

**Senator Todd D. Weiler** proposes the following substitute bill:

**DOMESTIC RELATIONS RECODIFICATION**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: Brady Brammer

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**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;



- 26           • an annulment; and
- 27           • 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           This bill provides coordination clauses.

42 **Utah Code Sections Affected:**

43 AMENDS:

44           15-4-1, as last amended by Laws of Utah 2023, Chapter 327

45           15-4-6.5, as last amended by Laws of Utah 2000, Chapter 252

46           15-4-6.7, as last amended by Laws of Utah 2023, Chapter 327

47           17-16-21, as last amended by Laws of Utah 2022, Chapter 335

48           23A-4-1102, as last amended by Laws of Utah 2023, Chapter 327 and renumbered and

49 amended by Laws of Utah 2023, Chapter 103

50           26B-1-202, as last amended by Laws of Utah 2023, Chapter 302

51           26B-5-316, as renumbered and amended by Laws of Utah 2023, Chapter 308

52           26B-6-411, as renumbered and amended by Laws of Utah 2023, Chapter 308

53           26B-8-101, as last amended by Laws of Utah 2023, Chapter 306 and last amended by

54 Coordination Clause, Laws of Utah 2023, Chapter 306

55           26B-9-101, as last amended by Laws of Utah 2023, Chapter 305

56           26B-9-104, as renumbered and amended by Laws of Utah 2023, Chapter 305

- 57            **26B-9-201**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 58            **26B-9-202**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 59            **26B-9-210**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 60            **26B-9-211**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 61            **26B-9-212**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 62            **26B-9-213**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 63            **26B-9-214**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 64            **26B-9-217**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 65            **26B-9-220**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 66            **26B-9-221**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 67            **26B-9-224**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 68            **26B-9-225**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 69            **26B-9-226**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 70            **26B-9-230**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 71            **26B-9-301**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 72            **26B-9-303**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 73            **26B-9-304**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 74            **26B-9-403**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 75            **26B-9-405**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 76            **26B-9-501**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 77            **31A-22-610.5**, as last amended by Laws of Utah 2023, Chapter 327
- 78            **35A-3-307**, as last amended by Laws of Utah 2015, Chapter 221
- 79            **51-9-408**, as last amended by Laws of Utah 2021, Chapter 262
- 80            **58-60-112**, as last amended by Laws of Utah 2023, Chapter 139
- 81            **63G-20-201**, as enacted by Laws of Utah 2015, Chapter 46
- 82            **63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423
- 83            **63I-2-278**, as last amended by Laws of Utah 2023, Chapters 33 and 250
- 84            **63M-15-204**, as enacted by Laws of Utah 2021, Chapter 91
- 85            **76-8-1201**, as last amended by Laws of Utah 2015, Chapter 221
- 86            **77-36-1**, as last amended by Laws of Utah 2022, Chapters 185 and 430
- 87            **77-38-615**, as last amended by Laws of Utah 2023, Chapter 237

- 88 **78A-2-301**, as last amended by Laws of Utah 2023, Chapter 330
- 89 **78A-5a-103 (Effective 10/01/24)**, as enacted by Laws of Utah 2023, Chapter 394
- 90 **78A-6-103**, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330
- 91 **78A-6-104**, as last amended by Laws of Utah 2022, Chapter 335
- 92 **78A-6-356**, as last amended by Laws of Utah 2023, Chapter 330
- 93 **78B-3-416**, as last amended by Laws of Utah 2023, Chapter 139
- 94 **78B-3-426**, as last amended by Laws of Utah 2018, Chapter 440
- 95 **78B-6-316**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 96 **78B-7-204**, as last amended by Laws of Utah 2021, Chapter 262
- 97 **78B-15-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 98 **78B-15-113**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 99 **78B-15-603**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 100 **78B-15-610**, as last amended by Laws of Utah 2019, Chapter 188
- 101 **78B-15-623**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 102 **78B-20-403**, as last amended by Laws of Utah 2017, Chapter 224
- 103 **78B-20-404**, as last amended by Laws of Utah 2017, Chapter 224
- 104 **80-2-906**, as renumbered and amended by Laws of Utah 2022, Chapter 334

105 ENACTS:

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

- 119 **81-4-401**, Utah Code Annotated 1953
- 120 **81-4-402**, Utah Code Annotated 1953
- 121 **81-4-406**, Utah Code Annotated 1953
- 122 **81-4-501**, Utah Code Annotated 1953
- 123 **81-4-502**, Utah Code Annotated 1953
- 124 **81-4-503**, Utah Code Annotated 1953
- 125 **81-4-504**, Utah Code Annotated 1953
- 126 **81-5-101**, Utah Code Annotated 1953
- 127 **81-6-102**, Utah Code Annotated 1953
- 128 **81-6-201**, Utah Code Annotated 1953
- 129 **81-6-204**, Utah Code Annotated 1953
- 130 **81-6-205**, Utah Code Annotated 1953
- 131 **81-6-206**, Utah Code Annotated 1953
- 132 **81-6-207**, Utah Code Annotated 1953
- 133 **81-6-212**, Utah Code Annotated 1953
- 134 **81-6-213**, Utah Code Annotated 1953
- 135 **81-6-301**, Utah Code Annotated 1953
- 136 **81-6-401**, Utah Code Annotated 1953
- 137 **81-7-101**, Utah Code Annotated 1953
- 138 **81-8-101**, Utah Code Annotated 1953
- 139 **81-9-201**, Utah Code Annotated 1953
- 140 **81-9-301**, Utah Code Annotated 1953

141 RENUMBERS AND AMENDS:

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

150 **81-2-204**, (Renumbered from 30-1-32, as last amended by Laws of Utah 2011, Chapter  
151 297)  
152 **81-2-205**, (Renumbered from 30-1-33, as last amended by Laws of Utah 2011, Chapter  
153 297)  
154 **81-2-206**, (Renumbered from 30-1-34, as last amended by Laws of Utah 2021, Chapter  
155 91)  
156 **81-2-207**, (Renumbered from 30-1-35, as last amended by Laws of Utah 2011, Chapter  
157 297)  
158 **81-2-208**, (Renumbered from 30-1-37, as last amended by Laws of Utah 2011, Chapter  
159 297)  
160 **81-2-209**, (Renumbered from 30-1-38, as enacted by Laws of Utah 1971, Chapter 64)  
161 **81-2-302**, (Renumbered from 30-1-7, as last amended by Laws of Utah 2021, Chapter  
162 305)  
163 **81-2-303**, (Renumbered from 30-1-8, as last amended by Laws of Utah 2021, Chapter  
164 305)  
165 **81-2-304**, (Renumbered from 30-1-9, as last amended by Laws of Utah 2021, Chapter  
166 305)  
167 **81-2-305**, (Renumbered from 30-1-6, as last amended by Laws of Utah 2022, Chapter  
168 444)  
169 **81-2-306**, (Renumbered from 30-1-12, as last amended by Laws of Utah 2023, Chapter  
170 327)  
171 **81-2-402**, (Renumbered from 30-1-1, as last amended by Laws of Utah 2022, Chapter  
172 217)  
173 **81-2-403**, (Renumbered from 30-1-2, as last amended by Laws of Utah 2019, Chapters  
174 300 and 317)  
175 **81-2-404**, (Renumbered from 30-1-2.1, as enacted by Laws of Utah 1963, Chapter 41)  
176 **81-2-405**, (Renumbered from 30-1-2.2, as last amended by Laws of Utah 1995, Chapter  
177 20)  
178 **81-2-406**, (Renumbered from 30-1-2.3, as last amended by Laws of Utah 1995, Chapter  
179 20)  
180 **81-2-407**, (Renumbered from 30-1-4, as last amended by Laws of Utah 2019, Chapter

- 181 300)
- 182 **81-2-408**, (Renumbered from 30-1-4.5, as last amended by Laws of Utah 2021, Chapter
- 183 186)
- 184 **81-2-409**, (Renumbered from 30-1-3, as repealed and reenacted by Laws of Utah 2022,
- 185 Chapter 217)
- 186 **81-3-102**, (Renumbered from 30-2-2, Utah Code Annotated 1953)
- 187 **81-3-103**, (Renumbered from 30-2-3, Utah Code Annotated 1953)
- 188 **81-3-104**, (Renumbered from 30-2-4, Utah Code Annotated 1953)
- 189 **81-3-105**, (Renumbered from 30-2-5, as last amended by Laws of Utah 2023, Chapter
- 190 327)
- 191 **81-3-106**, (Renumbered from 30-2-6, Utah Code Annotated 1953)
- 192 **81-3-107**, (Renumbered from 30-2-7, as last amended by Laws of Utah 2011, Chapter
- 193 297)
- 194 **81-3-108**, (Renumbered from 30-2-8, Utah Code Annotated 1953)
- 195 **81-3-109**, (Renumbered from 30-2-9, as last amended by Laws of Utah 2015, Chapter
- 196 457)
- 197 **81-3-110**, (Renumbered from 30-2-10, as last amended by Laws of Utah 1977, Chapter
- 198 122)
- 199 **81-3-111**, (Renumbered from 30-2-11, as last amended by Laws of Utah 2008, Chapters
- 200 3 and 382)
- 201 **81-3-201**, (Renumbered from 30-8-2, as enacted by Laws of Utah 1994, Chapter 105)
- 202 **81-3-202**, (Renumbered from 30-8-3, as last amended by Laws of Utah 2011, Chapter
- 203 297)
- 204 **81-3-203**, (Renumbered from 30-8-4, as enacted by Laws of Utah 1994, Chapter 105)
- 205 **81-3-204**, (Renumbered from 30-8-5, as enacted by Laws of Utah 1994, Chapter 105)
- 206 **81-3-205**, (Renumbered from 30-8-6, as enacted by Laws of Utah 1994, Chapter 105)
- 207 **81-3-206**, (Renumbered from 30-8-7, as enacted by Laws of Utah 1994, Chapter 105)
- 208 **81-3-207**, (Renumbered from 30-8-8, as enacted by Laws of Utah 1994, Chapter 105)
- 209 **81-3-208**, (Renumbered from 30-8-9, as enacted by Laws of Utah 1994, Chapter 105)
- 210 **81-4-102**, (Renumbered from 30-1-17.4, as enacted by Laws of Utah 1971, Chapter 65)
- 211 **81-4-103**, (Renumbered from 30-4a-1, as enacted by Laws of Utah 1983, Chapter 118)

212           **81-4-104**, (Renumbered from 30-3-4.5, as last amended by Laws of Utah 2010, Chapter  
213 34)  
214           **81-4-105**, (Renumbered from 30-3-11.4, as last amended by Laws of Utah 2022,  
215 Chapter 272)  
216           **81-4-106**, (Renumbered from 30-3-11.3, as last amended by Laws of Utah 2022,  
217 Chapter 272)  
218           **81-4-202**, (Renumbered from 30-4-1, as last amended by Laws of Utah 1993, Chapter  
219 137)  
220           **81-4-203**, (Renumbered from 30-4-2, as last amended by Laws of Utah 1977, Chapter  
221 122)  
222           **81-4-204**, (Renumbered from 30-4-3, as last amended by Laws of Utah 1991, Chapter  
223 257)  
224           **81-4-205**, (Renumbered from 30-4-4, Utah Code Annotated 1953)  
225           **81-4-206**, (Renumbered from 30-4-5, as last amended by Laws of Utah 1977, Chapter  
226 122)  
227           **81-4-302**, (Renumbered from 30-1-17.1, as enacted by Laws of Utah 1971, Chapter 65)  
228           **81-4-303**, (Renumbered from 30-1-17, as last amended by Laws of Utah 2019, Chapter  
229 300)  
230           **81-4-403**, (Renumbered from 30-3-39, as last amended by Laws of Utah 2008, Chapter  
231 3)  
232           **81-4-404**, (Renumbered from 30-3-5.2, as last amended by Laws of Utah 2022, Chapter  
233 335)  
234           **81-4-405**, (Renumbered from 30-3-1, as last amended by Laws of Utah 1997, Chapter  
235 47)  
236           **81-6-101**, (Renumbered from 78B-12-102, as last amended by Laws of Utah 2023,  
237 Chapters 330 and 333)  
238           **81-6-103**, (Renumbered from 78B-12-103, as renumbered and amended by Laws of  
239 Utah 2008, Chapter 3)  
240           **81-6-104**, (Renumbered from 78B-12-105, as renumbered and amended by Laws of  
241 Utah 2008, Chapter 3)  
242           **81-6-105**, (Renumbered from 78B-12-105.1, as enacted by Laws of Utah 2021,



243 Chapters 111 and 111)  
244 **81-6-106**, (Renumbered from 78B-12-113, as last amended by Laws of Utah 2023,  
245 Chapter 330)  
246 **81-6-107**, (Renumbered from 78B-12-201, as renumbered and amended by Laws of  
247 Utah 2008, Chapter 3)  
248 **81-6-108**, (Renumbered from 78B-12-109, as renumbered and amended by Laws of  
249 Utah 2008, Chapter 3)  
250 **81-6-109**, (Renumbered from 78B-12-115, as renumbered and amended by Laws of  
251 Utah 2008, Chapter 3)  
252 **81-6-110**, (Renumbered from 78B-12-114, as renumbered and amended by Laws of  
253 Utah 2008, Chapter 3)  
254 **81-6-202**, (Renumbered from 78B-12-210, as last amended by Laws of Utah 2022,  
255 Chapter 470)  
256 **81-6-203**, (Renumbered from 78B-12-203, as last amended by Laws of Utah 2017,  
257 Chapter 368)  
258 **81-6-208**, (Renumbered from 78B-12-212, as last amended by Laws of Utah 2023,  
259 Chapter 333)  
260 **81-6-209**, (Renumbered from 78B-12-214, as renumbered and amended by Laws of  
261 Utah 2008, Chapter 3)  
262 **81-6-210**, (Renumbered from 78B-12-217, as renumbered and amended by Laws of  
263 Utah 2008, Chapter 3)  
264 **81-6-211**, (Renumbered from 78B-12-216, as last amended by Laws of Utah 2023,  
265 Chapter 330)  
266 **81-6-214**, (Renumbered from 78B-12-218, as renumbered and amended by Laws of  
267 Utah 2008, Chapter 3)  
268 **81-6-302**, (Renumbered from 78B-12-301, as last amended by Laws of Utah 2022,  
269 Chapter 470)  
270 **81-6-303**, (Renumbered from 78B-12-302, as last amended by Laws of Utah 2022,  
271 Chapter 470)  
272 **81-6-304**, (Renumbered from 78B-12-303, as enacted by Laws of Utah 2022, Chapter  
273 470)

274 **81-6-305**, (Renumbered from 78B-12-304, as enacted by Laws of Utah 2022, Chapter  
275 470)  
276 **81-6-402**, (Renumbered from 78B-12-401, as last amended by Laws of Utah 2018,  
277 Chapter 21)  
278 **81-6-403**, (Renumbered from 78B-12-402, as last amended by Laws of Utah 2023,  
279 Chapter 330)  
280 **81-6-404**, (Renumbered from 78B-12-403, as repealed and reenacted by Laws of Utah  
281 2010, Chapter 286)  
282 **81-7-102**, (Renumbered from 78B-12-112, as last amended by Laws of Utah 2023,  
283 Chapter 330)  
284 **81-7-103**, (Renumbered from 30-3-3.5, as enacted by Laws of Utah 2020, Chapter 182)  
285 **81-9-101**, (Renumbered from 30-3-10.1, as last amended by Laws of Utah 2023,  
286 Chapter 44)  
287 **81-9-102**, (Renumbered from 30-3-38, as last amended by Laws of Utah 2023, Chapter  
288 327)  
289 **81-9-202**, (Renumbered from 30-3-33, as last amended by Laws of Utah 2017, Chapter  
290 224)  
291 **81-9-203**, (Renumbered from 30-3-10.9, as last amended by Laws of Utah 2018,  
292 Chapter 37)  
293 **81-9-204**, (Renumbered from 30-3-10, as last amended by Laws of Utah 2023, Chapters  
294 44 and 327)  
295 **81-9-205**, (Renumbered from 30-3-10.2, as last amended by Laws of Utah 2019,  
296 Chapter 188)  
297 **81-9-206**, (Renumbered from 30-3-34, as last amended by Laws of Utah 2021, Chapter  
298 399)  
299 **81-9-207**, (Renumbered from 30-3-34.5, as last amended by Laws of Utah 2022,  
300 Chapter 430)  
301 **81-9-208**, (Renumbered from 30-3-10.4, as last amended by Laws of Utah 2023,  
302 Chapter 44)  
303 **81-9-209**, (Renumbered from 30-3-37, as last amended by Laws of Utah 2020, Chapter  
304 354)

