holiday assigned
7325 to the custodial parent falls on that particular weekend.

7326 (ii) If a holiday assigned to the custodial parent falls on the last weekend of the month,
7327 the noncustodial parent ~~[shall be]~~ is entitled to the next to the last weekend of the month.

7328 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday

7329 extends into or through the first weekend of the next month, that weekend shall be considered
7330 the noncustodial parent's monthly weekend entitlement for that month.

7331 (c) If a minor child is out of school for teacher development days or snow days after
7332 the ~~[children begin]~~ minor child begins the school year, or other days not included in the list of
7333 holidays in Subsection ~~[(6)]~~ (9) and those days are contiguous with the noncustodial parent's
7334 monthly weekend parent-time, those days shall be included in the weekend parent-time.

7335 ~~[(9)]~~ (13) The custodial parent is entitled to all parent-time not specifically allocated to
7336 the noncustodial parent.

7337 ~~[(10)]~~ (14) In the event finances and distance preclude the exercise of minimum
7338 parent-time for the noncustodial parent during the school year, the court should consider
7339 awarding more time for the noncustodial parent during the summer time if it is in the best
7340 interests of the ~~[children]~~ the minor child.

7341 ~~[(11)]~~ (15) (a) Upon the motion of any party, the court may order uninterrupted
7342 parent-time with the noncustodial parent for a minimum of 30 days during extended
7343 parent-time, unless the court finds it is not in the best ~~[interests]~~ interest of the minor child.

7344 (b) If the court orders uninterrupted parent-time during a period not covered by this
7345 section, ~~[it]~~ the court shall specify in its order which parent is responsible for the minor child's
7346 travel expenses.

7347 ~~[(12)]~~ (16) (a) Unless otherwise ordered by the court the relocating party shall be
7348 responsible for all the minor child's travel expenses relating to Subsections ~~[(6)(a)]~~ (9)(a) and
7349 (b) and 1/2 of the minor child's travel expenses relating to Subsection ~~[(6)(c)]~~ (9)(c), provided
7350 the noncustodial parent is current on all support obligations.

7351 (b) If the noncustodial parent has been found in contempt for not being current on all
7352 support obligations, the noncustodial parent ~~[shall be]~~ is responsible for all of the minor child's
7353 travel expenses under Subsection ~~[(6)]~~ (9), unless the court rules otherwise.

7354 (c) ~~[Reimbursement by either]~~ A responsible party shall make a reimbursement to the
7355 other for the minor child's travel expenses ~~[shall be made]~~ within 30 days of receipt of
7356 documents detailing those expenses.

7357 ~~[(13)]~~ (17) The court may apply this provision to any preexisting decree of divorce.

7358 ~~[(14)]~~ (18) Any action under this section may be set for an expedited hearing.

7359 ~~[(15)]~~ (19) A parent who fails to comply with the notice of relocation in Subsection (2)

7360 [~~shall be~~] is in contempt of the court's order.

7361 Section 186. Section **81-9-301** is enacted to read:

7362 **Part 3. Parent-time Schedules**

7363 **81-9-301. Definitions for part.**

7364 As used in this part:

7365 (1) "Juneteenth National Freedom Day" means the day on which the Juneteenth
7366 National Freedom Day holiday is celebrated in this state in accordance with Section
7367 63G-1-301.

7368 (2) "Weekends" include, for a parent-time schedule under Sections 81-9-302 and
7369 81-9-303, any snow days, teacher development days, or other days when school is not
7370 scheduled and that are contiguous to the weekend period.

7371 Section 187. Section **81-9-302**, which is renumbered from Section 30-3-35 is
7372 renumbered and amended to read:

7373 [~~30-3-35~~]. **81-9-302. Minimum schedule for parent-time for a minor child five**
7374 **to 18 years old.**

7375 [~~(1)~~] As used in this section:

7376 [~~(a)~~] "Juneteenth National Freedom Day" means the day on which the Juneteenth
7377 National Freedom Day holiday is celebrated in this state in accordance with Section
7378 63G-1-301.]

7379 [~~(b)~~] "Weekends" include any snow days, teacher development days, or other days when
7380 school is not scheduled and that are contiguous to the weekend period.]

7381 [~~(2)~~] (1) The parent-time schedule in this section applies to a minor child who is five to
7382 18 years old.

7383 [~~(3)~~] (2) If the parties do not agree to a parent-time schedule for a minor child
7384 described in Subsection [~~(2)~~] (1), the following schedule is considered the minimum
7385 parent-time to which the noncustodial parent is entitled to the minor child:

7386 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or
7387 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7388 (ii) at the election of the noncustodial parent, one weekday to be specified by the
7389 noncustodial parent or the court:

7390 (A) beginning at the time that the minor child's school is regularly dismissed and

7391 ending at 8:30 p.m.; or

7392 (B) if school is not in session, the noncustodial parent is available to be with the minor
7393 child, and in accommodation with the custodial parent's work schedule, beginning at 9 a.m. and
7394 ending at 8:30 p.m.;

7395 (b) (i) beginning on the first weekend after entry of the decree, alternating weekends
7396 beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or

7397 (ii) at the election of the noncustodial parent and beginning on the first weekend after
7398 the entry of the decree, alternating weekends:

7399 (A) beginning at the time that the minor child's school is regularly dismissed on Friday
7400 and ending on Sunday at 7 p.m.; or

7401 (B) if school is not in session, the noncustodial parent is available to be with the minor
7402 child, and in accommodation with the custodial parent's work schedule, beginning on Friday at
7403 9 a.m. and ending on Sunday at 7 p.m.;

7404 (c) each holiday granted to the noncustodial parent in accordance with the holiday
7405 schedule described in Subsection [~~(13)~~] (12); and

7406 (d) extended parent-time with the minor child when school is not in session for
7407 summer break in accordance with Subsection [~~(4)~~] (3).

7408 [~~(4)~~] (3) (a) For extended parent-time with the minor child under Subsection [~~(3)~~]
7409 (2)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to
7410 four weeks of parent-time with the minor child, which may be consecutive, when school is not
7411 in session for summer break.

7412 (b) For the four weeks of extended parent-time for a noncustodial parent under
7413 Subsection [~~(4)~~](a) (3)(a):

7414 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
7415 noncustodial parent; and

7416 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
7417 for a weekday visit on the same day on which the noncustodial parent is granted weekday day
7418 parent-time.

7419 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
7420 two weeks, which may be consecutive, when school is not in session for summer break.

7421 [~~(5)~~] (4) (a) Each parent shall provide notification to the other parent of the parent's

7422 plans for the exercise of extended parent-time for summer break under Subsection [~~(4)~~] (3).

7423 (b) For the notification requirement under Subsection [~~(5)(a)~~] (4)(a):

7424 (i) in odd-numbered years:

7425 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

7426 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

7427 (ii) in even-numbered years:

7428 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

7429 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

7430 (c) (i) If a parent fails to provide a notification within the time periods described in

7431 Subsection [~~(5)(b)~~] (4)(b), the complying parent may determine the schedule for summer break

7432 for the noncomplying parent.

7433 (ii) If both parents fail to provide notice within the time periods described in

7434 Subsection [~~(5)(b)~~] (4)(b), the first parent to provide notice may determine the schedule for

7435 summer break for the other parent.

7436 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under

7437 Subsection [~~(4)(b)(ii)~~] (3)(b)(ii), the custodial parent shall provide notification to the

7438 noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which

7439 the custodial parent receives notification of the noncustodial parent's plans for the exercise of

7440 interrupted extended parent-time.

7441 [~~(6)~~] (5) (a) An election should be made by the noncustodial parent at the time of entry

7442 of the divorce decree or court order, except that the election may be changed by mutual

7443 agreement, court order, or by the noncustodial parent in the event of a change in the minor

7444 child's schedule.

7445 (b) An election by either parent concerning parent-time shall be made a part of the

7446 decree and made a part of the parent-time order.

7447 [~~(7)~~] (6) (a) Changes may not be made to the parent-time schedule under this section,

7448 except that if a conflict arises in the parent-time schedule, the following order of precedence

7449 shall be applied when determining which parent is entitled to parent-time:

7450 (i) the holiday schedule for Mother's Day or Father's Day under Subsection [~~(13)~~] (12);

7451 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising

7452 uninterrupted extended parent-time under Subsection [~~(4)~~] (3) and takes the minor child away

7453 from that parent's residence during the uninterrupted extended parent-time;

7454 (iii) the holiday schedule for any holiday under Subsection [~~(13)~~] (12) that is not
7455 Father's Day, Mother's Day, or the minor child's birthday;

7456 (iv) extended parent-time under Subsection [~~(4)~~] (3); and

7457 (v) the schedule for weekday or weekend parent-time.

7458 (b) A parent exercising parent-time for the minor child's birthday may bring other
7459 siblings along for the minor child's birthday.

7460 [~~(8)~~] (7) A stepparent, grandparent, or other responsible adult designated by the
7461 noncustodial parent, may pick up the minor child for parent-time if the custodial parent is
7462 aware of the identity of the individual and the noncustodial parent will be with the minor child
7463 by 7 p.m.

7464 [~~(9)~~] (8) If a holiday falls on a regularly scheduled school day, the parent exercising
7465 parent-time shall be responsible for the minor child's attendance at school for that school day.

7466 [~~(10)~~] (9) If there is more than one minor child and the minor children's school
7467 schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the
7468 parent's half of the holiday, the minor children may remain together for the holiday period
7469 beginning the first evening that all minor children's schools are dismissed for the holiday and
7470 ending the evening before any minor child returns to school.

7471 [~~(11)~~] (10) (a) Telephone contact shall be at reasonable hours and for a reasonable
7472 duration.

7473 (b) (i) Virtual parent-time, if the equipment is reasonably available and the parents
7474 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.

7475 (ii) If the parties cannot agree on whether the equipment is reasonably available, the
7476 court shall decide whether the equipment for virtual parent-time is reasonably available, taking
7477 into consideration:

7478 (A) the best interests of the minor child;

7479 (B) each parent's ability to handle any additional expenses for virtual parent-time; and

7480 (C) any other factors the court considers material.

7481 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

7482 [~~(12)~~] (11) If there is a minor child five to 18 years old and a minor child under five
7483 years old and both minor children are the [~~natural or adopted~~] children of the parties, the

7484 parents and the court should consider an upward deviation for parent-time with all the minor
 7485 children so that parent-time is uniform based on a schedule under this section.

7486 ~~[(13)]~~ (12) The following table is the holiday schedule for parent-time under this
 7487 section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
7488 7489 Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
7490 President's Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years

7491	Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
7492	Memorial Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.	Even years	Odd years
7493	Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
7494	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.

7495	Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
7496	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
7497	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years

7498	Labor Day	<p>(1) Holiday begins on Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 7 p.m. on Labor Day.</p>	Odd years	Even years
7499	Columbus Day	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.</p> <p>(2) Holiday ends at 7 p.m. on Columbus Day.</p>	Even years	Odd years
7500	Fall Break	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.</p> <p>(2) Holiday ends at 7 p.m. on the day before school resumes.</p>	Odd years	Even years
7501	Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at 4 p.m. if there is no school.</p> <p>(2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	Even years	Odd years

7502	Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years
7503	Thanksgiving	(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7504	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day on that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7505	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7506	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years

7507

Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years
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7508

Section 188. Section **81-9-303**, which is renumbered from Section 30-3-35.1 is

7509

renumbered and amended to read:

7510

~~[30-3-35.1].~~ **81-9-303. Optional schedule for parent-time for a minor child five**

7511

to 18 years old.

7512

~~[(1) As used in this section:]~~

7513

~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth~~

7514

~~National Freedom Day holiday is celebrated in this state in accordance with Section~~

7515

~~63G-1-301.]~~

7516

~~[(b) "Weekends" include any snow days, teacher development days, or other days when~~

7517

~~school is not scheduled and that are contiguous to the weekend period.]~~

7518

~~[(2)]~~ (1) (a) The optional parent-time schedule in this section applies to a minor child

7519

who is five to 18 years old.

7520

(b) For purposes of calculating child support, the optional parent-time schedule in this

7521

section is 145 overnights.

7522

(c) Any impact on child support shall be consistent with joint physical custody~~[, as~~

7523

~~defined in Section 78B-12-102].~~

7524

~~[(3)]~~ (2) The parents and the court may consider the increased parent-time schedule in

7525

this section as a minimum parent-time schedule when the parties agree or the noncustodial

7526

parent can demonstrate:

7527

(a) the noncustodial parent has been actively involved in the minor child's life;

7528

(b) the parties can communicate effectively regarding the minor child or the

7529

noncustodial parent has a plan to accomplish effective communications regarding the minor

7530

child;

7531

(c) the noncustodial parent has the ability to facilitate the increased parent-time;

7532

(d) the increased parent-time would be in the best interest of the minor child; and

7533

(e) any other factor the court considers relevant.