305 **81-9-302**, (Renumbered from 30-3-35, as last amended by Laws of Utah 2023, Chapter  
306 437)

307 **81-9-303**, (Renumbered from 30-3-35.1, as last amended by Laws of Utah 2023,  
308 Chapter 437)

309 **81-9-304**, (Renumbered from 30-3-35.5, as last amended by Laws of Utah 2023,  
310 Chapter 437)

311 **81-9-305**, (Renumbered from 30-3-35.2, as enacted by Laws of Utah 2021, Chapter  
312 399)

313 **81-9-401**, (Renumbered from 30-5-1, as last amended by Laws of Utah 2020, Chapter  
314 48)

315 **81-9-402**, (Renumbered from 30-5a-103, as last amended by Laws of Utah 2022,  
316 Chapters 185, 335, and 430)

317 **81-9-403**, (Renumbered from 30-5-2, as last amended by Laws of Utah 2022, Chapter  
318 335)

319 **81-9-404**, (Renumbered from 30-5a-104, as enacted by Laws of Utah 2009, Chapter  
320 108)

321 REPEALS:

322 **26B-9-227**, as renumbered and amended by Laws of Utah 2023, Chapter 305

323 **30-1-5**, as last amended by Laws of Utah 2011, Chapter 297

324 **30-1-9.1**, as enacted by Laws of Utah 2001, Chapter 129

325 **30-1-10**, as last amended by Laws of Utah 2019, Chapter 317

326 **30-1-11**, as last amended by Laws of Utah 2019, Chapter 420

327 **30-1-13**, as last amended by Laws of Utah 2019, Chapter 300

328 **30-1-14**, as last amended by Laws of Utah 2019, Chapter 300

329 **30-1-15**, as last amended by Laws of Utah 2001, Chapter 129

330 **30-1-16**, as last amended by Laws of Utah 2013, Chapter 108

331 **30-1-17.2**, as last amended by Laws of Utah 2008, Chapter 3

332 **30-1-17.3**, as last amended by Laws of Utah 2019, Chapter 300

333 **30-3-2**, Utah Code Annotated 1953

334 **30-3-4**, as last amended by Laws of Utah 2018, Chapter 470

335 **30-3-5**, as last amended by Laws of Utah 2023, Chapters 327 and 418

- 336 [30-3-5.1](#), as last amended by Laws of Utah 2023, Chapter 327
- 337 [30-3-5.4](#), as last amended by Laws of Utah 2023, Chapters 327 and 333
- 338 [30-3-7](#), as last amended by Laws of Utah 2012, Chapter 404
- 339 [30-3-8](#), as last amended by Laws of Utah 1988, Chapter 154
- 340 [30-3-10.3](#), as last amended by Laws of Utah 2012, Chapter 271
- 341 [30-3-10.5](#), as last amended by Laws of Utah 2023, Chapter 327
- 342 [30-3-10.7](#), as last amended by Laws of Utah 2006, Chapter 287
- 343 [30-3-10.8](#), as last amended by Laws of Utah 2023, Chapter 44
- 344 [30-3-10.10](#), as enacted by Laws of Utah 2006, Chapter 287
- 345 [30-3-10.17](#), as enacted by Laws of Utah 1997, Chapter 232
- 346 [30-3-11.1](#), as enacted by Laws of Utah 1969, Chapter 72
- 347 [30-3-11.2](#), as enacted by Laws of Utah 1969, Chapter 72
- 348 [30-3-18](#), as last amended by Laws of Utah 2018, Chapter 470
- 349 [30-3-32](#), as last amended by Laws of Utah 2022, Chapter 471
- 350 [30-3-36](#), as last amended by Laws of Utah 2001, Chapter 255
- 351 [30-5a-101](#), as last amended by Laws of Utah 2020, Chapter 48
- 352 [30-5a-102](#), as last amended by Laws of Utah 2020, Chapter 48
- 353 [30-8-1](#), as enacted by Laws of Utah 1994, Chapter 105
- 354 [63I-1-230](#), as last amended by Laws of Utah 2021, Chapter 91
- 355 [75-2b-101](#), as enacted by Laws of Utah 2012, Chapter 132
- 356 [78B-12-101](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 357 [78B-12-104](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 358 [78B-12-106](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 359 [78B-12-107](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 360 [78B-12-108](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 361 [78B-12-110](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 362 [78B-12-111](#), as last amended by Laws of Utah 2023, Chapter 330
- 363 [78B-12-116](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 364 [78B-12-117](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 365 [78B-12-202](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 366 [78B-12-204](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

- 367 [78B-12-205](#), as last amended by Laws of Utah 2022, Chapter 470
- 368 [78B-12-206](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 369 [78B-12-207](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 370 [78B-12-208](#), as last amended by Laws of Utah 2021, Chapter 399
- 371 [78B-12-209](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 372 [78B-12-211](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 373 [78B-12-212.1](#), as enacted by Laws of Utah 2021, Chapters 111 and 111
- 374 [78B-12-213](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 375 [78B-12-215](#), as last amended by Laws of Utah 2013, Chapter 467
- 376 [78B-12-219](#), as last amended by Laws of Utah 2021, Chapter 262

**Utah Code Sections Affected By Coordination Clause:**

- 377 [30-1-2.2](#), as last amended by Laws of Utah 1995, Chapter 20
- 378 [30-1-2.4](#), Utah Code Annotated 1953
- 379 [30-1-4.5](#), as last amended by Laws of Utah 2021, Chapter 186
- 380 [30-1-6](#), as last amended by Laws of Utah 2022, Chapter 444
- 381 [30-1-8](#), as last amended by Laws of Utah 2021, Chapter 305
- 382 [30-3-4.5](#), as last amended by Laws of Utah 2010, Chapter 34
- 383 [30-3-10](#), as last amended by Laws of Utah 2023, Chapters 44 and 327
- 384 [30-3-10.4](#), as last amended by Laws of Utah 2023, Chapter 44
- 385 [30-3-11.3](#), as last amended by Laws of Utah 2022, Chapter 272
- 386 [30-3-11.4](#), as last amended by Laws of Utah 2022, Chapter 272
- 387 [30-3-33](#), as last amended by Laws of Utah 2017, Chapter 224
- 388 [51-9-408](#), as last amended by Laws of Utah 2021, Chapter 262
- 389 [78B-15-610](#), as last amended by Laws of Utah 2019, Chapter 188
- 390 [81-4-401](#), Utah Code Annotated 1953
- 391 [81-4-402](#), Utah Code Annotated 1953

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

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

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

As used in this chapter:

398 (1) "Administrative agency" means the same as that term is defined in Section  
399 81-6-101.

400 (2) "Child" means the same as that term is defined in Section 81-6-101.

401 ~~[(1)]~~ (3) "Obligation" includes a liability in tort and contractual obligations.

402 ~~[(2)]~~ (4) "Obligee" includes a creditor and a person having a right based on a tort.

403 ~~[(3)]~~ (5) "Obligor" includes a debtor and a person liable for a tort.

404 ~~[(4)]~~ (6) (a) "School fee" means a charge, deposit, rent, or other mandatory payment  
405 imposed by:

406 (i) a public school as defined in Section 26B-2-401; or

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

409 (b) "School fee" includes:

410 (i) an admission fee;

411 (ii) a transportation charge; or

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

415 ~~[(5)]~~ (7) "Several obligors" means obligors severally bound for the same performance.

416 ~~[(6)]~~ (8) "Waiver" means the act of not requiring an individual to pay an amount that  
417 the individual otherwise owes.

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

419 **15-4-6.5. Divorce or separate maintenance of co-obligors.**

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

423 (2) In addition to the creditor's duties as a secured party under Title 70A, Chapter 9a,  
424 Uniform Commercial Code - Secured Transactions, and the creditor's duties as a trustee or  
425 beneficiary of a trust deed under Title 57, Chapter 1, Conveyances, a creditor ~~[-who has been~~  
426 ~~notified by service of a copy of a court order under Section 30-3-5 or 30-4-3 that the debtors~~  
427 ~~are divorced or living separately under an order for separate maintenance, and who has been~~  
428 ~~expressly advised of the separate, current addresses of the debtors either by the court order or~~

429 ~~by other written notice,~~] shall provide to the debtors individually all statements, notices, and  
 430 other similar correspondence required by law or by the contract if:

431 (a) the creditor has been notified by service of a copy of a court order under Section  
 432 81-4-204 or 81-4-406 that the debtors are divorced or living separately under an order for  
 433 separate maintenance; and

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

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

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

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

441 (b) ~~[With respect to a debtor]~~ If a debtor who is not ordered by the court under  
 442 ~~[Sections 30-3-5 or 30-4-3]~~ Section 81-4-204 or 81-4-406 to make payments on a joint  
 443 obligation, ~~[no]~~ the creditor may not make a negative credit report under Section 70C-7-107,  
 444 ~~[and no]~~ or a report of the debtor's repayment practices or credit history under Title 7, Chapter  
 445 14, Credit Information Exchange, [may be made] regarding the joint obligation after the  
 446 creditor is served notice of the court's order as required under Subsection (2), unless the  
 447 creditor has made a demand on the debtor for payment because of the failure to make payments  
 448 by the other debtor[;] who is ordered by the court to make the payments.

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

450 **15-4-6.7. Medical and miscellaneous expenses of a child -- Collection and billing**  
 451 **pursuant to court or administrative order of child support.**

452 (1) When a court or an administrative agency enters an order that provides for the  
 453 payment of medical and dental expenses of a ~~[minor child under Section 30-3-5, 30-4-3, or~~  
 454 ~~78B-12-111, or an administrative order under Section 26B-9-224]~~ child as described in Section  
 455 26B-9-224 or 81-6-202, a provider who receives a copy of the order:

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

459 (b) within 30 days after the day on which the provider renders the medical or dental

460 service to the child, may not:

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

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

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

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

475 (ii) a provider, who receives a copy of the order, regardless of whether the provider  
476 receives the copy before, on, or after the day on which the provider first issues a bill for the  
477 school fee, may not make a negative credit report under Section 70C-7-107, or report of the  
478 debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information  
479 Exchange, regarding a parent who has paid in full the share of the school fee that the parent is  
480 required to pay under the order; and

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

483 (b) A provider may bill a parent for the parent's share of a [~~minor~~] child's school fee  
484 under an order described in Subsection (2)(a) regardless of whether the provider grants the  
485 other parent a waiver for all or a portion of the other parent's share of the [~~minor~~] child's school  
486 fee.

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

488 **17-16-21. Fees of county officers.**

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



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

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

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

494 (b) As long as the Children's Legal Defense Account is authorized by Section

495 51-9-408, the county clerk shall:

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

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

500 (c) (i) As long as the Division of Child and Family Services, created in Section  
501 80-2-201, has the responsibility under Section 80-2-301 to provide services, including  
502 temporary shelter, for victims of domestic violence, the county clerk shall:

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

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

509 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license  
510 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

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

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

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

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

520 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in Title  
521 63M, Chapter 15, Utah Marriage Commission, as dedicated credits for the operation of the

522 Utah Marriage Commission; and

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

524 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under this

525 Subsection (2)(d) if both individuals seeking the marriage license certify that they have

526 completed premarital counseling or education in accordance with Section [~~30-1-34~~] [81-2-206](#).

527 (3) This section does not apply to a fee currently being assessed by the state but

528 collected by a county officer.

529 Section 5. Section ~~23A-4-1102~~ is amended to read:

530 **23A-4-1102. Issuance of license, permit, or tag prohibited for failure to pay child**  
531 **support.**

532 (1) As used in this section:

533 (a) "Child support" means the same as that term is defined in Section [~~26B-9-301~~]

534 [26B-9-101](#).

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

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

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

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

541 (c) "Office" means the Office of Recovery Services created in Section [26B-9-103](#).

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

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

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

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

550 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag  
551 violates Section [23A-5-309](#).

552 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective

553 until the office notifies the division that the individual who is delinquent on a child support  
554 obligation has:

555 (i) paid the delinquency in full; or  
556 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive  
557 months with a payment schedule entered into with the office.

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

559 (i) pay the current child support obligation in full each month; and  
560 (ii) pays an additional amount as assessed by the office pursuant to Section 26B-9-219  
561 towards the child support arrears.

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

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

570 (i) provides the office with information regarding the individual's new employer within  
571 30 days from the day on which the missed payment was due;

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

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

576 (4) (a) The division or a wildlife license agent may not knowingly issue a license,  
577 permit, or tag under this title to an individual identified by the office as delinquent on a child  
578 support obligation until notified by the office that the individual has complied with Subsection  
579 (3).

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

583 (c) The division may immediately reissue to another qualified person a license, permit,

584 or tag opportunity withheld from an individual identified by the office as delinquent on a child  
585 support obligation pursuant to Subsection (4)(a).

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

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

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

- 594 (a) Section [23A-4-1106](#);
- 595 (b) Subsection [23A-5-311\(1\)](#); and
- 596 (c) Section [23A-2-505](#).