7534

~~[(4)]~~ (3) In determining whether a noncustodial parent has been actively involved in the

7535 minor child's life, the court shall consider:

- 7536 (a) demonstrated responsibility in caring for the minor child;
- 7537 (b) involvement in childcare;
- 7538 (c) presence or volunteer efforts in the minor child's school and at extracurricular
- 7539 activities;
- 7540 (d) assistance with the minor child's homework;
- 7541 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- 7542 (f) bonding with the minor child; and
- 7543 (g) any other factor the court considers relevant.

7544 [(5)] (4) In determining whether a noncustodial parent has the ability to facilitate the

7545 increased parent-time, the court shall consider:

- 7546 (a) the geographic distance between the residences of the parents and the distance
- 7547 between the parents' residences and the minor child's school;
- 7548 (b) the noncustodial parent's ability to assist with after school care;
- 7549 (c) the health of the minor child and the noncustodial parent in accordance with
- 7550 Subsection [30-3-10(6)] 81-9-204(5);
- 7551 (d) flexibility of employment or another schedule of the noncustodial parent;
- 7552 (e) ability to provide appropriate playtime with the minor child;
- 7553 (f) history and ability of the noncustodial parent to implement a flexible schedule for
- 7554 the minor child;
- 7555 (g) physical facilities of the noncustodial parent's residence; and
- 7556 (h) any other factor the court considers relevant.

7557 [(6)] (5) If the parties agree or the court enters an order for the optional parent-time

7558 schedule under this section, a parenting plan in compliance with [Sections 30-3-10.7 through

7559 30-3-10.10] Section 81-9-203 shall be filed with any order incorporating the optional

7560 parent-time schedule described in Subsection [(7)] (6).

7561 [(7)] (6) The following schedule is considered the optional parent-time to which the

7562 noncustodial parent is entitled to the minor child:

- 7563 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or
- 7564 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon
- 7565 delivering the minor child to school or at 8 a.m. if there is no school; or

7566 (ii) at the election of the noncustodial parent, one weekday specified by the
7567 noncustodial parent or the court:

7568 (A) beginning at the time the minor child's school is regularly dismissed until the
7569 following day upon delivering the minor child to school or at 8 a.m. if there is no school; or

7570 (B) if there is no school, the noncustodial parent is available to be with the minor child,
7571 and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and
7572 ending on the following day upon delivering the minor child to school or at 8 a.m. if there is no
7573 school;

7574 (b) (i) beginning the first weekend after the entry of the decree, alternating weekends
7575 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor child to school
7576 or at 8 a.m. if there is no school; or

7577 (ii) at the election of the noncustodial parent, beginning the first weekend after the
7578 entry of the decree, alternating weekends:

7579 (A) beginning at the time the minor child's school is regularly dismissed on Friday and
7580 ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;
7581 or

7582 (B) if there is no school, the noncustodial parent is available to be with the minor child,
7583 and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m.
7584 and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no
7585 school;

7586 (c) each holiday granted to the noncustodial parent in accordance with the holiday
7587 schedule described in Subsection [~~(16)~~] (15); and

7588 (d) extended parent-time with the minor child when school is not in session for
7589 summer break in accordance with Subsection [~~(8)~~] (7).

7590 [~~(8)~~] (7) (a) For extended parent-time with the minor child under Subsection [~~(7)(d)~~]
7591 (6)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to
7592 four weeks of parent-time with the minor child, which may be consecutive, when school is not
7593 in session for summer break.

7594 (b) For the four weeks of extended parent-time for a noncustodial parent under
7595 Subsection [~~(8)(a)~~] (7)(a):

7596 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the

7597 noncustodial parent; and

7598 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
7599 for a weekday visit on the same day on which the noncustodial parent is granted weekday day
7600 parent-time.

7601 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
7602 two weeks, which may be consecutive, when school is not in session for summer break.

7603 ~~[(9)]~~ (8) (a) Each parent shall provide notification to the other parent of the parent's
7604 plans for the exercise of parent-time for summer break under Subsection ~~[(8)]~~ (7).

7605 (b) For the notification requirement under Subsection ~~[(9)(a)]~~ (8)(a):

7606 (i) in odd-numbered years:

7607 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

7608 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

7609 (ii) in even-numbered years:

7610 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

7611 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

7612 (c) (i) If a parent fails to provide a notification within the time periods described in
7613 Subsection ~~[(9)(b)]~~ (8)(b), the complying parent may determine the schedule for summer break
7614 for the noncomplying parent.

7615 (ii) If both parents fail to provide notice within the time periods described in
7616 Subsection ~~[(9)(b)]~~ (8)(b), the first parent to provide notice may determine the schedule for
7617 summer break for the other parent.

7618 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
7619 Subsection ~~[(8)(b)(ii)]~~ (7)(b)(ii), the custodial parent shall provide notification to the
7620 noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which
7621 the custodial parent receives notification of the noncustodial parent's plans for the exercise of
7622 interrupted extended parent-time.

7623 ~~[(10)]~~ (9) (a) An election should be made by the noncustodial parent at the time of
7624 entry of the divorce decree or court order, except that the election may be changed by mutual
7625 agreement, court order, or by the noncustodial parent in the event of a change in the minor
7626 child's schedule.

7627 (b) An election by either parent concerning parent-time shall be made a part of the

7628 decree and made a part of the parent-time order.

7629 ~~[(11)]~~ (10) (a) Changes may not be made to the parent-time schedule under this
7630 section, except that if a conflict arises in the parent-time schedule, the following order of
7631 precedence shall be applied when determining which parent is entitled to parent-time:

7632 (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);

7633 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
7634 uninterrupted extended parent-time under Subsection ~~[(8)]~~ (7) and takes the minor child away
7635 from that parent's residence during the uninterrupted extended parent-time;

7636 (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not
7637 Father's Day, Mother's Day, or the minor child's birthday;

7638 (iv) extended parent-time under Subsection ~~[(8)]~~ (7); and

7639 (v) the schedule for weekday or weekend parent-time.

7640 (b) A parent exercising parent-time for the minor child's birthday may bring other
7641 siblings along for the minor child's birthday.

7642 ~~[(12)]~~ (11) A stepparent, grandparent, or other responsible adult designated by the
7643 noncustodial parent, may pick up the minor child for parent-time if the custodial parent is
7644 aware of the identity of the individual and the noncustodial parent will be with the minor child
7645 by 7 p.m.

7646 ~~[(13)]~~ (12) If a holiday falls on a regularly scheduled school day, the parent exercising
7647 parent-time shall be responsible for the minor child's attendance at school for that school day.

7648 ~~[(14)]~~ (13) If there is more than one minor child and the minor children's school
7649 schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the
7650 parent's half of the holiday, the minor children may remain together for the holiday period
7651 beginning the first evening that all minor children's schools are dismissed for the holiday and
7652 ending the evening before any minor child returns to school.