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

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

600 **26B-1-202. Department authority and duties.**

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

- 603 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
604 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or  
605 desirable for providing health and social services to the people of this state;
- 606 (2) establish and manage client trust accounts in the department's institutions and  
607 community programs, at the request of the client or the client's legal guardian or representative,  
608 or in accordance with federal law;
- 609 (3) purchase, as authorized or required by law, services that the department is  
610 responsible to provide for legally eligible persons;
- 611 (4) conduct adjudicative proceedings for clients and providers in accordance with the  
612 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 613 (5) establish eligibility standards for the department's programs, not inconsistent with  
614 state or federal law or regulations;

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

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

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

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

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

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

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

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

634 (14) provide training and educational opportunities for the department's staff;

635 (15) collect child support payments and any other money due to the department;

636 (16) apply the provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] [Title 81,](#)  
637 [Chapter 6, Child Support](#), to parents whose child lives out of the home in a department licensed  
638 or certified setting;

639 (17) establish policy and procedures, within appropriations authorized by the  
640 Legislature, in cases where the Division of Child and Family Services or the Division of  
641 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah  
642 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not  
643 competent to proceed under Section [80-6-403](#), including:

644 (a) designation of interagency teams for each juvenile court district in the state;

645 (b) delineation of assessment criteria and procedures;

646 (c) minimum requirements, and timeframes, for the development and implementation  
647 of a collaborative service plan for each minor placed in department custody; and  
648 (d) provisions for submittal of the plan and periodic progress reports to the court;  
649 (18) carry out the responsibilities assigned to the department by statute;  
650 (19) examine and audit the expenditures of any public funds provided to a local  
651 substance abuse authority, a local mental health authority, a local area agency on aging, and any  
652 person, agency, or organization that contracts with or receives funds from those authorities or  
653 agencies. Those local authorities, area agencies, and any person or entity that contracts with or  
654 receives funds from those authorities or area agencies, shall provide the department with any  
655 information the department considers necessary. The department is further authorized to issue  
656 directives resulting from any examination or audit to a local authority, an area agency, and  
657 persons or entities that contract with or receive funds from those authorities with regard to any  
658 public funds. If the department determines that it is necessary to withhold funds from a local  
659 mental health authority or local substance abuse authority based on failure to comply with state  
660 or federal law, policy, or contract provisions, the department may take steps necessary to  
661 ensure continuity of services. For purposes of this Subsection (19) "public funds" means the  
662 same as that term is defined in Section [~~62A-15-102~~] [26B-5-101](#);  
663 (20) in accordance with Subsection [26B-2-104\(1\)\(d\)](#), accredit one or more agencies  
664 and persons to provide intercountry adoption services;  
665 (21) within legislative appropriations, promote and develop a system of care and  
666 stabilization services:  
667 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and  
668 (b) that encompasses the department, department contractors, and the divisions,  
669 offices, or institutions within the department, to:  
670 (i) navigate services, funding resources, and relationships to the benefit of the children  
671 and families whom the department serves;  
672 (ii) centralize department operations, including procurement and contracting;  
673 (iii) develop policies that govern business operations and that facilitate a system of care  
674 approach to service delivery;  
675 (iv) allocate resources that may be used for the children and families served by the  
676 department or the divisions, offices, or institutions within the department, subject to the

677 restrictions in Section 63J-1-206;

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

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

681 (22) ensure that any training or certification required of a public official or public  
682 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
683 22, State Training and Certification Requirements, if the training or certification is required:

684 (a) under this title;

685 (b) by the department; or

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

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

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

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

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

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

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

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

706 (30) collect, prepare, publish, and disseminate information to inform the public  
707 concerning the health and wellness of the population, specific hazards, and risks that may affect

708 the health and wellness of the population and specific activities which may promote and protect  
709 the health and wellness of the population;

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

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

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

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

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

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

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

726 (38) establish, maintain, and enforce a procedure requiring the blood of adult  
727 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the  
728 presence and concentration of alcohol, and provide the Commissioner of Public Safety with  
729 monthly statistics reflecting the results of these examinations, with necessary safeguards so that  
730 information derived from the examinations is not used for a purpose other than the compilation  
731 of these statistics;

732 (39) establish qualifications for individuals permitted to draw blood under Subsection  
733 [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  
734 issue permits to individuals the department finds qualified, which permits may be terminated or  
735 revoked by the department;

736 (40) establish a uniform public health program throughout the state which includes  
737 continuous service, employment of qualified employees, and a basic program of disease  
738 control, vital and health statistics, sanitation, public health nursing, and other preventive health



739 programs necessary or desirable for the protection of public health;

740 (41) conduct health planning for the state;

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

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

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

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

752 (46) ensure that any training or certification required of a public official or public  
753 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
754 22, State Training and Certification Requirements, if the training or certification is required by  
755 the agency or under this title, Title 26, Utah Health Code, or [~~Title 62A, Utah Human Services  
756 Code~~] Title 26B, Utah Health and Human Services Code;

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

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

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

761 **26B-5-316. Responsibility for cost of care.**

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

767 (2) In addition to the expenses described in Subsection (1), parents are responsible for  
768 the support of their child while the child is in the care of the state hospital [~~pursuant to Title  
769 78B, Chapter 12, Utah Child Support Act, and~~] in accordance with Title 26B, Chapter 9,

770 Recovery Services and Administration of Child Support, and Title 81, Chapter 6, Child  
771 Support.

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

773 **26B-6-411. Parent liable for cost and support of minor -- Guardian liable for**  
774 **costs.**

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

780 (2) A guardian of a person who receives services or support from the division is liable  
781 for the cost of actual care and maintenance of that person, regardless of his age, where funds  
782 are available in the guardianship estate established on his behalf for that purpose. However, if  
783 the person who receives services is a beneficiary of a trust created in accordance with Section  
784 **26B-6-412**, or if the guardianship estate meets the requirements of a trust described in that  
785 section, the trust income prior to distribution to the beneficiary, and the trust principal are not  
786 subject to payment for services or support for that person.

787 (3) If, at the time a person who receives services or support from the division is  
788 discharged from a facility or program owned or operated by or under contract with the division,  
789 or after the death and burial of a resident of the developmental center, there remains in the  
790 custody of the division or the superintendent any money paid by a parent or guardian for the  
791 support or maintenance of that person, it shall be repaid upon demand.

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

793 **26B-8-101. Definitions.**

794 As used in this part:

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

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

- 801 (3) "Certified nurse midwife" means an individual who:
- 802 (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a,
- 803 Nurse Midwife Practice Act; and
- 804 (b) has completed an education program regarding the completion of a certificate of
- 805 death developed by the department by rule made in accordance with Title 63G, Chapter 3, Utah
- 806 Administrative Rulemaking Act.
- 807 (4) "Custodial funeral service director" means a funeral service director who:
- 808 (a) is employed by a licensed funeral establishment; and
- 809 (b) has custody of a dead body.
- 810 (5) "Dead body" means a human body or parts of a human body from the condition of
- 811 which it reasonably may be concluded that death occurred.
- 812 (6) "Decedent" means the same as a dead body.
- 813 (7) "Dead fetus" means a product of human conception, other than those circumstances
- 814 described in Subsection [76-7-301\(1\)](#):
- 815 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
- 816 period began to the date of delivery; and
- 817 (b) that was not born alive.
- 818 (8) "Declarant father" means a male who claims to be the genetic father of a child, and,
- 819 along with the biological mother, signs a voluntary declaration of paternity to establish the
- 820 child's paternity.
- 821 (9) "Dispositioner" means:
- 822 (a) a person designated in a written instrument, under Subsection [58-9-602\(1\)](#), as
- 823 having the right and duty to control the disposition of the decedent, if the person voluntarily
- 824 acts as the dispositioner; or
- 825 (b) the next of kin of the decedent, if:
- 826 (i) (A) a person has not been designated as described in Subsection (9)(a); or
- 827 (B) the person described in Subsection (9)(a) is unable or unwilling to exercise the
- 828 right and duty described in Subsection (9)(a); and
- 829 (ii) the next of kin voluntarily acts as the dispositioner.
- 830 (10) "Fetal remains" means:
- 831 (a) an aborted fetus as that term is defined in Section [26B-2-232](#); or

- 832 (b) a miscarried fetus as that term is defined in Section [26B-2-233](#).
- 833 (11) "File" means the submission of a completed certificate or other similar document,  
834 record, or report as provided under this part for registration by the state registrar or a local  
835 registrar.
- 836 (12) "Funeral service director" means the same as that term is defined in Section  
837 [58-9-102](#).
- 838 (13) "Health care facility" means the same as that term is defined in Section  
839 [26B-2-201](#).
- 840 (14) "Health care professional" means a physician, physician assistant, nurse  
841 practitioner, or certified nurse midwife.
- 842 (15) "Intersex individual" means an individual who:
- 843 (a) is born with external biological sex characteristics that are irresolvably ambiguous;  
844 (b) is born with 46, XX chromosomes with virilization;  
845 (c) is born with 46, XY chromosomes with undervirilization;  
846 (d) has both ovarian and testicular tissue; or  
847 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with  
848 abnormal:
- 849 (i) sex chromosome structure;  
850 (ii) sex steroid hormone production; or  
851 (iii) sex steroid hormone action for a male or female.
- 852 (16) "Licensed funeral establishment" means:
- 853 (a) if located in Utah, a funeral service establishment, as that term is defined in Section  
854 [58-9-102](#), that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or  
855 (b) if located in a state, district, or territory of the United States other than Utah, a  
856 funeral service establishment that complies with the licensing laws of the jurisdiction where the  
857 establishment is located.
- 858 (17) "Live birth" means the birth of a child who shows evidence of life after the child is  
859 entirely outside of the mother.
- 860 (18) "Local registrar" means a person appointed under Subsection [26B-8-102\(3\)\(b\)](#).
- 861 (19) "Nurse practitioner" means an individual who:
- 862 (a) is licensed to practice as an advanced practice registered nurse under Title 58,

863 Chapter 31b, Nurse Practice Act; and

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

867 (20) "Office" means the Office of Vital Records and Statistics within the department.

868 (21) "Physician" means a person licensed to practice as a physician or osteopath in this  
869 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
870 Osteopathic Medical Practice Act.

871 (22) "Physician assistant" means an individual who:

872 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah  
873 Physician Assistant Act; and

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

877 (23) "Presumed father" means the same as that term is defined in Section [78B-15-102](#).

878 ~~[(23) "Presumed father" means the father of a child conceived or born during a~~  
879 ~~marriage as defined in Section [30-1-17.2](#).]~~

880 (24) "Registration" or "register" means acceptance by the local or state registrar of a  
881 certificate and incorporation of the certificate into the permanent records of the state.

882 (25) "State registrar" means the state registrar of vital records appointed under Section  
883 [26B-8-102](#).

884 (26) "Vital records" means:

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

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

889 (c) an adoption document; and

890 (d) other similar documents.

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

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

895 **26B-9-101. Definitions.**

896 As used in this part:

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

899 (2) "Assistance" means public assistance.

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

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

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

904 (4) (a) "Child support" means a base child support award as defined in Section  
905 [81-6-101](#), or a financial award for uninsured monthly medical expenses, ordered by a tribunal  
906 for the support of a child, including current periodic payments, all arrearages that accrue under  
907 an order for current periodic payments, and sum certain judgments awarded for arrearages,  
908 medical expenses, and child care costs.

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

912 (5) "Child support services" means services provided pursuant to Part D of Title IV of  
913 the Social Security Act, 42 U.S.C. Sec. 651, et seq.

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

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

917 [~~(8)~~] (7) "Financial institution" means:

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

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

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

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

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

928 [(9)] (8) "Financial record" means the same as that term is defined in the Right to  
929 Financial Privacy Act of 1978, 12 U.S.C. Sec. 3401.

930 [(10)] (9) (a) "Income" means earnings, compensation, or other payment due to an  
931 individual, regardless of source, whether denominated as wages, salary, commission, bonus,  
932 pay, or contract payment, or denominated as advances on future wages, salary, commission,  
933 bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and  
934 incentive pay.

935 (b) "Income" includes:

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

938 (ii) interest and dividends;

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

941 (iv) unemployment compensation benefits;

942 (v) workers' compensation benefits; and

943 (vi) disability benefits.

944 [(11)] (10) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec.  
945 651 et seq.

946 [(12)] (11) "IV-D child support services" means [~~the same as~~] child support services.

947 [(13)] (12) "New hire registry" means the centralized new hire registry created in  
948 Section 35A-7-103.

949 [(14)] (13) "Obligee" means an individual, this state, another state, or other comparable  
950 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support or  
951 public assistance.

952 [(15)] (14) "Obligor" means a person, firm, corporation, or the estate of a decedent  
953 owing money to this state, to an individual, to another state, or other comparable jurisdiction in  
954 whose behalf this state is acting.

955 [(16)] (15) "Office" means the Office of Recovery Services.

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

958 ~~[(18)]~~ (16) "Public assistance" means:

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

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

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

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

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

966 ~~[(19)]~~ (17) "State case registry" means the central, automated record system maintained  
967 by the office and the central, automated district court record system maintained by the  
968 Administrative Office of the Courts, that contains records which use standardized data  
969 elements, such as names, Social Security numbers and other uniform identification numbers,  
970 dates of birth, and case identification numbers, with respect to:

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

973 (b) each support order established or modified in the state on or after October 1, 1998.

974 Section 11. Section **26B-9-104** is amended to read:

975 **26B-9-104. Duties of the Office of Recovery Services.**

976 (1) The office has the following duties:

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

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

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

980 (iii) a child lives out of the home in the protective custody, temporary custody, or  
981 custody or care of the state;

982 (b) for the purpose of collecting child support, to carry out the obligations of the  
983 department contained in:

984 (i) this chapter;

985 ~~[(ii) Title 78B, Chapter 12, Utah Child Support Act;]~~

986 ~~[(iii)]~~ (ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act; ~~[and]~~



987            [~~(iv)~~] (iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and  
988            (iv) Title 81, Chapter 6, Child Support;  
989            (c) to collect money due the department which could act to offset expenditures by the  
990 state;  
991            (d) to cooperate with the federal government in programs designed to recover health  
992 and social service funds;  
993            (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,  
994 and reimbursable expenses owed to the state or any of its political subdivisions, if the office  
995 has contracted to provide collection services;  
996            (f) to implement income withholding for collection of child support in accordance with  
997 Part 3, Income Withholding in IV-D Cases;  
998            (g) to enter into agreements with financial institutions doing business in the state to  
999 develop and operate, in coordination with such financial institutions, a data match system in the  
1000 manner provided for in Section [26B-9-208](#);  
1001            (h) to establish and maintain the state case registry in the manner required by the Social  
1002 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:  
1003            (i) the amount of monthly or other periodic support owed under the order, and other  
1004 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under  
1005 the order;  
1006            (ii) any amount described in Subsection (1)(h)(i) that has been collected;  
1007            (iii) the distribution of collected amounts;  
1008            (iv) the birth date of any child for whom the order requires the provision of support;  
1009 and  
1010            (v) the amount of any lien imposed with respect to the order pursuant to this part;  
1011            (i) to contract with the Department of Workforce Services to establish and maintain the  
1012 new hire registry created under Section [35A-7-103](#);  
1013            (j) to determine whether an individual who has applied for or is receiving cash  
1014 assistance or Medicaid is cooperating in good faith with the office as required by Section  
1015 [26B-9-213](#);  
1016            (k) to finance any costs incurred from collections, fees, General Fund appropriation,  
1017 contracts, and federal financial participation; and

1018 (1) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of  
1019 the opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of  
1020 past-due child support, prior to taking action against a noncustodial parent to collect the alleged  
1021 past-due support.

1022 (2) The office may not provide child support services to the Division of Child and  
1023 Family Services for a calendar month when the child to whom the child support services relate  
1024 is:

1025 (a) in the custody of the Division of Child and Family Services; and

1026 (b) lives in the home of a custodial parent of the child for more than seven consecutive  
1027 days, regardless of whether:

1028 (i) the greater than seven consecutive day period starts during one month and ends in  
1029 the next month; and

1030 (ii) the child is living in the home on a trial basis.

1031 (3) The Division of Child and Family Services is not entitled to child support, for a  
1032 child to whom the child support relates, for a calendar month when child support services may  
1033 not be provided under Subsection (2).

1034 Section 12. Section 26B-9-201 is amended to read:

1035 **26B-9-201. Definitions.**

1036 As used in this part:

1037 (1) "Adjudicative proceeding" means an action or proceeding of the office conducted in  
1038 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1039 (2) "Administrative order" means an order that has been issued by the office, the  
1040 department, or an administrative agency of another state or other comparable jurisdiction with  
1041 similar authority to that of the office.

1042 (3) "Arrears" means [~~the same as~~] support debt.

1043 (4) "Assistance" means public assistance as defined in Section 26B-9-101.

1044 [~~(5) "Business day" means a day on which state offices are open for regular business.;~~]

1045 [~~(6) "Child" means:;~~]

1046 [~~(a) a son or daughter under the age of 18 years who is not otherwise emancipated;~~  
1047 ~~self-supporting, married, or a member of the armed forces of the United States;]~~

1048 [~~(b) a son or daughter over the age of 18 years, while enrolled in high school during the~~

1049 ~~normal and expected year of graduation and not otherwise emancipated, self-supporting,~~  
1050 ~~married, or a member of the armed forces of the United States, or]~~

1051 ~~[(c) a son or daughter of any age who is incapacitated from earning a living and is~~  
1052 ~~without sufficient means].~~

1053 (5) "Cash medical support" means an obligation to equally share all reasonable and  
1054 necessary medical and dental expenses of children.

1055 (6) "Child" means the same as that term is defined in Section 81-6-101.

1056 (7) "Child support" means the same as that term is defined in Section [26B-9-301]  
1057 26B-9-101.

1058 (8) "Child support guidelines" means [guidelines as defined in Section 78B-12-102]  
1059 the same as that term is defined in Section 81-6-101.

1060 (9) "Child support order" means [the same as that term is defined in Section  
1061 26B-9-301.] a judgment, decree, or order, whether temporary, final, or subject to modification,  
1062 issued by a tribunal for child support and related costs and fees, interest and penalties, income  
1063 withholding, attorney fees, and other relief.