7653 ~~[(15)]~~ (14) If there is a minor child five to 18 years old and a minor child under five
7654 years old and both minor children are the ~~[natural or adopted]~~ children of the parties, the
7655 parents and the court should consider an upward deviation for parent-time with all the minor
7656 children so that parent-time is uniform based on a schedule under this section.

7657 ~~[(16)]~~ (15) The following table is the holiday schedule for parent-time under this
7658 section.

7659

7660

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering of the <u>minor</u> child to school on the day following Dr. Martin Luther King Jr. Day; or (b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.	Odd years	Even years

7661

<p>President's Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the <u>minor</u> child to school on the day following President's Day; or (b) at 8 a.m. on the day following President's Day if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>
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7662

<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends: (a) upon delivering the <u>minor</u> child to school on the day following the end of spring break; or (b) at 8 a.m. on the day following the end of spring break if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
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7663

<p>Memorial Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the <u>minor</u> child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>
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7664

<p>Mother's Day</p>	<p>(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.</p>	<p>All years if noncustodial parent is the mother or other parent designated in the order.</p>	<p>All years if custodial parent is the mother or other parent designated in the order.</p>
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7665

<p>Father's Day</p>	<p>(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.</p>	<p>All years if noncustodial parent is the father or other parent designated in the order.</p>	<p>All years if custodial parent is the father or other parent designated in the order.</p>
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<p>Juneteenth National Freedom Day</p>	<p>(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.</p>	<p>Even years</p>	<p>Odd years</p>
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7667

<p>Independence Day</p>	<p>(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.</p>	<p>Odd years</p>	<p>Even years</p>
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7668

<p>Pioneer Day</p>	<p>(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.</p>	<p>Even years</p>	<p>Odd years</p>
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7669

<p>Labor Day</p>	<p>(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the <u>minor</u> child to school on the day following Labor Day; or (b) at 8 a.m. on the day following Labor Day if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
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7670

<p>Columbus Day</p>	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.</p>	<p>Even years</p>	<p>Odd years</p>
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7671

<p>Fall Break</p>	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends: (a) upon delivering the <u>minor</u> child to school on the day following the end of fall break; or (b) at 8 a.m. on the day following the end of fall break if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
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<p>Halloween</p>	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	<p>Even years</p>	<p>Odd years</p>
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7673

<p>Veterans Day</p>	<p>(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.</p>	<p>Odd years</p>	<p>Even years</p>
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7674

<p>Thanksgiving</p>	<p>(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the <u>minor</u> child to school on the Monday following Thanksgiving; or (b) at 8 a.m. on the Monday following Thanksgiving if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>
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7675	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7676	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the <u>minor</u> child to school on the day that school resumes after the winter break.	Even years	Odd years
7677	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
7678	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

7679 Section 189. Section **81-9-304**, which is renumbered from Section 30-3-35.5 is
7680 renumbered and amended to read:

7681 **[30-3-35.5]. 81-9-304. Minimum schedule for parent-time for a minor child**
7682 **under five years old.**

7683 ~~[(1) As used in this section, "Juneteenth National Freedom Day" means the day on~~
7684 ~~which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance~~

7685 with Section ~~63G-1-301~~.]

7686 ~~[(2)]~~ (1) The parent-time schedule in this section applies to a minor child who is
7687 younger than five years old.

7688 ~~[(3)]~~ (2) If the parties do not agree to a parent-time schedule, the schedules in
7689 Subsections ~~[(4) through (9)]~~ (3) through (8) are considered the minimum parent-time to which
7690 the noncustodial parent is entitled to the minor child.

7691 ~~[(4)]~~ (3) For a minor child who is younger than five months old, the noncustodial
7692 parent is entitled to:

7693 (a) three two-hour visits every week; and

7694 (b) two hours for each holiday granted to the noncustodial parent in the holiday
7695 schedule under Subsection ~~[(16)]~~ (15).

7696 ~~[(5)]~~ (4) For a minor child who is at least five months old but younger than nine
7697 months old, the noncustodial parent is entitled to:

7698 (a) three three-hour visits every week; and

7699 (b) two hours for each holiday granted to the noncustodial parent in the holiday
7700 schedule under Subsection ~~[(16)]~~ (15).

7701 ~~[(6)]~~ (5) For a minor child who is at least nine months old but younger than 12 months
7702 old, the noncustodial parent is entitled to ~~[the child]~~:

7703 (a) one eight-hour visit every week;

7704 (b) one three-hour visit every week; and

7705 (c) eight hours for each holiday granted to the noncustodial parent in accordance with
7706 the holiday schedule under Subsection ~~[(16)]~~ (15).

7707 ~~[(7)]~~ (6) For a minor child who is at least 12 months old but younger than 18 months
7708 old, the noncustodial parent is entitled to:

7709 (a) one three-hour visit every week;

7710 (b) one eight-hour visit on alternating weekends to be specified by the noncustodial
7711 parent or court;

7712 (c) an overnight visit on opposite weekends from Subsection ~~[(7)(b)]~~ (6)(b) beginning
7713 at 6 p.m. on Friday and ending at noon on Saturday; and

7714 (d) eight hours for each holiday granted to the noncustodial parent in the holiday
7715 schedule under Subsection ~~[(16)]~~ (15).

7716 [~~(8)~~] (7) For a minor child who is at least 18 months old but younger than three years
7717 old, the noncustodial parent is entitled to:

7718 (a) one weekday evening to be specified by the noncustodial parent or the court:

7719 (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7720 (ii) if the minor child is being cared for during the day outside the minor child's regular
7721 place of residence and with advance notice to the custodial parent, beginning at the time that
7722 the minor child is picked up from the caregiver and ending at 8:30 p.m.;

7723 (b) beginning on the first weekend after the entry of the decree, alternating weekends
7724 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

7725 (c) each holiday granted to the noncustodial parent in accordance with the holiday
7726 schedule described in Subsection [~~(16)~~] (15); and

7727 (d) extended parent-time for two one-week periods, separated by at least four weeks, at
7728 the option of the noncustodial parent, as follows:

7729 (i) one week of uninterrupted parent-time for the noncustodial parent; and

7730 (ii) one week of interrupted parent-time where the custodial parent may have an equal
7731 amount of weekday parent-time as the noncustodial parent on the same day on which the
7732 noncustodial parent is granted weekday parent-time under Subsection [~~(8)(a)~~] (7)(a).

7733 [~~(9)~~] (8) For a minor child who is at least three years old but younger than five years
7734 old, the noncustodial parent is entitled to:

7735 (a) one weekday evening to be specified by the noncustodial parent or the court:

7736 (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7737 (ii) if the minor child is being cared for during the day outside the minor child's regular
7738 place of residence and with advance notice to the custodial parent, beginning at the time that
7739 the minor child is picked up from the caregiver and ending at 8:30 p.m.;

7740 (b) beginning on the first weekend after the entry of the decree, alternating weekends
7741 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

7742 (c) each holiday granted to the noncustodial parent in accordance with the holiday
7743 schedule described in Subsection [~~(16)~~] (15); and

7744 (d) extended parent-time for two two-week periods, separated by at least four weeks, at
7745 the option of the noncustodial parent, as follows:

7746 (i) two weeks of uninterrupted parent-time, which may be consecutive, for the

7747 noncustodial parent; and

7748 (ii) two weeks of interrupted parent-time, which may be consecutive, where the
7749 custodial parent may have an equal amount of weekday parent-time as the noncustodial parent
7750 on the same day on which the noncustodial parent is granted weekday parent-time under
7751 Subsection ~~[(9)(a)]~~ (8)(a).

7752 ~~[(10)]~~ (9) For a minor child who is at least 18 months old but younger than five years
7753 old, the custodial parent is entitled to one week of uninterrupted extended parent-time.

7754 ~~[(11)]~~ (10) (a) For a minor child who is nine months old or older, the noncustodial
7755 parent shall have at least two times a week:

7756 (i) brief telephone contact at reasonable hours and for a reasonable duration; and

7757 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside
7758 at least 100 miles apart, at reasonable hours and for reasonable duration.

7759 (b) If the parties cannot agree on whether the equipment is reasonably available, the
7760 court shall decide whether the equipment for virtual parent-time is reasonably available, taking
7761 into consideration:

7762 (i) the best interests of the minor child;

7763 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

7764 (iii) any other factors the court considers material.

7765 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

7766 ~~[(12)]~~ (11) For a minor child who is younger than nine months old, unless the parents
7767 agree otherwise, parent-time should take place in the home of the custodial parent, an
7768 established child-care setting, or other environment familiar to the minor child.

7769 ~~[(13)]~~ (12) (a) Changes may not be made to the parent-time schedule under this
7770 section, except that if a conflict arises in the parent-time schedule, the following order of
7771 precedence shall be applied when determining which parent is entitled to parent-time:

7772 (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);

7773 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
7774 uninterrupted extended parent-time under Subsection ~~[(8)(d), (9)(d), or (10)]~~ (7)(d), (8)(d), or
7775 (9) and takes the minor child away from that parent's residence during the uninterrupted
7776 extended parent-time;

7777 (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not

7778 Father's Day, Mother's Day, or the minor child's birthday;
 7779 (iv) extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~] (7)(d), (8)(d), or
 7780 (9); and
 7781 (v) the schedule for weekday or weekend parent-time.
 7782 (b) A parent exercising parent-time for the minor child's birthday may bring other
 7783 siblings along for the minor child's birthday.
 7784 [~~(14)~~] (13) If a holiday falls on a regularly scheduled school day, the parent exercising
 7785 parent-time shall be responsible for the minor child's attendance at school for that school day.
 7786 [~~(15)~~] (14) A parent shall notify the other parent at least 30 days in advance of the
 7787 parent's plans for the exercise of extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~]
 7788 (7)(d), (8)(d), or (9).
 7789 [~~(16)~~] (15) The following table is the holiday schedule for parent-time under this
 7790 section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at:(a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years

7793	<p>President's Day</p>	<p>(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on President's Day.</p>	<p>Even years</p>	<p>Odd years</p>
7794	<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Odd years</p>	<p>Even years</p>
7795	<p>Memorial Day</p>	<p>(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.</p>	<p>Even years</p>	<p>Odd years</p>
7796	<p>Mother's Day</p>	<p>(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.</p>	<p>All years if noncustodial parent is the mother or other parent designated in the order.</p>	<p>All years if custodial parent is the mother or other parent designated in the order.</p>

7797	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.
7798	Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
7799	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
7800	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years

7801	Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
7802	Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years
7803	Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
7804	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years
7805	Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years

7806	Thanksgiving	(1) Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at 7 p.m. on day before school resumes.	Even years	Odd years
7807	Winter Break (First Half)	(1) Holiday begins at 6 p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7808	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7809	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
7810	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

7811 Section 190. Section **81-9-305**, which is renumbered from Section 30-3-35.2 is
 7812 renumbered and amended to read:

7813 **[30-3-35.2]. 81-9-305. Equal parent-time schedule.**

7814 (1) (a) A court may order the equal parent-time schedule described in this section if the
 7815 court determines that:

7816 (i) the equal parent-time schedule is in the minor child's best interest;

7817 (ii) each parent has been actively involved in the minor child's life; and

7818 (iii) each parent can effectively facilitate the equal parent-time schedule.

7819 (b) To determine whether each parent has been actively involved in the minor child's
7820 life, the court shall consider:

7821 (i) each parent's demonstrated responsibility in caring for the minor child;

7822 (ii) each parent's involvement in child care;

7823 (iii) each parent's presence or volunteer efforts in the minor child's school and at
7824 extracurricular activities;

7825 (iv) each parent's assistance with the minor child's homework;

7826 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the
7827 minor child;

7828 (vi) each parent's bond with the minor child; and

7829 (vii) any other factor the court considers relevant.

7830 (c) To determine whether each parent can effectively facilitate the equal parent-time
7831 schedule, the court shall consider:

7832 (i) the geographic distance between the residence of each parent and the distance
7833 between each residence and the minor child's school;

7834 (ii) each parent's ability to assist with the minor child's after school care;

7835 (iii) the health of the minor child and each parent, consistent with Subsection
7836 ~~[30-3-10(6)]~~ 81-9-204(5);

7837 (iv) the flexibility of each parent's employment or other schedule;

7838 (v) each parent's ability to provide appropriate playtime with the minor child;

7839 (vi) each parent's history and ability to implement a flexible schedule for the minor
7840 child;

7841 (vii) physical facilities of each parent's residence; and

7842 (viii) any other factor the court considers relevant.

7843 (2) (a) If the parties agree to or the court orders the equal parent-time schedule
7844 described in this section, a parenting plan in accordance with ~~[Sections 30-3-10.7 through~~
7845 ~~30-3-10.10]~~ Section 81-9-203 shall be filed with an order incorporating the equal parent-time
7846 schedule.

7847 (b) An order under this section shall result in 182 overnights per year for one parent,
7848 and 183 overnights per year for the other parent.

7849 (c) Under the equal parent-time schedule, ~~[neither parent is]~~ a parent is not considered

7850 to have the minor child the majority of the time for the purposes of Subsection [~~30-3-10.3(4)~~ or
7851 ~~30-3-10.9(5)(c)(ii)~~ 81-9-203(11)(e)(ii) or 81-9-205(10).