1064 (10) "Child support services" means the same as that term is defined in Section  
1065 26B-9-101.

1066 (11) "Court order" means a judgment or order of a tribunal of appropriate jurisdiction  
1067 of this state, another state, Native American tribe, the federal government, or any other  
1068 comparable jurisdiction.

1069 (12) "Director" means the director of the Office of Recovery Services.

1070 (13) "Disposable earnings" means [the same as that term is defined in Section  
1071 26B-9-101.] that part of the earnings of an individual remaining after the deduction of all  
1072 amounts required by law to be withheld.

1073 ~~[(14) "Guidelines" means the same as that term is defined in Section 78B-12-102.]~~

1074 [(15)] (14) "High-volume automated administrative enforcement" in interstate cases  
1075 means, on the request of another state, the identification by the office, through automatic data  
1076 matches with financial institutions and other entities where assets may be found, of assets  
1077 owned by persons who owe child support in the requesting state, and the seizure of the assets  
1078 by the office, through levy or other appropriate processes.

1079 ~~[(16)]~~ (15) "Income" means the same as that term is defined in Section 26B-9-101.

1080 ~~[(17) "IV-D child support services" means the same as child support services.]~~  
1081 (16) "IV-D services" means services provided pursuant to Part D of Title IV of the  
1082 Social Security Act, 42 U.S.C. Sec. 651, et seq.  
1083 ~~[(18)]~~ (17) "Notice of agency action" means the notice required to commence an  
1084 adjudicative proceeding in accordance with Section 63G-4-201.  
1085 ~~[(19)]~~ (18) "Obligee" means an individual, this state, another state, or other  
1086 comparable jurisdiction to whom a duty of child support is owed, or who is entitled to  
1087 reimbursement of child support or public assistance.  
1088 ~~[(20)]~~ (19) "Obligor" means a person, firm, corporation, or the estate of a decedent  
1089 owing a duty of support to this state, to an individual, to another state, or other corporate  
1090 jurisdiction in whose behalf this state is acting.  
1091 ~~[(21)]~~ (20) "Office" means the Office of Recovery Services.  
1092 ~~[(22)]~~ (21) "Parent" means ~~[a natural parent or an adoptive parent of a dependent child]~~  
1093 the same as that term is defined in Section 81-1-101.  
1094 ~~[(23)]~~ (22) "Past-due support" means ~~[the same as]~~ support debt.  
1095 ~~[(24)]~~ (23) "Person" includes an individual, firm, corporation, association, political  
1096 subdivision, department, or office.  
1097 ~~[(25)]~~ (24) "Public assistance" means the same as that term is defined in Section  
1098 26B-9-101.  
1099 ~~[(26)]~~ (25) "Presiding officer" means a presiding officer described in Section  
1100 63G-4-103.  
1101 ~~[(27)]~~ (26) "Support" includes past-due, present, and future obligations established by:  
1102 (a) a tribunal or imposed by law for the financial support, maintenance, medical, or  
1103 dental care of a ~~[dependent]~~ child; and  
1104 (b) a tribunal for the financial support of a spouse or former spouse with whom the  
1105 obligor's ~~[dependent]~~ child resides if the obligor also owes a child support obligation that is  
1106 being enforced by the state.  
1107 ~~[(28)]~~ (27) "Support debt" means the debt created by nonpayment of support.  
1108 ~~[(29)]~~ (28) "Support order" means ~~[the same as]~~ a child support order.  
1109 ~~[(30)]~~ (29) "Tribunal" means the district court, the department, the Office of Recovery  
1110 Services, or court or administrative agency of any state, territory, possession of the United

1111 States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or  
1112 other comparable domestic or foreign jurisdiction.

1113 Section 13. Section **26B-9-202** is amended to read:

1114 **26B-9-202. Common-law and statutory remedies augmented by act -- Public**  
1115 **policy.**

1116 (1) The state of Utah, exercising its police and sovereign power, declares that the  
1117 common-law and statutory remedies pertaining to family desertion and nonsupport of [~~minor~~  
1118 ~~dependent~~] children shall be augmented by this part, which is directed to the real and personal  
1119 property resources of the responsible parents.

1120 (2) In order to render resources more immediately available to meet the needs of  
1121 [~~minor~~] children, it is the legislative intent that the remedies provided in this part are in  
1122 addition to, and not in lieu of, existing law.

1123 (3) It is declared to be the public policy of this state that this part be liberally construed  
1124 and administered to the end that children shall be maintained from the resources of responsible  
1125 parents, thereby relieving or avoiding, at least in part, the burden often borne by the general  
1126 citizenry through public assistance programs.

1127 Section 14. Section **26B-9-210** is amended to read:

1128 **26B-9-210. Issuance or modification of an order to collect support for persons not**  
1129 **receiving public assistance.**

1130 The office may proceed to issue or modify an order under Section **26B-9-206** and  
1131 collect under this part even though public assistance is not being provided on behalf of a  
1132 [~~dependent~~] child if the office provides support collection services in accordance with:

1133 (1) an application for services provided under Title IV-D of the federal Social Security  
1134 Act;

1135 (2) the continued service provisions of Subsection **26B-9-213(5)**; or

1136 (3) the interstate provisions of Section **26B-9-209**.

1137 Section 15. Section **26B-9-211** is amended to read:

1138 **26B-9-211. Mandatory review and adjustment of child support orders for TANF**  
1139 **recipients.**

1140 If a child support order has not been issued, adjusted, or modified within the previous  
1141 three years and the children who are the subject of the order currently receive TANF funds, the

1142 office shall review the order, and if appropriate, move the tribunal to adjust the amount of the  
1143 order if there is a difference of 10% or more between the payor's ordered support amount and  
1144 the payor's support amount required under the child support guidelines.

1145 Section 16. Section **26B-9-212** is amended to read:

1146 **26B-9-212. Collection directly from responsible parent.**

1147 (1) (a) The office may issue or modify an order under Section **26B-9-206** and collect  
1148 under this part directly from a responsible parent if the procedural requirements of applicable  
1149 law have been met and if public assistance is provided on behalf of that parent's [~~dependent~~]  
1150 child.

1151 (b) The direct right to issue an order under this Subsection (1) is independent of and in  
1152 addition to the right derived from that assigned under Section **35A-3-108**.

1153 (2) An order issuing or modifying a support obligation under Subsection (1), issued  
1154 while public assistance was being provided for a [~~dependent~~] child, remains in effect and may  
1155 be enforced by the office under Section **26B-9-210** after provision of public assistance ceases.

1156 (3) (a) The office may issue or modify an administrative order, subject to the  
1157 procedural requirements of applicable law, that requires that obligee to pay to the office  
1158 assigned support that an obligee receives and retains in violation of Subsection **26B-9-213**(4)  
1159 and may reduce to judgment any unpaid balance due.

1160 (b) The office may collect the judgment debt in the same manner as it collects any  
1161 judgment for past-due support owed by an obligor.

1162 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall  
1163 have full standing and authority to establish and enforce child support obligations against an  
1164 alleged parent currently or formerly in a same-sex marriage on the same terms as the Office of  
1165 Recovery Services' authority against other mothers and fathers.

1166 Section 17. Section **26B-9-213** is amended to read:

1167 **26B-9-213. Duties of obligee after assignment of support rights.**

1168 (1) An obligee whose rights to support have been assigned under Section **35A-3-108** as  
1169 a condition of eligibility for public assistance has the following duties:

1170 (a) Unless a good cause or other exception applies, the obligee shall, at the request of  
1171 the office:

1172 (i) cooperate in good faith with the office by providing the name and other identifying

1173 information of the other parent of the obligee's child for the purpose of:

1174 (A) establishing paternity; or

1175 (B) establishing, modifying, or enforcing a child support order;

1176 (ii) supply additional necessary information and appear at interviews, hearings, and  
1177 legal proceedings; and

1178 (iii) submit the obligee's child and himself to judicially or administratively ordered  
1179 genetic testing.

1180 (b) The obligee may not commence an action against an obligor or file a pleading to  
1181 collect or modify support without the office's written consent.

1182 (c) The obligee may not do anything to prejudice the rights of the office to establish  
1183 paternity, enforce provisions requiring health insurance, or to establish and collect support.

1184 (d) The obligee may not agree to allow the obligor to change the court or  
1185 administratively ordered manner or amount of payment of past, present, or future support  
1186 without the office's written consent.

1187 (2) (a) The office shall determine and redetermine, when appropriate, whether an  
1188 obligee has cooperated with the office as required by Subsection (1)(a).

1189 (b) If the office determines that an obligee has not cooperated as required by  
1190 Subsection (1)(a), the office shall:

1191 (i) forward the determination and the basis for it to the Department of Workforce  
1192 Services, which shall inform the department of the determination, for a determination of  
1193 whether compliance by the obligee should be excused on the basis of good cause or other  
1194 exception; and

1195 (ii) send to the obligee:

1196 (A) a copy of the notice; and

1197 (B) information that the obligee may, within 15 days of notice being sent:

1198 (I) contest the office's determination of noncooperation by filing a written request for  
1199 an adjudicative proceeding with the office; or

1200 (II) assert that compliance should be excused on the basis of good cause or other  
1201 exception by filing a written request for a good cause exception with the Department of  
1202 Workforce Services.

1203 (3) The office's right to recover is not reduced or terminated if an obligee agrees to

1204 allow the obligor to change the court or administratively ordered manner or amount of payment  
1205 of support regardless of whether that agreement is entered into before or after public assistance  
1206 is furnished on behalf of a [~~dependent~~] child.

1207 (4) (a) If an obligee receives direct payment of assigned support from an obligor, the  
1208 obligee shall immediately deliver that payment to the office.

1209 (b) (i) If an obligee agrees with an obligor to receive payment of support other than in  
1210 the court or administratively ordered manner and receives payment as agreed with the obligor,  
1211 the obligee shall immediately deliver the cash equivalent of the payment to the office.

1212 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)  
1213 exceeds the amount of the court or administratively ordered support due, the office shall return  
1214 the excess to the obligee.

1215 (5) (a) If public assistance furnished on behalf of a [~~dependent~~] child is terminated, the  
1216 office may continue to provide paternity establishment and support collection services.

1217 (b) Unless the obligee notifies the office to discontinue these services, the obligee is  
1218 considered to have accepted and is bound by the rights, duties, and liabilities of an obligee who  
1219 has applied for those services.

1220 Section 18. Section **26B-9-214** is amended to read:

1221 **26B-9-214. Liens by operation of law and writs of garnishment.**

1222 (1) Each payment or installment of child support is, on and after the date it is due, a  
1223 judgment with the same attributes and effect of any judgment of a district court in accordance  
1224 with Section [~~78B-12-112~~] [81-7-102](#) and for purposes of Section [78B-5-202](#).

1225 (2) (a) A judgment under Subsection (1) or final administrative order shall constitute a  
1226 lien against the real property of the obligor upon the filing of a notice of judgment-lien in the  
1227 district court where the obligor's real property is located if the notice:

1228 (i) specifies the amount of past-due support; and

1229 (ii) complies with the procedural requirements of Section [78B-5-202](#).

1230 (b) Rule 69, Utah Rules of Civil Procedure, shall apply to any action brought to  
1231 execute a judgment or final administrative order under this section against real or personal  
1232 property in the obligor's possession.

1233 (3) (a) The office may issue a writ of garnishment against the obligor's personal  
1234 property in the possession of a third party for a judgment under Subsection (1) or a final



1235 administrative order in the same manner and with the same effect as if the writ were issued on  
1236 a judgment of a district court if:

1237 (i) the judgment or final administrative order is recorded on the office's automated case  
1238 registry; and

1239 (ii) the writ is signed by the director or the director's designee and served by certified  
1240 mail, return receipt requested, or as prescribed by Rule 4, Utah Rules of Civil Procedure.

1241 (b) A writ of garnishment issued under Subsection (3)(a) is subject to the procedures  
1242 and due process protections provided by Rule 64D, Utah Rules of Civil Procedure, except as  
1243 provided by Section [26B-9-217](#).

1244 Section 19. Section **26B-9-217** is amended to read:

1245 **26B-9-217. Requirement to honor voluntary assignment of earnings -- Discharge**  
1246 **of employee prohibited -- Liability for discharge -- Earnings subject to support lien or**  
1247 **garnishment.**

1248 (1) (a) Every person, firm, corporation, association, political subdivision, or  
1249 department of the state shall honor, according to its terms, a duly executed voluntary  
1250 assignment of earnings which is presented by the office as a plan to satisfy or retire a support  
1251 debt or obligation.

1252 (b) The requirement to honor an assignment of earnings, and the assignment of  
1253 earnings itself, are applicable whether the earnings are to be paid presently or in the future, and  
1254 continue in effect until released in writing by the office.

1255 (c) Payment of money pursuant to an assignment of earnings presented by the office  
1256 shall serve as full acquittance under any contract of employment, and the state shall defend the  
1257 employer and hold the employer harmless for any action taken pursuant to the assignment of  
1258 earnings.

1259 (d) The office shall be released from liability for improper receipt of money under an  
1260 assignment of earnings upon return of any money so received.

1261 (2) An employer may not discharge or prejudice any employee because the employee's  
1262 earnings have been subjected to support lien, wage assignment, or garnishment for any  
1263 indebtedness under this part.

1264 (3) If an employer discharges an employee in violation of Subsection (2), the employer  
1265 is liable to the employee for the damages the employee may suffer, and, additionally, to the

1266 office in an amount equal to the debt which is the basis of the assignment or garnishment, plus  
1267 costs, interest, and attorney fees, or a maximum of \$1,000, whichever is less.

1268 (4) The maximum part of the aggregate disposable earnings of an individual for any  
1269 work pay period which may be subjected to a garnishment to enforce payment of a judicial or  
1270 administrative judgment arising out of failure to support [~~dependent~~] children may not exceed  
1271 50% of the individual's disposable earnings for the work pay period.

1272 (5) The support lien or garnishment shall continue to operate and require the employer  
1273 to withhold the nonexempt portion of earnings at each succeeding earnings disbursement  
1274 interval until released in writing by the court or office.

1275 Section 20. Section **26B-9-220** is amended to read:

1276 **26B-9-220. Review and adjustment of child support order in three-year cycle --**  
1277 **Substantial change in circumstances not required.**

1278 (1) If a child support order has not been issued, modified, or reviewed within the  
1279 previous three years, the office shall review a child support order, taking into account the best  
1280 interests of the child involved, if:

1281 (a) requested by a parent or legal guardian involved in a case receiving IV-D services;

1282 or

1283 (b) there has been an assignment under Section [35A-3-108](#) and the office determines  
1284 that a review is appropriate.

1285 (2) (a) If the office conducts a review under Subsection (1), the office shall determine  
1286 if there is a difference of 10% or more between the amount ordered and the amount that would  
1287 be required under the child support guidelines.

1288 (b) If there is such a difference and the difference is not of a temporary nature, the  
1289 office shall:

1290 [~~(a)~~] (i) with respect to a child support order issued or modified by the office, adjust the  
1291 amount to that which is provided for in the child support guidelines; or

1292 [~~(b)~~] (ii) with respect to a child support order issued or modified by a court, file [~~a~~  
1293 ~~petition~~] the appropriate pleading with the court to adjust the amount to that which is provided  
1294 for in the child support guidelines.

1295 (3) The office may use automated methods to:

1296 (a) collect information and conduct reviews under Subsection (2); and

1297 (b) identify child support orders in which there is a difference of 10% or more between  
1298 the amount of child support ordered and the amount that would be required under the child  
1299 support guidelines for review under Subsection (1)(b).

1300 (4) (a) A parent or legal guardian who requests a review under Subsection (1)(a) shall  
1301 provide notice of the request to the other parent within five days and in accordance with  
1302 Section [26B-9-207](#).

1303 (b) If the office conducts a review under Subsections (1)(b) and (3)(b), the office shall  
1304 provide notice to the parties of:

1305 (i) a proposed adjustment under Subsection [~~(2)(a)~~] (2)(b)(i); or

1306 (ii) a proposed [~~petition~~] pleading to be filed in court under Subsection [~~(2)(b)~~]  
1307 (2)(b)(ii).

1308 (5) (a) Within 30 days of notice being sent under Subsection (4)(a), a parent or legal  
1309 guardian may respond to a request for review filed with the office.

1310 (b) Within 30 days of notice being sent under Subsection (4)(b), a parent or legal  
1311 guardian may contest a proposed adjustment or petition by requesting a review under  
1312 Subsection (1)(a) and providing documentation that refutes the adjustment or petition.

1313 (6) A showing of a substantial change in circumstances is not necessary for an  
1314 adjustment under this section.

1315 Section 21. Section **26B-9-221** is amended to read:

1316 **26B-9-221. Review and adjustment of support order for substantial change in**  
1317 **circumstances outside three-year cycle.**

1318 (1) (a) A parent or legal guardian involved in a case receiving IV-D services or the  
1319 office, if there has been an assignment under Section [35A-3-108](#), may at any time request the  
1320 office to review a child support order if there has been a substantial change in circumstances.

1321 (b) For purposes of Subsection (1)(a), a substantial change in circumstances may  
1322 include:

1323 (i) material changes in custody;

1324 (ii) material changes in the relative wealth or assets of the parties;

1325 (iii) material changes of 30% or more in the income of a parent;

1326 (iv) material changes in the ability of a parent to earn;

1327 (v) material changes in the medical needs of the child; and

1328 (vi) material changes in the legal responsibilities of either parent for the support of  
1329 others.

1330 (2) (a) Upon receiving a request under Subsection (1), the office shall review the order,  
1331 taking into account the best interests of the child involved, to determine whether the substantial  
1332 change in circumstance has occurred, and if so, whether the change resulted in a difference of  
1333 15% or more between the amount of child support ordered and the amount that would be  
1334 required under the child support guidelines.

1335 (b) If there is such a difference and the difference is not of a temporary nature, the  
1336 office shall:

1337 [~~(a)~~] (i) with respect to a support order issued or modified by the office, adjust the  
1338 amount in accordance with the child support guidelines; or

1339 [~~(b)~~] (ii) with respect to a support order issued or modified by a court, file a petition  
1340 with the court to adjust the amount in accordance with the child support guidelines.

1341 (3) The office may use automated methods to collect information for a review  
1342 conducted under Subsection (2).

1343 (4) (a) A parent or legal guardian who requests a review under Subsection (1) shall  
1344 provide notice of the request to the other parent within five days and in accordance with  
1345 Section [26B-9-207](#).

1346 (b) If the office initiates and conducts a review under Subsection (1), the office shall  
1347 provide notice of the request to any parent or legal guardian within five days and in accordance  
1348 with Section [26B-9-207](#).

1349 (5) Within 30 days of notice being sent under Subsection (4), a parent or legal guardian  
1350 may file a response to a request for review with the office.

1351 Section 22. Section **26B-9-224** is amended to read:

1352 **26B-9-224. Medical and dental expenses of a child -- Health insurance for a child.**

1353 (1) As used in this section, "health insurance" means the same as that term is  
1354 defined in Section [31A-1-301](#).

1355 (2) In any action under this part, the office and the department in their orders shall  
1356 include:

1357 [~~(1)~~] (a) [~~include~~] a provision assigning responsibility for cash medical support;

1358 [~~(2)~~] (b) [~~include~~] a provision requiring the purchase and maintenance of appropriate

1359 ~~[medical, hospital, and dental care]~~ health insurance for ~~[those children]~~ the child, if:  
1360       ~~[(a)]~~ (i) insurance coverage is or becomes available at a reasonable cost; and  
1361       ~~[(b)]~~ (ii) the insurance coverage is accessible to the ~~[children]~~ child; and  
1362       ~~[(3)]~~ (c) ~~[include]~~ a designation of which ~~[health, dental or hospital]~~ health insurance  
1363 plan~~;~~ is primary and which is secondary in accordance with the provisions of Section  
1364 ~~[30-3-5.4]~~ 81-6-208, which will take effect if at any time the ~~[dependent children are]~~ child is  
1365 covered by both parents' ~~[health, hospital, or dental]~~ health insurance plans.

1366       Section 23. Section **26B-9-225** is amended to read:

1367       **26B-9-225. Enrollment of child in accident and health insurance plan -- Order --**  
1368 **Notice.**

1369       (1) The office may issue a notice to existing and future employers or unions to enroll a  
1370 ~~[dependent]~~ child in an accident and health insurance plan that is available through the  
1371 ~~[dependent]~~ child's parent or legal guardian's employer or union, when the following conditions  
1372 are satisfied:

1373       (a) the parent or legal guardian is already required to obtain insurance coverage for the  
1374 child by a prior court or administrative order; and

1375       (b) the parent or legal guardian has failed to provide written proof to the office that:

1376       (i) the child has been enrolled in an accident and health insurance plan in accordance  
1377 with the court or administrative order; or

1378       (ii) the coverage required by the order was not available at group rates through the  
1379 employer or union 30 or more days prior to the date of the mailing of the notice to enroll.

1380       (2) The office shall provide concurrent notice to the parent or legal guardian in  
1381 accordance with Section 26B-9-207 of:

1382       (a) the notice to enroll sent to the employer or union; and

1383       (b) the opportunity to contest the enrollment due to a mistake of fact by filing a written  
1384 request for an adjudicative proceeding with the office within 15 days of the notice being sent.

1385       (3) A notice to enroll shall result in the enrollment of the child in the parent's accident  
1386 and health insurance plan, unless the parent successfully contests the notice based on a mistake  
1387 of fact.

1388       (4) A notice to enroll issued under this section may be considered a "qualified medical  
1389 support order" for the purposes of enrolling a ~~[dependent]~~ child in a group accident and health

1390 insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act  
1391 of 1974.

1392 Section 24. Section **26B-9-226** is amended to read:

1393 **26B-9-226. Compliance with order -- Enrollment of child for insurance.**

1394 (1) An employer or union shall comply with a notice to enroll issued by the office  
1395 under Section **26B-9-225** by enrolling the [~~dependent~~] child that is the subject of the notice in  
1396 the:

1397 (a) accident and health insurance plan in which the parent or legal guardian is enrolled,  
1398 if the plan satisfies the prior court or administrative order; or

1399 (b) least expensive plan, assuming equivalent benefits, offered by the employer or  
1400 union that complies with the prior court or administrative order which provides coverage that is  
1401 reasonably accessible to the [~~dependent~~] child.

1402 (2) The employer, union, or insurer may not refuse to enroll a [~~dependent~~] child  
1403 pursuant to a notice to enroll because a parent or legal guardian has not signed an enrollment  
1404 application.

1405 (3) Upon enrollment of the [~~dependent~~] child, the employer shall deduct the  
1406 appropriate premiums from the parent or legal guardian's wages and remit [~~them~~] the premiums  
1407 directly to the insurer.

1408 (4) The insurer shall provide proof of insurance to the office upon request.

1409 (5) The signature of the custodial parent of the insured [~~dependent~~] child is a valid  
1410 authorization to the insurer for purposes of processing any insurance reimbursement claim.

1411 Section 25. Section **26B-9-230** is amended to read:

1412 **26B-9-230. Right to judicial review.**

1413 (1) (a) Within 30 days of notice of any administrative action on the part of the office to  
1414 establish paternity or establish, modify or enforce a child support order, the obligor may file a  
1415 petition for de novo review with the district court.

1416 (b) For purposes of Subsection (1)(a), notice includes:

1417 (i) notice actually received by the obligor in accordance with Section **26B-9-207**;

1418 (ii) participation by the obligor in the proceedings related to the establishment of the  
1419 paternity or the modification or enforcement of child support; or

1420 (iii) receiving a paycheck in which a reduction has been made for child support.

1421 (2) The petition shall name the office and all other appropriate parties as respondents  
1422 and meet the form requirements specified in Section [63G-4-402](#).

1423 (3) A copy of the petition shall be served upon the Child and Family Support Division  
1424 of the Office of Attorney General.

1425 (4) (a) If the petition is regarding the amount of the child support obligation established  
1426 in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child  
1427 Support, the court may issue a temporary order for child support until a final order is issued.

1428 (b) The petitioner may file an affidavit stating the amount of child support reasonably  
1429 believed to be due and the court may issue a temporary order for that amount. The temporary  
1430 order shall be valid for 60 days, unless extended by the court while the action is being pursued.

1431 (c) If the court upholds the amount of support established in Subsection (4)(a), the  
1432 petitioner shall be ordered to make up the difference between the amount originally ordered in  
1433 Subsection (4)(a) and the amount temporarily ordered under Subsection (4)(b).

1434 (d) This Subsection (4) does not apply to an action for the court-ordered modification  
1435 of a judicial child support order.

1436 (5) (a) The court may, on its own initiative and based on the evidence before it,  
1437 determine whether the petitioner violated [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil  
1438 Procedure by filing the action.

1439 (b) If the court determines that [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil  
1440 Procedure was violated, it shall, at a minimum, award to the office attorney fees and costs for  
1441 the action.

1442 (6) Nothing in this section precludes the obligor from seeking administrative remedies  
1443 as provided in this chapter.

1444 Section 26. Section **26B-9-301** is amended to read:

1445 **26B-9-301. Definitions.**

1446 As used in this part and Part 4, Income Withholding in Non IV-D Cases:

1447 (1) "Business day" means a day on which state offices are open for regular business.

1448 (2) "Child" means the same as that term is defined in Section [~~26B-9-201~~] [81-6-101](#).

1449 [~~(3)(a) "Child support" means a base child support award as defined in Section~~  
1450 ~~78B-12-102, or a financial award for uninsured monthly medical expenses, ordered by a~~  
1451 ~~tribunal for the support of a child, including current periodic payments, all arrearages which~~

1452 accrue under an order for current periodic payments, and sum certain judgments awarded for  
1453 arrearages, medical expenses, and child care costs.]

1454 ~~[(b) "Child support" includes obligations ordered by a tribunal for the support of a~~  
1455 ~~spouse or former spouse with whom the child resides if the spousal support is collected with~~  
1456 ~~the child support.]~~

1457 (3) "Child support" means the same as that term is defined in Section [26B-9-101](#).

1458 (4) "Child support order" means ~~[a judgment, decree, or order, whether temporary,~~  
1459 ~~final, or subject to modification, issued by a tribunal for child support and related costs and~~  
1460 ~~fees, interest and penalties, income withholding, attorney fees, and other relief]~~ the same as that  
1461 term is defined in Section [26B-9-201](#).

1462 (5) "Child support services" means the same as that term is defined in Section  
1463 [26B-9-101](#).

1464 (6) ~~["Delinquent" or "delinquency"]~~ "Delinquency" means that child support in an  
1465 amount at least equal to current child support payable for one month is overdue.

1466 (7) "Delinquent" means delinquency.

1467 ~~[(7)]~~ (8) "Immediate income withholding" means income withholding without regard  
1468 to whether a delinquency has occurred.

1469 ~~[(8)]~~ (9) "Income" means the same as that term is defined in Section [26B-9-101](#).

1470 (10) "IV-D services" means the same as that term is defined in Section [26B-9-201](#).

1471 ~~[(9)]~~ (11) "Jurisdiction" means a state or political subdivision of the United States, a  
1472 territory or possession of the United States, the District of Columbia, the Commonwealth of  
1473 Puerto Rico, an Indian tribe or tribal organization, or any comparable foreign nation or political  
1474 subdivision.

1475 ~~[(10)]~~ (12) "Obligee" means the same as that term is defined in Section [26B-9-201](#).

1476 ~~[(11)]~~ (13) "Obligor" means the same as that term is defined in Section [26B-9-201](#).

1477 ~~[(12)]~~ (14) "Office" means the Office of Recovery Services.

1478 ~~[(13)]~~ (15) "Payor" means an employer or any person who is a source of income to an  
1479 obligor.

1480 ~~[(14) "Support order" means the same as child support order.]~~

1481 Section 27. Section **26B-9-303** is amended to read:

1482 **26B-9-303. Provision for income withholding in child support order -- Immediate**



1483 **income withholding.**

1484 (1) Whenever a child support order is issued or modified in this state the obligor's  
1485 income is subject to immediate income withholding for the child support described in the order  
1486 in accordance with the provisions of this chapter, unless:

1487 (a) the court or administrative body which entered the order finds that one of the  
1488 parties has demonstrated good cause so as not to require immediate income withholding; or

1489 (b) a written agreement which provides an alternative payment arrangement is executed  
1490 by the obligor and obligee, and reviewed and entered in the record by the court or  
1491 administrative body.

1492 (2) (a) In every child support order issued or modified on or after January 1, 1994, the  
1493 court or administrative body shall include a provision that the income of an obligor is subject to  
1494 immediate income withholding in accordance with this chapter.

1495 (b) If for any reason other than the provisions of Subsection (1) that provision is not  
1496 included in the child support order the obligor's income is nevertheless subject to immediate  
1497 income withholding.

1498 (3) In determining [~~"good cause,"~~] good cause, the court or administrative body may, in  
1499 addition to any other requirement it considers appropriate, consider whether the obligor has:

1500 (a) obtained a bond, deposited money in trust for the benefit of the [~~dependent~~  
1501 ~~children~~] children, or otherwise made arrangements sufficient to guarantee child support  
1502 payments for at least two months;

1503 (b) arranged to deposit all child support payments into a checking account belonging to  
1504 the obligee, or made arrangements insuring that a reliable and independent record of the date  
1505 and place of child support payments will be maintained; or

1506 (c) arranged for electronic transfer of funds on a regular basis to meet court-ordered  
1507 child support obligations.

1508 Section 28. Section **26B-9-304** is amended to read:

1509 **26B-9-304. Office procedures for income withholding for orders issued or**  
1510 **modified on or after October 13, 1990.**

1511 (1) With regard to obligees or obligors who are receiving IV-D services, each child  
1512 support order issued or modified on or after October 13, 1990, subjects the income of an  
1513 obligor to immediate income withholding as of the effective date of the order, regardless of

1514 whether a delinquency occurs unless:

1515 (a) the court or administrative body that entered the order finds that one of the parties  
1516 has demonstrated good cause not to require immediate income withholding; or

1517 (b) a written agreement that provides an alternative arrangement is executed by the  
1518 obligor and obligee, and by the office, if there is an assignment under Section 35A-3-108, and  
1519 reviewed and entered in the record by the court or administrative body.

1520 (2) For purposes of this section:

1521 (a) [~~"good cause"~~] good cause shall be based on, at a minimum:

1522 (i) a determination and explanation on the record by the court or administrative body  
1523 that implementation of income withholding would not be in the best interest of the child; and

1524 (ii) proof of timely payment of any previously ordered support; and

1525 (b) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in  
1526 addition to any other requirement that it determines appropriate, consider whether the obligor  
1527 has:

1528 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]  
1529 children, or otherwise made arrangements sufficient to guarantee child support payments for at  
1530 least two months; and

1531 (ii) arranged to deposit all child support payments into a checking account belonging to  
1532 the obligee or made arrangements insuring that a reliable and independent record of the date  
1533 and place of child support payments will be maintained.

1534 (3) An exception from immediate income withholding shall be:

1535 (a) included in the court or administrative agency's child support order; and

1536 (b) negated without further administrative or judicial action:

1537 (i) upon a delinquency;

1538 (ii) upon the obligor's request; or

1539 (iii) if the office, based on internal procedures and standards, or a party requests  
1540 immediate income withholding for a case in which the parties have entered into an alternative  
1541 arrangement to immediate income withholding pursuant to Subsection (1)(b).

1542 (4) If an exception to immediate income withholding has been ordered on the basis of  
1543 good cause under Subsection (1)(a), the office may commence income withholding under this  
1544 part:

1545 (a) in accordance with Subsection (3)(b); or

1546 (b) if the administrative or judicial body that found good cause determines that  
1547 circumstances no longer support that finding.