7852 (d) Child support for the equal parent-time schedule shall be consistent with Section
7853 [~~78B-12-208~~] 81-6-206.

7854 (e) [(†)] A court shall determine which parent receives 182 overnights and which parent
7855 receives 183 overnights for parent-time.

7856 [~~(ii) For the purpose of calculating child support under Section 78B-12-208, the~~
7857 ~~amount of time to be spent with the parent who has the lower gross monthly income is~~
7858 ~~considered 183 overnights, regardless of whether the parent receives 182 overnights or 183~~
7859 ~~overnights under Subsection (2)(c)(i).~~]

7860 (3) (a) Unless the parents agree otherwise and subject to a holiday, the equal
7861 parent-time schedule is as follows:

7862 (i) one parent shall exercise parent-time starting Monday morning and ending
7863 Wednesday morning;

7864 (ii) the other parent shall exercise parent-time starting Wednesday morning and ending
7865 Friday morning; and

7866 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning
7867 and ending Monday morning.

7868 (b) The child exchange shall take place:

7869 (i) at the time the minor child's school begins; or

7870 (ii) if school is not in session, at 9 a.m.

7871 (4) (a) The parents may create a holiday schedule.

7872 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the
7873 court shall:

7874 (i) order the holiday schedule described in Section [~~30-3-35~~] 81-9-302 or 81-9-304;
7875 and

7876 (ii) designate which parent shall exercise parent-time for each holiday described in
7877 Section [~~30-3-35~~] 81-9-302 or 81-9-304.

7878 (5) (a) Each year, a parent may designate two consecutive weeks to exercise
7879 uninterrupted parent-time during the summer when school is not in session.

7880 (b) (i) One parent may make a designation at any time and the other parent may make a

7881 designation after May 1.

7882 (ii) A parent shall make a designation at least 30 days before the day on which the
7883 designated two-week period begins.

7884 (c) The court shall designate which parent may make the earlier designation described
7885 in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the
7886 earlier designation in an odd numbered year.

7887 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all
7888 holidays except for Mother's Day and Father's Day.

7889 Section 191. Section **81-9-401**, which is renumbered from Section 30-5-1 is
7890 renumbered and amended to read:

7891 **Part 4. Custody and Visitation by Individual Other than a Parent**

7892 ~~[30-5-1]~~. **81-9-401. Definitions for part.**

7893 As used in this ~~[act]~~ part:

7894 (1) "District court" means the district court with proper jurisdiction over the
7895 ~~[grandchild]~~ minor child.

7896 (2) "Grandchild" means the minor child with respect to whom a grandparent is seeking
7897 visitation rights under this ~~[chapter]~~ part.

7898 (3) "Grandparent" means an individual whose child, either by blood, marriage, or
7899 adoption, is the parent of the grandchild.

7900 (4) "Individual other than a parent" means an individual who is not a parent and is
7901 related to the minor child by marriage or blood, including:

7902 (a) siblings;

7903 (b) aunts;

7904 (c) uncles;

7905 (d) grandparents;

7906 (e) current or former step-parents; or

7907 (f) any of the individuals described in Subsections (4)(a) through (d) in a step
7908 relationship to the minor child.

7909 Section 192. Section **81-9-402**, which is renumbered from Section 30-5a-103 is
7910 renumbered and amended to read:

7911 ~~[30-5a-103]~~. **81-9-402. Custody and visitation for individuals other than a**

7912 **parent -- Venue.**

7913 (1) (a) In accordance with Section [80-2a-201](#), it is the public policy of this state that a
7914 parent retain the fundamental right and duty to exercise primary control over the care,
7915 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

7916 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's
7917 best interests.

7918 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or
7919 visitation rights to an individual other than a parent who, by clear and convincing evidence,
7920 establishes that:

7921 (a) the individual has intentionally assumed the role and obligations of a parent;

7922 (b) the individual and the minor child have formed a substantial emotional bond and
7923 created a parent-child type relationship;

7924 (c) the individual substantially contributed emotionally or financially to the minor
7925 child's well being;

7926 (d) the assumption of the parental role is not the result of a financially compensated
7927 surrogate care arrangement;

7928 (e) the continuation of the relationship between the individual and the minor child is in
7929 the minor child's best interest;

7930 (f) the loss or cessation of the relationship between the individual and the minor child
7931 would substantially harm the minor child; and

7932 (g) the parent:

7933 (i) is absent; or

7934 (ii) is found by a court to have abused or neglected the minor child.

7935 (3) ~~[A proceeding under this chapter may be commenced by filing a verified petition,
7936 or petition supported by an affidavit,]~~ Notwithstanding Title 78B, Chapter 3a, Venue for Civil
7937 Actions, or Section [78A-6-350](#), an individual shall file a verified petition, or a petition
7938 supported by an affidavit, for custodial or visitation rights to the minor child in the juvenile
7939 court if a matter is pending in the juvenile court, or in the district court in the county where the
7940 minor child:

7941 (a) currently resides; or

7942 (b) lived with a parent or an individual other than a parent who acted as a parent within

7943 six months before the commencement of the action.

7944 (4) ~~[A proceeding under this chapter may be filed]~~ An individual may file a petition
7945 under this section in a pending divorce, parentage action, or other proceeding, including a
7946 proceeding in the juvenile court involving custody of or visitation with a minor child.

7947 (5) The petition shall include detailed facts supporting the petitioner's right to file the
7948 petition including the criteria set forth in Subsection (2) and residency information ~~[as set~~
7949 ~~forth]~~ described in Section [78B-13-209](#).

7950 (6) ~~[A proceeding under this chapter may not be filed]~~ An individual may not file a
7951 petition under this section against a parent who is actively serving outside the state in any
7952 branch of the military.

7953 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with
7954 the ~~[rules of civil procedure]~~ Utah Rules of Civil Procedure on all of the following:

- 7955 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
7956 (b) any individual who has court-ordered custody or visitation rights;
7957 (c) the minor child's guardian;
7958 (d) the guardian ad litem, if one has been appointed;
7959 (e) an individual or agency that has physical custody of the minor child or that claims
7960 to have custody or visitation rights; and

7961 (f) any other individual or agency that has previously appeared in any action regarding
7962 custody of or visitation with the minor child.

7963 (8) The court may order a custody evaluation to be conducted in any ~~[action brought~~
7964 ~~under this chapter]~~ proceeding brought under this section.

7965 (9) The court may enter temporary orders in ~~[an action brought under this chapter]~~ a
7966 proceeding brought under this section pending the entry of final orders.