1548 (5) (a) A party may contest income withholding due to a mistake of fact by filing a  
1549 written objection with the office within 15 days of the commencement of income withholding  
1550 under Subsection (4).

1551 (b) If a party contests income withholding under Subsection (5)(a), the office shall  
1552 proceed with the objection as it would an objection filed under Section 26B-9-305.

1553 (6) Income withholding implemented under this section is subject to termination under  
1554 Section 26B-9-308.

1555 (7) (a) Income withholding under the order may be effective until the obligor no longer  
1556 owes child support to the obligee.

1557 (b) Appropriate income withholding procedures apply to existing and future payors and  
1558 all withheld income shall be submitted to the office.

1559 Section 29. Section 26B-9-403 is amended to read:

1560 **26B-9-403. Child support orders issued or modified on or after January 1, 1994 --**  
1561 **Immediate income withholding.**

1562 (1) With regard to obligees or obligors who are not receiving IV-D services, each child  
1563 support order issued or modified on or after January 1, 1994, subjects the income of an obligor  
1564 to immediate income withholding as of the effective date of the order, regardless of whether a  
1565 delinquency occurs unless:

1566 (a) the court or administrative body that entered the order finds that one of the parties  
1567 has demonstrated good cause so as not to require immediate income withholding; or

1568 (b) a written agreement which provides an alternative payment arrangement is executed  
1569 by the obligor and obligee, and reviewed and entered in the record by the court or  
1570 administrative body.

1571 (2) For purposes of this section:

1572 (a) an action on or after January 1, 1994, to reduce child support arrears to judgment,  
1573 without a corresponding establishment of or modification to a base child support amount, is not  
1574 sufficient to trigger immediate income withholding;

1575 (b) [~~"good cause"~~] good cause shall be based on, at a minimum:

1576 (i) a determination and explanation on the record by the court or administrative body  
1577 that implementation of income withholding would not be in the best interest of the child; and

1578 (ii) proof of timely payment of any previously ordered support; and

1579 (c) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in  
1580 addition to any other requirement it considers appropriate, consider whether the obligor has:

1581 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]  
1582 children, or otherwise made arrangements sufficient to guarantee child support payments for at  
1583 least two months;

1584 (ii) arranged to deposit all child support payments into a checking account belonging to  
1585 the obligee, or made arrangements insuring that a reliable and independent record of the date  
1586 and place of child support payments will be maintained; or

1587 (iii) arranged for electronic transfer of funds on a regular basis to meet court-ordered  
1588 child support obligations.

1589 (3) In cases where the court or administrative body that entered the order finds a  
1590 demonstration of good cause or enters a written agreement that immediate income withholding  
1591 is not required, in accordance with this section, any party may subsequently pursue income  
1592 withholding on the earliest of the following dates:

1593 (a) the date payment of child support becomes delinquent;

1594 (b) the date the obligor requests;

1595 (c) the date the obligee requests if a written agreement under Subsection (1)(b) exists;

1596 or

1597 (d) the date the court or administrative body so modifies that order.

1598 (4) The court shall include in every child support order issued or modified on or after  
1599 January 1, 1994, a provision that the income of an obligor is subject to income withholding in  
1600 accordance with this chapter; however, if for any reason that provision is not included in the  
1601 child support order, the obligor's income is nevertheless subject to income withholding.

1602 (5) (a) In any action to establish or modify a child support order after July 1, 1997, the  
1603 court, upon request by the obligee or obligor, shall commence immediate income withholding  
1604 by ordering the clerk of the court or the requesting party to:

1605 (i) mail written notice to the payor at the payor's last-known address that contains the  
1606 information required by Section [26B-9-407](#); and

1607 (ii) mail a copy of the written notice sent to the payor under Subsection (5)(a)(i) and a  
1608 copy of the support order to the office.

1609 (b) If neither the obligee nor obligor requests commencement of income withholding  
1610 under Subsection (5)(a), the court shall include in the order to establish or modify child support  
1611 a provision that the obligor or obligee may commence income withholding by:

1612 (i) applying for IV-D services with the office; or

1613 (ii) filing an ex parte motion with a district court of competent jurisdiction pursuant to  
1614 Section 26B-9-405.

1615 (c) A payor who receives written notice under Subsection (5)(a)(i) shall comply with  
1616 the requirements of Section 26B-9-408.

1617 Section 30. Section 26B-9-405 is amended to read:

1618 **26B-9-405. Procedures for commencing income withholding.**

1619 (1) If income withholding has not been commenced in connection with a child support  
1620 order, an obligee or obligor may commence income withholding by:

1621 (a) applying for IV-D services from the office; or

1622 (b) filing an ex parte motion for income withholding with a district court of competent  
1623 jurisdiction.

1624 (2) The office shall commence income withholding in accordance with Part 3, Income  
1625 Withholding in IV-D Cases, upon receipt of an application for IV-D services under Subsection  
1626 (1)(a).

1627 (3) A court shall grant an ex parte motion to commence income withholding filed  
1628 under Subsection (1)(b) regardless of whether the child support order provided for income  
1629 withholding, if the obligee provides competent evidence showing:

1630 (a) the child support order was issued or modified after January 1, 1994, and the  
1631 obligee or obligor expresses a desire to commence income withholding;

1632 (b) the child support order was issued or modified after January 1, 1994, and the order  
1633 contains a good cause exception to income withholding as provided for in Section 26B-9-403,  
1634 and a delinquency has occurred; or

1635 (c) the child support order was issued or modified before January 1, 1994, and a  
1636 delinquency has occurred.

1637 (4) If a court grants an ex parte motion under Subsection (3), the court shall order the

1638 clerk of the court or the requesting party to:

1639 (a) mail written notice to the payor at the payor's last-known address that contains the  
1640 information required by Section 26B-9-407;

1641 (b) mail a copy of the written notice sent to the payor under Subsection (4)(a) to the  
1642 nonrequesting party's address and a copy of the child support order and the notice to the payor  
1643 to the office; and

1644 (c) if the obligee is the requesting party, send notice to the obligor under Section  
1645 26B-9-207 that includes:

1646 (i) a copy of the notice sent to the payor; and

1647 (ii) information regarding:

1648 (A) the commencement of income withholding; and

1649 (B) the opportunity to contest the withholding or the amount withheld due to mistake  
1650 of fact by filing an objection with the court within 20 days.

1651 (5) A payor who receives written notice under Subsection (4)(a) shall comply with the  
1652 requirements of Section 26B-9-408.

1653 (6) If an obligor contests withholding, the court shall:

1654 (a) provide an opportunity for the obligor to present evidence supporting his claim of a  
1655 mistake of fact;

1656 (b) decide whether income withholding should continue;

1657 (c) notify the parties of the decision; and

1658 (d) at the obligor's option, return or credit toward the most current and future support  
1659 payments of the obligor any amount mistakenly withheld plus interest at the legal rate.

1660 Section 31. Section 26B-9-501 is amended to read:

1661 **26B-9-501. Definitions.**

1662 As used in this part:

1663 (1) "Business day" means the same as that term is defined in Section 26B-9-301.

1664 [(1)] (2) "Child support" [~~is as defined in Section 26B-9-301~~] means the same as that  
1665 term is defined in Section 26B-9-101.

1666 [(2)] (3) "Delinquent on a child support obligation" means that a person:

1667 (a) (i) made no payment for 60 days on a current child support obligation as set forth in  
1668 an administrative or court order;

1669 (ii) after the 60-day period described in Subsection ~~[(2)(a)(i)]~~ (3)(a)(i), failed to make a  
1670 good faith effort under the circumstances to make payment on the child support obligation in  
1671 accordance with the order; and

1672 (iii) has not obtained a judicial order staying enforcement of the person's child support  
1673 obligation, or the amount in arrears; or

1674 (b) (i) made no payment for 60 days on an arrearage obligation of child support as set  
1675 forth in:

1676 (A) a payment schedule;

1677 (B) a written agreement with the office; or

1678 (C) an administrative or judicial order;

1679 (ii) after the 60-day period described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i), failed to make a  
1680 good faith effort under the circumstances to make payment on the child support obligation in  
1681 accordance with the payment schedule, agreement, or order; and

1682 (iii) has not obtained a judicial order staying enforcement of the person's child support  
1683 obligation, or the amount in arrears.

1684 ~~[(3)]~~ (4) "Driver license" means a license, as defined in Section [53-3-102](#).

1685 ~~[(4)]~~ (5) "Driver License Division" means the Driver License Division of the  
1686 Department of Public Safety created in Section [53-3-103](#).

1687 ~~[(5)]~~ (6) "Office" means the Office of Recovery Services.

1688 Section 32. Section **31A-22-610.5** is amended to read:

1689 **31A-22-610.5. Dependent coverage.**

1690 (1) As used in this section, "child" ~~[has the same meaning as defined in Section~~  
1691 [78B-12-102](#) ~~] means the same as that term is defined in Section [81-6-101](#).~~

1692 (2) (a) Any individual or group accident and health insurance policy or managed care  
1693 organization contract that provides coverage for a policyholder's or certificate holder's  
1694 dependent:

1695 (i) may not terminate coverage of an unmarried dependent by reason of the dependent's  
1696 age before the dependent's 26th birthday; and

1697 (ii) shall, upon application, provide coverage for all unmarried dependents up to age  
1698 26.

1699 (b) The cost of coverage for unmarried dependents 19 to 26 years old shall be included

1700 in the premium on the same basis as other dependent coverage.

1701 (c) This section does not prohibit the employer from requiring the employee to pay all  
1702 or part of the cost of coverage for unmarried dependents.

1703 (d) An individual or group health insurance policy or managed care organization shall  
1704 continue in force coverage for a dependent through the last day of the month in which the  
1705 dependent ceases to be a dependent:

1706 (i) if premiums are paid; and

1707 (ii) notwithstanding Sections [31A-22-618.6](#) and [31A-22-618.7](#).

1708 (3) (a) When a parent is required by a court or administrative order to provide health  
1709 insurance coverage for a child, an accident and health insurer may not deny enrollment of a  
1710 child under the accident and health insurance plan of the child's parent on the grounds the  
1711 child:

1712 (i) was born out of wedlock and is entitled to coverage under Subsection (4);

1713 (ii) was born out of wedlock and the custodial parent seeks enrollment for the child  
1714 under the custodial parent's policy;

1715 (iii) is not claimed as a dependent on the parent's federal tax return;

1716 (iv) does not reside with the parent; or

1717 (v) does not reside in the insurer's service area.

1718 (b) A child enrolled as required under Subsection (3)(a)(iv) is subject to the terms of  
1719 the accident and health insurance plan contract pertaining to services received outside of an  
1720 insurer's service area.

1721 (4) When a child has accident and health coverage through an insurer of a noncustodial  
1722 parent, and when requested by the noncustodial or custodial parent, the insurer shall:

1723 (a) provide information to the custodial parent as necessary for the child to obtain  
1724 benefits through that coverage, but the insurer or employer, or the agents or employees of either  
1725 of them, are not civilly or criminally liable for providing information in compliance with this  
1726 Subsection (4)(a), whether the information is provided pursuant to a verbal or written request;

1727 (b) permit the custodial parent or the service provider, with the custodial parent's  
1728 approval, to submit claims for covered services without the approval of the noncustodial  
1729 parent; and

1730 (c) make payments on claims submitted in accordance with Subsection (4)(b) directly



1731 to the custodial parent, the child who obtained benefits, the provider, or the state Medicaid  
1732 agency.

1733 (5) When a parent is required by a court or administrative order to provide health  
1734 coverage for a child, and the parent is eligible for family health coverage, the insurer shall:

1735 (a) permit the parent to enroll, under the family coverage, a child who is otherwise  
1736 eligible for the coverage without regard to an enrollment season restrictions;

1737 (b) if the parent is enrolled but fails to make application to obtain coverage for the  
1738 child, enroll the child under family coverage upon application of the child's other parent, the  
1739 state agency administering the Medicaid program, or the state agency administering 42 U.S.C.  
1740 [Sec.] Secs. 651 through 669, the child support enforcement program; and

1741 (c) (i) when the child is covered by an individual policy, not disenroll or eliminate  
1742 coverage of the child unless the insurer is provided satisfactory written evidence that:

1743 (A) the court or administrative order is no longer in effect; or

1744 (B) the child is or will be enrolled in comparable accident and health coverage through  
1745 another insurer which will take effect not later than the effective date of disenrollment; or

1746 (ii) when the child is covered by a group policy, not disenroll or eliminate coverage of  
1747 the child unless the employer is provided with satisfactory written evidence, which evidence is  
1748 also provided to the insurer, that Subsection (8)(c)(i), (ii), or (iii) has happened.

1749 (6) An insurer may not impose requirements on a state agency that has been assigned  
1750 the rights of an individual eligible for medical assistance under Medicaid and covered for  
1751 accident and health benefits from the insurer that are different from requirements applicable to  
1752 an agent or assignee of any other individual so covered.

1753 (7) Insurers may not reduce their coverage of pediatric vaccines below the benefit level  
1754 in effect on May 1, 1993.

1755 (8) When a parent is required by a court or administrative order to provide health  
1756 coverage, which is available through an employer doing business in this state, the employer  
1757 shall:

1758 (a) permit the parent to enroll under family coverage any child who is otherwise  
1759 eligible for coverage without regard to any enrollment season restrictions;

1760 (b) if the parent is enrolled but fails to make application to obtain coverage of the child,  
1761 enroll the child under family coverage upon application by the child's other parent, by the state

1762 agency administering the Medicaid program, or the state agency administering 42 U.S.C. Sec.  
1763 651 through 669, the child support enforcement program;

1764 (c) not disenroll or eliminate coverage of the child unless the employer is provided  
1765 satisfactory written evidence that:

1766 (i) the court order is no longer in effect;

1767 (ii) the child is or will be enrolled in comparable coverage which will take effect no  
1768 later than the effective date of disenrollment; or

1769 (iii) the employer has eliminated family health coverage for all of its employees; and

1770 (d) withhold from the employee's compensation the employee's share, if any, of  
1771 premiums for health coverage and to pay this amount to the insurer.

1772 (9) An order issued under Section 26B-9-225 may be considered a "qualified medical  
1773 support order" for the purpose of enrolling a [dependent] child in a group accident and health  
1774 insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act  
1775 of 1974.

1776 (10) This section does not affect any insurer's ability to require as a precondition of any  
1777 child being covered under any policy of insurance that:

1778 (a) the parent continues to be eligible for coverage;

1779 (b) the child shall be identified to the insurer with adequate information to comply with  
1780 this section; and

1781 (c) the premium shall be paid when due.

1782 (11) This section applies to employee welfare benefit plans as defined in Section  
1783 26B-3-1001.

1784 (12) (a) A policy that provides coverage to a child of a group member may not deny  
1785 eligibility for coverage to a child solely because:

1786 (i) the child does not reside with the insured; or

1787 (ii) the child is solely dependent on a former spouse of the insured rather than on the  
1788 insured.

1789 (b) A child who does not reside with the insured may be excluded on the same basis as  
1790 a child who resides with the insured.

1791 Section 33. Section 35A-3-307 is amended to read:

1792 **35A-3-307. Cash assistance to a single minor parent.**

1793 (1) The department may provide cash assistance to a single minor parent in accordance  
1794 with this section.

1795 (2) A single minor parent who receives cash assistance under this part shall:

1796 (a) except as provided under Subsection (3), reside in a place of residence maintained  
1797 by a parent, legal guardian, or other adult relative of the single minor parent;

1798 (b) participate in education for parenting and life skills;

1799 (c) participate in infant and child wellness programs approved by the department; and

1800 (d) for at least 20 hours per week:

1801 (i) if the single minor parent does not have a high school diploma, attend high school  
1802 or an alternative to high school;

1803 (ii) participate in education or training; or

1804 (iii) participate in a combination of employment and education or training.

1805 (3) (a) If the department determines that the requirements of Subsection (2)(a) are not  
1806 appropriate for a single minor parent, the department may assist the single minor parent to  
1807 obtain suitable living arrangements, including an adult-supervised living arrangement.