7967 (10) Except as provided in Subsection (11), a court may not grant custody of a minor
7968 child under this section to an individual:

7969 (a) who is not the parent of the ~~[child and]~~ minor child; and

7970 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
7971 contest to a felony or attempted felony involving conduct that constitutes any of the following:

7972 ~~[(a)]~~ (i) child abuse, as described in Sections [76-5-109](#), [76-5-109.2](#), [76-5-109.3](#), and
7973 [76-5-114](#);

7974 ~~[(b)]~~ (ii) child abuse homicide, as described in Section 76-5-208;

7975 ~~[(c)]~~ (iii) child kidnapping, as described in Section 76-5-301.1;

7976 ~~[(d)]~~ (iv) human trafficking of a child, as described in Section 76-5-308.5;

7977 ~~[(e)]~~ (v) sexual abuse of a minor, as described in Section 76-5-401.1;

7978 ~~[(f)]~~ (vi) rape of a child, as described in Section 76-5-402.1;

7979 ~~[(g)]~~ (vii) object rape of a child, as described in Section 76-5-402.3;

7980 ~~[(h)]~~ (viii) sodomy on a child, as described in Section 76-5-403.1;

7981 ~~[(i)]~~ (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated

7982 sexual abuse of a child, as described in Section 76-5-404.3;

7983 ~~[(j)]~~ (x) sexual exploitation of a minor, as described in Section 76-5b-201;

7984 ~~[(k)]~~ (xi) aggravated sexual exploitation of a minor, as described in Section

7985 76-5b-201.1; or

7986 ~~[(l)]~~ (xii) an offense in another state that, if committed in this state, would constitute an

7987 offense described in this Subsection (10).

7988 (11) (a) As used in this Subsection (11), "disqualifying offense" means an offense

7989 listed in Subsection (10) that prevents a court from granting custody except as provided in this

7990 Subsection (11).

7991 (b) An individual described in Subsection (10) may only be considered for custody of a

7992 minor child if the following criteria are met by clear and convincing evidence:

7993 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;

7994 (ii) at least 10 years have elapsed from the day on which the individual is successfully

7995 released from prison, jail, parole, or probation related to a disqualifying offense;

7996 (iii) during the 10 years before the day on which the individual files a petition with the

7997 court seeking custody the individual has not been convicted, plead guilty, or plead no contest to

7998 an offense greater than an infraction or traffic violation that would likely impact the health,

7999 safety, or well-being of the minor child;

8000 (iv) the individual can provide evidence of successful treatment or rehabilitation

8001 directly related to the disqualifying offense;

8002 (v) the court determines that the risk related to the disqualifying offense is unlikely to

8003 cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at

8004 any time in the future when considering all of the following:

- 8005 (A) the minor child's age;
- 8006 (B) the minor child's gender;
- 8007 (C) the minor child's development;
- 8008 (D) the nature and seriousness of the disqualifying offense;
- 8009 (E) the preferences of a minor child who is 12 years old or older;
- 8010 (F) any available assessments, including custody evaluations, parenting assessments,
- 8011 psychological or mental health assessments, and bonding assessments; and
- 8012 (G) any other relevant information;
- 8013 (vi) the individual can provide evidence of the following:
 - 8014 (A) the relationship with the minor child is of long duration;
 - 8015 (B) that an emotional bond exists with the minor child; and
 - 8016 (C) that custody by the individual who has committed the disqualifying offense ensures
 - 8017 the best interests of the minor child are met;
- 8018 (vii) (A) there is no other responsible relative known to the court who has or likely
- 8019 could develop an emotional bond with the minor child and does not have a disqualifying
- 8020 offense; or
- 8021 (B) if there is a responsible relative known to the court that does not have a
- 8022 disqualifying offense, Subsection (11)(d) applies; and
- 8023 (viii) that the continuation of the relationship between the individual with the
- 8024 disqualifying offense and the minor child could not be sufficiently maintained through any type
- 8025 of visitation if custody were given to the relative with no disqualifying offense described in
- 8026 Subsection (11)(d).
- 8027 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 8028 why placement with that individual is in the best interest of the minor child over another
- 8029 responsible relative or equally situated individual who does not have a disqualifying offense.
- 8030 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known
- 8031 to the court who does not have a disqualifying offense:
 - 8032 (i) preference for custody is given to a relative who does not have a disqualifying
 - 8033 offense; and
 - 8034 (ii) before the court may place custody with the individual who has the disqualifying
 - 8035 offense over another responsible, willing, and able relative:

8036 (A) an impartial custody evaluation shall be completed; and

8037 (B) a guardian ad litem shall be assigned.

8038 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a
8039 final decision on custody has not been made and to a case filed on or after March 25, 2017.

8040 Section 193. Section **81-9-403**, which is renumbered from Section 30-5-2 is
8041 renumbered and amended to read:

8042 ~~[30-5-2]~~. **81-9-403. Visitation rights of grandparents.**

8043 (1) In accordance with the provisions and requirements of this section:

8044 (a) a grandparent has standing to bring an action requesting visitation in district court
8045 by petition; and

8046 (b) a grandparent may file a petition for visitation rights in the juvenile court or district
8047 court where a divorce proceeding or other proceeding involving custody and visitation issues is
8048 pending.

8049 (2) (a) In accordance with Section **80-2a-201**, it is the public policy of this state that a
8050 parent retains the fundamental right and duty to exercise primary control over the care,
8051 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

8052 (b) A court shall presume that a parent's decision in regard to grandparent visitation is
8053 in the best interest of the parent's minor child.

8054 (3) A court may find the presumption in Subsection (2)(b) rebutted if the grandparent,
8055 by clear and convincing evidence, establishes that:

8056 (a) the grandparent has filled the role of custodian or caregiver to the grandchild that:

8057 (i) is in a manner akin to a parent; and

8058 (ii) the loss of the relationship between the grandparent and the grandchild would cause
8059 substantial harm to the grandchild; or

8060 (b) both parents are unfit or incompetent in a manner that causes potential harm to the
8061 grandchild.

8062 (4) (a) If the court finds the presumption in Subsection (2)(b) is rebutted, the court may
8063 consider whether grandparent visitation is in the best interest of the grandchild.

8064 (b) If the court considers whether grandparent visitation is in the best interest of the
8065 child, the court shall take into account the totality of the circumstances, including:

8066 (i) the reasonableness of the parent's decision to deny grandparent visitation;

8067 (ii) the age of the grandchild;
 8068 (iii) the death or unavailability of a parent; and
 8069 (iv) if the grandchild is 14 years old or older, the grandchild's desires regarding
 8070 visitation after the court inquires of the grandchild.