1808 (b) The department may only provide cash assistance to a single minor parent who is  
1809 exempt from the requirements of Subsection (2)(a) if the single minor parent resides in a living  
1810 arrangement that is approved by the department.

1811 (c) The approval by the department of a living arrangement under Subsection (3)(b):

1812 (i) is a means of safeguarding the use of state and federal funds; and

1813 (ii) is not a certification or guarantee of the safety, quality, or condition of the living  
1814 arrangements of the single minor parent.

1815 (4) (a) If a single minor parent resides with a parent, the department shall include the  
1816 income of the parent of the single minor parent in determining the single minor parent's  
1817 eligibility for services under this part.

1818 (b) If a single minor parent receives services under this chapter but does not reside with  
1819 a parent, the department shall seek an order under [~~Title 78B, Chapter 12, Utah Child Support~~  
1820 ~~Act~~] Title 81, Chapter 6, Child Support, requiring the parent of the single minor parent to  
1821 financially support the single minor parent.

1822 (5) The requirements of this section shall be included in a single minor parent's  
1823 employment plan under Section [35A-3-304](#).

1824 Section 34. Section **51-9-408** is amended to read:

1825 **51-9-408. Children's Legal Defense Account.**

1826 (1) There is created a restricted account within the General Fund known as the  
1827 Children's Legal Defense Account.

1828 (2) The purpose of the Children's Legal Defense Account is to provide for programs  
1829 that protect and defend the rights, safety, and quality of life of children.

1830 (3) (a) The Legislature shall appropriate money from the account for the administrative  
1831 and related costs of the following programs:

1832 (i) implementing the [~~Mandatory Educational Course on Children's Needs for~~  
1833 ~~Divorcing Parents relating to the effects of divorce on children as provided in Sections [30-3-4](#),~~  
1834 ~~[30-3-10.3](#), [30-3-11.3](#), and the Mediation Program - Child Custody or Parent-time~~] mandatory  
1835 educational course described in Section [81-4-106](#) and the mediation program for child custody  
1836 and parent-time;

1837 (ii) implementing the use of guardians ad litem in accordance with Sections  
1838 [78A-2-703](#), [78A-2-705](#), [78A-2-803](#), and [78B-3-102](#);

1839 (iii) the training of attorney guardians ad litem and volunteers as provided in Section  
1840 [78A-2-803](#);

1841 (iv) implementing and administering the Expedited Parent-time Enforcement Program  
1842 as provided in Section [~~[30-3-38](#)~~] [81-9-102](#); and

1843 (v) implementing and administering the Divorce Education for Children Program.

1844 (b) The Children's Legal Defense Account may not be used to supplant funding for the  
1845 guardian ad litem program under Section [78A-2-803](#).

1846 (4) The following withheld fees shall be allocated only to the Children's Legal Defense  
1847 Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):

1848 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah  
1849 as provided in Section [17-16-21](#); and

1850 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any  
1851 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

1852 (5) The Division of Finance shall allocate the money described in Subsection (4) from  
1853 the General Fund to the Children's Legal Defense Account.

1854 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30

1855 of any fiscal year shall lapse into the General Fund.

1856 Section 35. Section **58-60-112** is amended to read:

1857 **58-60-112. Reporting of unprofessional or unlawful conduct -- Immunity from**  
1858 **liability -- Reporting conduct of court-appointed therapist.**

1859 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section  
1860 **58-60-102** by a person licensed under this chapter or an individual not licensed under this  
1861 chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary  
1862 action by a licensed health care facility, professional practice group, or professional society, or  
1863 that results in a significant adverse impact upon the public health, safety, or welfare, the  
1864 following shall report the conduct in writing to the division within 10 days after learning of the  
1865 disciplinary action or the conduct unless the individual or person knows it has been reported:

1866 (a) a licensed health care facility or organization in which an individual licensed under  
1867 this chapter engages in practice;

1868 (b) an individual licensed under this chapter; and

1869 (c) a professional society or organization whose membership is individuals licensed  
1870 under this chapter and which has the authority to discipline or expel a member for acts of  
1871 unprofessional or unlawful conduct.

1872 (2) Any individual reporting acts of unprofessional or unlawful conduct by an  
1873 individual licensed under this chapter is immune from liability arising out of the disclosure to  
1874 the extent the individual furnishes the information in good faith and without malice.

1875 (3) (a) As used in this Subsection (3):

1876 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to  
1877 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

1878 (ii) "Domestic case" means a proceeding under:

1879 [~~(A) Title 30, Chapter 3, Divorce;~~]

1880 [~~(B) Title 30, Chapter 4, Separate Maintenance;~~]

1881 [~~(C) Title 30, Chapter 5, Grandparents;~~]

1882 [~~(D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents~~

1883 ~~Act;~~]

1884 [~~(E)~~] (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

1885 [~~(F)~~] (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and

1886 Enforcement Act; [or]

1887 [~~G~~] (C) Title 78B, Chapter 15, Utah Uniform Parentage Act[-];

1888 (D) Title 81, Chapter 4, Dissolution of Marriage; or

1889 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.

1890 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the  
1891 domestic case may not file a report against the court-appointed therapist for unlawful or  
1892 unprofessional conduct during the pendency of the domestic case, unless:

1893 (i) the party has requested that the court release the court-appointed therapist from the  
1894 appointment; and

1895 (ii) the court finds good cause to release the court-appointed therapist from the  
1896 appointment.

1897 Section 36. Section **63G-20-201** is amended to read:

1898 **63G-20-201. Provisions governing solemnizing or recognizing a marriage --**  
1899 **Prohibition against employment actions.**

1900 Notwithstanding any other provision of law, a state or local government or a state or  
1901 local government official may not:

1902 (1) require a religious official, when acting as such, or religious organization to  
1903 solemnize or recognize for ecclesiastical purposes a marriage that is contrary to that religious  
1904 official's or religious organization's religious beliefs;

1905 (2) if the religious official or religious organization is authorized to solemnize a  
1906 marriage by Section [~~30-1-6~~] [81-2-305](#), deny a religious official, when acting as such, or  
1907 religious organization the authority to legally solemnize a legal marriage based on the religious  
1908 official's or religious organization's refusal to solemnize any legal marriage that is contrary to  
1909 the religious official's or religious organization's religious beliefs;

1910 (3) require a religious official, when acting as such, or religious organization to provide  
1911 goods, accommodations, advantages, privileges, services, facilities, or grounds for activities  
1912 connected with the solemnization or celebration of a marriage that is contrary to that religious  
1913 official's or religious organization's religious beliefs; or

1914 (4) require a religious official, when acting as such, or religious organization to  
1915 promote marriage through religious programs, counseling, courses, or retreats in a way that is  
1916 contrary to that religious official's or religious organization's religious beliefs.

1917 Section 37. Section **63I-1-278** is amended to read:

1918 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

1919 (1) Subsections **78A-2-301(4)** and **78A-2-301.5(12)**, regarding the suspension of filing  
1920 fees for petitions for expungement, are repealed on July 1, 2023.

1921 [~~(2) Section **78B-3-421**, regarding medical malpractice arbitration agreements, is~~  
1922 ~~repealed July 1, 2029.~~]

1923 [~~(3)~~] (2) Subsection **78A-7-106(6)**, regarding the transfer of a criminal action involving  
1924 a domestic violence offense from the justice court to the district court, is repealed on July 1,  
1925 2024.

1926 (3) Section **78B-3-421**, regarding medical malpractice arbitration agreements, is  
1927 repealed July 1, 2029.

1928 (4) Section **78B-4-518**, regarding the limitation on employer liability for an employee  
1929 convicted of an offense, is repealed on July 1, 2025.

1930 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,  
1931 2026.

1932 [~~(6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child~~  
1933 ~~Support Guidelines Advisory Committee, is repealed July 1, 2026.~~]

1934 [~~(7)~~] (6) Section **78B-22-805**, regarding the Interdisciplinary Parental Representation  
1935 Pilot Program, is repealed December 31, 2024.

1936 Section 38. Section **63I-1-281** is enacted to read:

1937 **63I-1-281. Repeal dates: Title 81.**

1938 Title 81, Chapter 6, Part 4, Child Support Guidelines Advisory Committee, is repealed  
1939 July 1, 2026.

1940 Section 39. Section **63I-2-278** is amended to read:

1941 **63I-2-278. Repeal dates: Title 78A and Title 78B.**

1942 (1) Section **78A-2-804** is repealed on July 1, 2024.

1943 (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.

1944 (3) If Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from Unfiltered  
1945 Devices, is not in effect before January 1, 2031, Title 78B, Chapter 6, Part 22, Cause of Action  
1946 to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.

1947 [~~(4) Sections **78B-12-301** and **78B-12-302** are repealed on January 1, 2025.~~]

1948 Section 40. Section **63I-2-281** is enacted to read:  
1949 **63I-2-281. Repeal dates: Title 81.**  
1950 Sections [81-6-302](#) and [81-6-303](#) are repealed on January 1, 2025.  
1951 Section 41. Section **63M-15-204** is amended to read:  
1952 **63M-15-204. Commission duties.**  
1953 The commission shall:  
1954 (1) promote coalitions and collaborative efforts to uphold and encourage a strong and  
1955 healthy culture of strong and lasting marriages and stable families;  
1956 (2) contribute to greater awareness of the importance of marriage in an effort to reduce  
1957 divorce and unwed parenthood in the state;  
1958 (3) promote public policies that support marriage;  
1959 (4) promote programs and activities that educate individuals and couples on how to  
1960 achieve strong, successful, and lasting marriages, including promoting and assisting in the  
1961 offering of:  
1962 (a) events;  
1963 (b) classes and services, including those designed to promote strong, healthy, and  
1964 lasting marriages and prevent domestic violence;  
1965 (c) marriage and relationship education conferences for the public and professionals;  
1966 and  
1967 (d) enrichment seminars;  
1968 (5) actively promote measures designed to maintain and strengthen marriage, family,  
1969 and the relationships between spouses and parents and children;  
1970 (6) support volunteerism and private financial contributions and grants in partnership  
1971 with the commission and in support of the commission's purposes and activities for the benefit  
1972 of the state as provided in this section;  
1973 (7) regularly publicize information on premarital counseling and education services  
1974 available in the state that comply with Section [~~30-1-34~~] [81-2-206](#);  
1975 (8) approve an online course meeting the requirements of Section [~~30-1-34~~] [81-2-206](#);  
1976 and  
1977 (9) for purposes of Section [~~30-1-34~~] [81-2-206](#), recognize one or more national  
1978 organizations that certify family life educators.



1979 Section 42. Section **76-8-1201** is amended to read:

1980 **76-8-1201. Definitions.**

1981 As used in this part:

1982 (1) "Client" means a person who receives or has received public assistance.

1983 (2) "Overpayment" has the same meaning as defined in Section [35A-3-102](#).

1984 (3) "Provider" [~~has the same meaning as defined in Section [26B-9-101](#)~~] means a person  
1985 or entity that receives compensation from any public assistance program for goods or services  
1986 provided to a public assistance recipient.

1987 (4) "Public assistance" has the same meaning as defined in Section [35A-1-102](#).

1988 Section 43. Section **77-36-1** is amended to read:

1989 **77-36-1. Definitions.**

1990 As used in this chapter:

1991 (1) "Cohabitant" means the same as that term is defined in Section [78B-7-102](#).

1992 (2) "Department" means the Department of Public Safety.

1993 (3) "Divorced" means an individual who has obtained a divorce under [~~Title 30;~~  
1994 ~~Chapter 3, Divorce~~] Title 81, Chapter 4, Part 4, Divorce.

1995 (4) "Domestic violence" or "domestic violence offense" means any criminal offense  
1996 involving violence or physical harm or threat of violence or physical harm, or any attempt,  
1997 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,  
1998 when committed by one cohabitant against another. "Domestic violence" or "domestic  
1999 violence offense" includes commission or attempt to commit, any of the following offenses by  
2000 one cohabitant against another:

2001 (a) aggravated assault, as described in Section [76-5-103](#);

2002 (b) aggravated cruelty to an animal, as described in Subsection [76-9-301\(4\)](#), with the  
2003 intent to harass or threaten the other cohabitant;

2004 (c) assault, as described in Section [76-5-102](#);

2005 (d) criminal homicide, as described in Section [76-5-201](#);

2006 (e) harassment, as described in Section [76-5-106](#);

2007 (f) electronic communication harassment, as described in Section [76-9-201](#);

2008 (g) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections  
2009 [76-5-301](#), [76-5-301.1](#), and [76-5-302](#);

- 2010 (h) mayhem, as described in Section 76-5-105;
- 2011 (i) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and
- 2012 sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in
- 2013 Sections 76-5b-201 and 76-5b-201.1;
- 2014 (j) stalking, as described in Section 76-5-106.5;
- 2015 (k) unlawful detention or unlawful detention of a minor, as described in Section
- 2016 76-5-304;
- 2017 (l) violation of a protective order or ex parte protective order, as described in Section
- 2018 76-5-108;
- 2019 (m) any offense against property described in Title 76, Chapter 6, Part 1, Property
- 2020 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6,
- 2021 Part 3, Robbery;
- 2022 (n) possession of a deadly weapon with criminal intent, as described in Section
- 2023 76-10-507;
- 2024 (o) discharge of a firearm from a vehicle, near a highway, or in the direction of any
- 2025 person, building, or vehicle, as described in Section 76-10-508;
- 2026 (p) disorderly conduct, as defined in Section 76-9-102, if a conviction or adjudication
- 2027 of disorderly conduct is the result of a plea agreement in which the perpetrator was originally
- 2028 charged with a domestic violence offense otherwise described in this Subsection (4), except
- 2029 that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the
- 2030 manner described in this Subsection (4)(p), does not constitute a misdemeanor crime of
- 2031 domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18
- 2032 U.S.C. Sec. 921 et seq.;
- 2033 (q) child abuse, as described in Section 76-5-114;
- 2034 (r) threatening use of a dangerous weapon, as described in Section 76-10-506;
- 2035 (s) threatening violence, as described in Section 76-5-107;
- 2036 (t) tampering with a witness, as described in Section 76-8-508;
- 2037 (u) retaliation against a witness or victim, as described in Section 76-8-508.3;
- 2038 (v) unlawful distribution of an intimate image, as described in Section 76-5b-203, or
- 2039 unlawful distribution of a counterfeit intimate image, as described in Section 76-5b-205;
- 2040 (w) sexual battery, as described in Section 76-9-702.1;

- 2041 (x) voyeurism, as described in Section [76-9-702.7](#);
- 2042 (y) damage to or interruption of a communication device, as described in Section
- 2043 [76-6-108](#); or
- 2044 (z) an offense described in Subsection [78B-7-806\(1\)](#).
- 2045 (5) "Jail release agreement" means the same as that term is defined in Section
- 2046 [78B-7-801](#).
- 2047 (6) "Jail release court order" means the same as that term is defined in Section
- 2048 [78B-7-801](#).
- 2049 (7) "Marital status" means married and living together, divorced, separated, or not
- 2050 married.
- 2051 (8) "Married and living together" means a couple whose marriage was solemnized
- 2052 under Section [~~30-1-4 or 30-1-6~~] [81-2-305](#) or [81-2-407](#) and who are living in the same
- 2053 residence.
- 2054 (9) "Not married" means any living arrangement other than married and living together,
- 2055 divorced, or separated.
- 2056 (10) "Protective order" includes an order issued under Subsection [78B-7-804\(3\)](#).
- 2057 (11) "Pretrial protective order" means a written order:
- 2058 (a) specifying and limiting the contact a person who has been charged with a domestic
- 2059 violence offense may have with an alleged victim or other specified individuals; and
- 2060 (b) specifying other conditions of release under Section [78B-7-802](#) or [78B-7-803](#),
- 2061 pending trial in the criminal case.
- 2062 (12) "Sentencing protective order" means a written order of the court as part of
- 2063 sentencing in a domestic violence case that limits the contact an individual who is convicted or
- 2064 adjudicated of a domestic violence offense may have with a victim or other specified
- 2065 individuals under Section [78B-7-804](#).
- 2066 (13) "Separated" means a couple who have had their marriage solemnized under
- 2067 Section [~~30-1-4 or 30-1-6~~] [81-2-305](#) or [81-2-407](#) and who are not living in the same residence.
- 2068 (14) "Victim" means a cohabitant who has been subjected to domestic violence.
- 2069 Section 44. Section **77-38-615** is amended to read:
- 2070 **77-38-615. Participation in the program -- Orders in relation to allocation of**
- 2071 **custody or parent-time.**

2072 (1) A court may not consider a parent's participation in the program for the purpose of  
2073 making an order allocating custody [~~under Section 30-3-10 or parent-time under Section~~  
2074 ~~30-3-32~~] or parent-time under Title 81, Chapter 9, Custody, Parent-time, and Visitation.