8071 (5) If the court finds the presumption in Subsection (2)(b) is rebutted and grandparent
 8072 visitation is in the best interest of the grandchild, the court may issue an order for grandparent
 8073 visitation.

8074 (6) [The] Notwithstanding Section 81-9-404, the adoption of a grandchild by the
 8075 grandchild's stepparent does not diminish or alter visitation rights previously ordered under this
 8076 section.

8077 (7) On the petition of a grandparent or the legal custodian of a grandchild the court
 8078 may, after a hearing, modify an order regarding grandparent visitation if:

8079 (a) the circumstances of the grandchild, the grandparent, or the custodian have
 8080 materially and substantially changed since the entry of the order to be modified, or the order
 8081 has become unworkable or inappropriate under existing circumstances; and

8082 (b) the court determines that a modification is appropriate based upon the factors set
 8083 forth in Subsections (3) and (4).

8084 (8) A grandparent may petition the court to remedy a parent's wrongful noncompliance
 8085 with a visitation order.

8086 Section 194. Section **81-9-404**, which is renumbered from Section 30-5a-104 is
 8087 renumbered and amended to read:

8088 ~~[30-5a-104].~~ **81-9-404. Exceptions to visitation by nonparent.**

8089 This ~~[chapter]~~ part may not be used to seek, obtain, maintain or continue custody of, or
 8090 visitation with, a minor child who has been relinquished for adoption, or adopted ~~[pursuant to~~
 8091 ~~an order of a court of competent jurisdiction]~~ in accordance with a court order.

8092 Section 195. **Repealer.**

8093 This bill repeals:

8094 Section **26B-9-227, Determination of parental liability.**

8095 Section **30-1-5, Marriage solemnization -- Before unauthorized person -- Validity.**

8096 Section **30-1-9.1, Parental consent to prohibited marriage of minor -- Penalty.**

8097 Section **30-1-10, Affidavit before the clerk -- Penalty.**

- 8098 Section **30-1-11**, Return of license after ceremony -- Failure -- Penalty.
- 8099 Section **30-1-13**, Solemnization without license -- Penalty.
- 8100 Section **30-1-14**, Acting without authority -- Penalty.
- 8101 Section **30-1-15**, Solemnization of prohibited marriage -- Penalty.
- 8102 Section **30-1-16**, Misconduct of county clerk -- Penalty.
- 8103 Section **30-1-17.2**, Action to determine validity of marriage -- Orders relating to
- 8104 **parties, property, and children -- Presumption of paternity in marriage.**
- 8105 Section **30-1-17.3**, Age as basis of action to determine validity of marriage --
- 8106 **Refusal to grant annulment.**
- 8107 Section **30-3-2**, Right of husband to divorce.
- 8108 Section **30-3-4**, Pleadings -- Decree -- Use of affidavit -- Private records.
- 8109 Section **30-3-5**, Disposition of property -- Maintenance and health care of parties
- 8110 **and children -- Division of debts -- Court to have continuing jurisdiction -- Custody and**
- 8111 **parent-time -- Alimony -- Nonmeritorious petition for modification.**
- 8112 Section **30-3-5.1**, Provision for income withholding in child support order.
- 8113 Section **30-3-5.4**, Designation of primary and secondary health, dental, or hospital
- 8114 **insurance coverage.**
- 8115 Section **30-3-7**, When decree becomes absolute.
- 8116 Section **30-3-8**, Remarriage -- When unlawful.
- 8117 Section **30-3-10.3**, Terms of joint legal or physical custody order.
- 8118 Section **30-3-10.5**, Payments of support, maintenance, and alimony.
- 8119 Section **30-3-10.7**, Parenting plan -- Definitions.
- 8120 Section **30-3-10.8**, Parenting plan -- Filing -- Modifications.
- 8121 Section **30-3-10.10**, Parenting plan -- Domestic violence.
- 8122 Section **30-3-10.17**, Social security number in court records.
- 8123 Section **30-3-11.1**, Family Court Act -- Purpose.
- 8124 Section **30-3-11.2**, Appointment of counsel for child.
- 8125 Section **30-3-18**, Waiting period for hearing after filing for divorce -- Exemption --
- 8126 **Use of counseling and education services not to be construed as condonation or**
- 8127 **promotion.**
- 8128 Section **30-3-32**, Parent-time -- Definitions -- Considerations for parent-time --

- 8129 **Relocation.**
- 8130 Section **30-3-36, Special circumstances.**
- 8131 Section **30-5a-101, Title.**
- 8132 Section **30-5a-102, Definitions.**
- 8133 Section **30-8-1, Title.**
- 8134 Section **63I-1-230, Repeal dates: Title 30.**
- 8135 Section **75-2b-101, Title.**
- 8136 Section **78B-12-101, Title.**
- 8137 Section **78B-12-104, Continuing jurisdiction.**
- 8138 Section **78B-12-106, Ward of state -- Natural or adoptive parent has primary**
- 8139 **obligation to support -- Right of third party to recover support.**
- 8140 Section **78B-12-107, Duty of obligor regardless of presence or residence of obligee.**
- 8141 Section **78B-12-108, Support follows the child.**
- 8142 Section **78B-12-110, Appeals.**
- 8143 Section **78B-12-111, Court order -- Medical expenses of dependent children --**
- 8144 **Assigning responsibility for payment -- Insurance coverage -- Income withholding.**
- 8145 Section **78B-12-116, Social Security number in court records.**
- 8146 Section **78B-12-117, Rights are in addition to those presently existing.**
- 8147 Section **78B-12-202, Determination of amount of support -- Rebuttable guidelines.**
- 8148 Section **78B-12-204, Adjusted gross income.**
- 8149 Section **78B-12-205, Calculation of obligations.**
- 8150 Section **78B-12-206, Income in excess of tables.**
- 8151 Section **78B-12-207, Obligation -- Adjusted gross income used.**
- 8152 Section **78B-12-208, Joint physical custody -- Obligation calculations.**
- 8153 Section **78B-12-209, Split custody -- Obligation calculations.**
- 8154 Section **78B-12-211, Limitation on amount of support ordered.**
- 8155 Section **78B-12-212.1, Pregnancy expenses.**
- 8156 Section **78B-12-213, Determination of parental liability.**
- 8157 Section **78B-12-215, Child care costs.**
- 8158 Section **78B-12-219, Adjustment when child becomes emancipated.**
- 8159 Section 196. **Effective date.**

8160 (1) Except as provided in Subsection (2), this bill takes effect on September 1, 2024.

8161 (2) The actions affecting Section [78A-5a-103](#) (Effective 10/01/24) take effect on

8162 October 1, 2024.