2075 (2) A court shall take practical measures to keep a program participant's actual address  
2076 confidential when making an order allocating custody or parent-time.

2077 (3) Nothing in this part affects an order relating to the allocation of custody or  
2078 parent-time in effect prior to or during a program participant's participation in the program.

2079 Section 45. Section **78A-2-301** is amended to read:

2080 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

2081 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a  
2082 court of record not governed by another subsection is \$375.

2083 (b) The fee for filing a complaint or petition is:

2084 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,  
2085 interest, and attorney fees is \$2,000 or less;

2086 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,  
2087 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

2088 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

2089 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed [~~under Title~~  
2090 ~~30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;~~] for an action described  
2091 in Title 81, Chapter 4, Dissolution of Marriage;

2092 (v) \$35 for a [~~motion~~] petition for temporary separation [~~order filed under Section~~  
2093 ~~30-3-4.5~~] described in Section 81-4-104;

2094 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender  
2095 Registry under Section ~~77-41-112~~; and

2096 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or  
2097 adoptive child of the petitioner.

2098 (c) The fee for filing a small claims affidavit is:

2099 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,  
2100 interest, and attorney fees is \$2,000 or less;

2101 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,  
2102 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

2103 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,  
2104 interest, and attorney fees is \$7,500 or more.

2105 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party  
2106 complaint, or other claim for relief against an existing or joined party other than the original  
2107 complaint or petition is:

2108 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2109 \$2,000 or less;

2110 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2111 greater than \$2,000 and less than \$10,000;

2112 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is  
2113 \$10,000 or more, or the party seeks relief other than monetary damages; and

2114 (iv) \$130 if the original petition is filed [~~under Title 30, Chapter 3, Divorce, or Title~~  
2115 ~~30, Chapter 4, Separate Maintenance~~] for an action described in Title 81, Chapter 4,  
2116 Dissolution of Marriage.

2117 (e) The fee for filing a small claims counter affidavit is:

2118 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2119 \$2,000 or less;

2120 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2121 greater than \$2,000, but less than \$7,500; and

2122 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2123 \$7,500 or more.

2124 (f) The fee for depositing funds under Section 57-1-29 when not associated with an  
2125 action already before the court is determined under Subsection (1)(b) based on the amount  
2126 deposited.

2127 (g) The fee for filing a petition is:

2128 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims  
2129 department; and

2130 (ii) \$80 for an appeal of a municipal administrative determination in accordance with  
2131 Section 10-3-703.7.

2132 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
2133 petition for writ of certiorari is \$240.

- 2134 (i) The fee for filing a petition for expungement is \$150.
- 2135 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
2136 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'  
2137 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'  
2138 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement  
2139 Act.
- 2140 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be  
2141 allocated by the state treasurer to be deposited into the restricted account, Children's Legal  
2142 Defense Account, as provided in Section 51-9-408.
- 2143 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),  
2144 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided  
2145 in Section 78B-6-209.
- 2146 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),  
2147 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be  
2148 deposited into the restricted account, Court Security Account, as provided in Section  
2149 78A-2-602.
- 2150 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)  
2151 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the restricted account,  
2152 Court Security Account, as provided in Section 78A-2-602.
- 2153 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
2154 United States is \$35.
- 2155 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is  
2156 50% of the fee for filing an original action seeking the same relief.
- 2157 (m) The fee for filing probate or child custody documents from another state is \$35.
- 2158 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the  
2159 State Tax Commission is \$30.
- 2160 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state  
2161 or a judgment, order, or decree of an administrative agency, commission, board, council, or  
2162 hearing officer of this state or of its political subdivisions other than the State Tax  
2163 Commission, is \$50.
- 2164 (o) The fee for filing a judgment by confession without action under Section

2165 [78B-5-205](#) is \$35.

2166 (p) The fee for filing an award of arbitration for confirmation, modification, or  
2167 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
2168 action before the court is \$35.

2169 (q) The fee for filing a petition or counter-petition to modify a domestic relations order  
2170 other than a protective order or stalking injunction is \$100.

2171 (r) The fee for filing any accounting required by law is:

2172 (i) \$15 for an estate valued at \$50,000 or less;

2173 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

2174 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

2175 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

2176 (v) \$175 for an estate valued at more than \$168,000.

2177 (s) The fee for filing a demand for a civil jury is \$250.

2178 (t) The fee for filing a notice of deposition in this state concerning an action pending in  
2179 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

2180 (u) The fee for filing documents that require judicial approval but are not part of an  
2181 action before the court is \$35.

2182 (v) The fee for a petition to open a sealed record is \$35.

2183 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in  
2184 addition to any fee for a complaint or petition.

2185 (x) (i) The fee for a petition for authorization for a minor to marry required by Section  
2186 ~~[30-1-9]~~ [81-2-304](#) is \$5.

2187 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,  
2188 Emancipation, is \$50.

2189 (y) The fee for a certificate issued under Section [26B-8-128](#) is \$8.

2190 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per  
2191 page.

2192 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents  
2193 per page.

2194 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of  
2195 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,

2196 Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc)  
2197 shall be credited to the court as a reimbursement of expenditures.

2198 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of  
2199 the public to conduct a limited amount of searches on the Xchange database without having to  
2200 pay a monthly subscription fee.

2201 (dd) There is no fee for services or the filing of documents not listed in this section or  
2202 otherwise provided by law.

2203 (ee) Except as provided in this section, all fees collected under this section are paid to  
2204 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk  
2205 accepts the pleading for filing or performs the requested service.

2206 (ff) The filing fees under this section may not be charged to the state, the state's  
2207 agencies, or political subdivisions filing or defending any action. In judgments awarded in  
2208 favor of the state, its agencies, or political subdivisions, except the Office of Recovery  
2209 Services, the court shall order the filing fees and collection costs to be paid by the judgment  
2210 debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit  
2211 to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

2212 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall  
2213 transfer all revenues representing the difference between the fees in effect after May 2, 1994,  
2214 and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities  
2215 Construction and Management Capital Projects Fund.

2216 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities  
2217 Construction and Management shall use up to \$3,750,000 of the revenue deposited into the  
2218 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to  
2219 initiate the development of a courts complex in Salt Lake City.

2220 (B) If the Legislature approves funding for construction of a courts complex in Salt  
2221 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and  
2222 Management shall use the revenue deposited into the Capital Projects Fund under this  
2223 Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

2224 (C) After the courts complex is completed and all bills connected with its construction  
2225 have been paid, the Division of Facilities Construction and Management shall use any money  
2226 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal



2227 District Court building.

2228 (iii) The Division of Facilities Construction and Management may enter into  
2229 agreements and make expenditures related to this project before the receipt of revenues  
2230 provided for under this Subsection (2)(a)(iii).

2231 (iv) The Division of Facilities Construction and Management shall:

2232 (A) make those expenditures from unexpended and unencumbered building funds  
2233 already appropriated to the Capital Projects Fund; and

2234 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for  
2235 under this Subsection (2).

2236 (b) After June 30, 1998, the state court administrator shall ensure that all revenues  
2237 representing the difference between the fees in effect after May 2, 1994, and the fees in effect  
2238 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
2239 account.

2240 (c) The Division of Finance shall deposit all revenues received from the state court  
2241 administrator into the restricted account created by this section.

2242 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall  
2243 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor  
2244 Vehicles, in a court of record to the Division of Facilities Construction and Management  
2245 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be  
2246 calculated on the balance of the fine or bail forfeiture paid.

2247 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7  
2248 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a  
2249 court of record to the Division of Finance for deposit in the restricted account created by this  
2250 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the  
2251 balance of the fine or bail forfeiture paid.

2252 (3) (a) There is created within the General Fund a restricted account known as the State  
2253 Courts Complex Account.

2254 (b) The Legislature may appropriate money from the restricted account to the state  
2255 court administrator for the following purposes only:

2256 (i) to repay costs associated with the construction of the court complex that were  
2257 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

2258 (ii) to cover operations and maintenance costs on the court complex.

2259 Section 46. Section **78A-5a-103 (Effective 10/01/24)** is amended to read:

2260 **78A-5a-103 (Effective 10/01/24). Concurrent jurisdiction of the Business and**  
2261 **Chancery Court -- Exceptions.**

2262 (1) The Business and Chancery Court has jurisdiction, concurrent with the district  
2263 court, over an action:

2264 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief;  
2265 and

2266 (b) (i) with a claim arising from:

2267 (A) a breach of a contract;

2268 (B) a breach of a fiduciary duty;

2269 (C) a dispute over the internal affairs or governance of a business organization;

2270 (D) the sale, merger, or dissolution of a business organization;

2271 (E) the sale of substantially all of the assets of a business organization;

2272 (F) the receivership or liquidation of a business organization;

2273 (G) a dispute over liability or indemnity between or among owners of the same  
2274 business organization;

2275 (H) a dispute over liability or indemnity of an officer or owner of a business  
2276 organization;

2277 (I) a tortious or unlawful act committed against a business organization, including an  
2278 act of unfair competition, tortious interference, or misrepresentation or fraud;

2279 (J) a dispute between a business organization and an insurer regarding a commercial  
2280 insurance policy;

2281 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

2282 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform Trade  
2283 Secrets Act;

2284 (M) the misappropriation of intellectual property;

2285 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or  
2286 confidentiality agreement, regardless of whether the agreement is oral or written;

2287 (O) a relationship between a franchisor and a franchisee;

2288 (P) the purchase or sale of a security or an allegation of security fraud;

2289 (Q) a dispute over a blockchain, blockchain technology, or a decentralized autonomous  
2290 organization;

2291 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or

2292 (S) a contract with a forum selection clause for a chancery, business, or commercial  
2293 court of this state or any other state;

2294 (ii) with a malpractice claim concerning services that a professional provided to a  
2295 business organization; or

2296 (iii) that is a shareholder derivative action.

2297 (2) The Business and Chancery Court may exercise supplemental jurisdiction over all  
2298 claims in an action that the Business and Chancery Court has jurisdiction under Subsection (1),  
2299 except that the Business and Chancery Court may not exercise jurisdiction over:

2300 (a) any claim arising from:

2301 (i) a consumer contract;

2302 (ii) a personal injury, including any personal injury relating to or arising out of health  
2303 care rendered or which should have been rendered by the health care provider;

2304 (iii) a wrongful termination of employment or a prohibited or discriminatory  
2305 employment practice;

2306 (iv) a violation of Title 13, Chapter 7, Civil Rights;

2307 [~~(v)~~ Title 30, Husband and Wife;]

2308 [~~(vi)~~] (v) Title 63G, Chapter 4, Administrative Procedures Act;

2309 [~~(vii)~~] (vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;

2310 [~~(viii)~~] (vii) Title 78B, Chapter 6, Part 5, Eminent Domain;

2311 [~~(ix)~~] (viii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer;

2312 [~~(x)~~] (ix) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

2313 [~~(xi)~~ Title 78B, Chapter 12, Utah Child Support Act;]

2314 [~~(xii)~~] (x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
2315 Enforcement Act;

2316 [~~(xiii)~~] (xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;

2317 [~~(xiv)~~] (xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;

2318 [~~(xv)~~] (xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act; [~~or~~]

2319 [~~(xvi)~~] (xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time,

2320 and Visitation Act; or

2321 (xv) Title 81, Utah Domestic Relations Code; or

2322 (b) any criminal matter, unless the criminal matter is an act or omission of contempt  
2323 that occurs in an action before the Business and Chancery Court.

2324 Section 47. Section **78A-6-103** is amended to read:

2325 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**  
2326 **Findings -- Transfer of a case from another court.**

2327 (1) Except as otherwise provided by Sections [78A-5-102.5](#) and [78A-7-106](#), the juvenile  
2328 court has original jurisdiction over:

2329 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
2330 state, or federal law, that was committed by a child;

2331 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
2332 state, or federal law, that was committed by an individual:

2333 (i) who is under 21 years old at the time of all court proceedings; and

2334 (ii) who was under 18 years old at the time the offense was committed; and

2335 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state  
2336 law, that was committed:

2337 (i) by an individual:

2338 (A) who was 18 years old and enrolled in high school at the time of the offense; and

2339 (B) who is under 21 years old at the time of all court proceedings; and

2340 (ii) on school property where the individual was enrolled:

2341 (A) when school was in session; or

2342 (B) during a school-sponsored activity, as defined in Subsection Section [53G-8-211](#).

2343 (2) The juvenile court has original jurisdiction over:

2344 (a) any proceeding concerning:

2345 (i) a child who is an abused child, neglected child, or dependent child;

2346 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child  
2347 Protective Orders;

2348 (iii) the appointment of a guardian of the individual or other guardian of a minor who  
2349 comes within the court's jurisdiction under other provisions of this section;

2350 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

- 2351 (v) the termination of parental rights in accordance with Title 80, Chapter 4,  
2352 Termination and Restoration of Parental Rights, including termination of residual parental  
2353 rights and duties;
- 2354 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 2355 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in  
2356 accordance with Section ~~[30-1-9]~~ 81-2-304;
- 2357 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 2358 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 2359 (x) the treatment or commitment of a child with a mental illness;
- 2360 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with  
2361 Section 26B-5-204;
- 2362 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,  
2363 Part 4, Competency;
- 2364 (xiii) de novo review of final agency actions resulting from an informal adjudicative  
2365 proceeding as provided in Section 63G-4-402;
- 2366 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,  
2367 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order  
2368 terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 2369 (xv) an ungovernable or runaway child who is referred to the juvenile court by the  
2370 Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the  
2371 Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- 2372 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that  
2373 the child's behavior or condition endangers the child's own welfare or the welfare of others; or  
2374 (B) has run away from home; and
- 2375 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an  
2376 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to  
2377 comply with a promise to appear and bring a child to the juvenile court;
- 2378 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and  
2379 Expungement; and
- 2380 (c) the extension of a nonjudicial adjustment under Section 80-6-304.
- 2381 (3) The juvenile court has original jurisdiction over a petition for special findings under

2382 Section 80-3-505.

2383 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the  
2384 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection  
2385 (2)(a)(xvi), (b), or (c).

2386 (5) This section does not restrict the right of access to the juvenile court by private  
2387 agencies or other persons.

2388 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases  
2389 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

2390 (7) The juvenile court has jurisdiction to make a finding of substantiated,  
2391 unsubstantiated, or without merit, in accordance with Section 80-3-404.

2392 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by  
2393 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

2394 Section 48. Section 78A-6-104 is amended to read:

2395 **78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a**  
2396 **protective order.**

2397 (1) (a) The juvenile court has jurisdiction, concurrent with the district court:

2398 (i) to establish paternity, or to order testing for purposes of establishing paternity, for a  
2399 child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, when a  
2400 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency  
2401 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights, that  
2402 involves the child;

2403 (ii) over a petition to modify a minor's birth certificate if the juvenile court has  
2404 jurisdiction over the minor's case under Section 78A-6-103; and

2405 (iii) over questions of custody, support, and parent-time of a minor if the juvenile court  
2406 has jurisdiction over the minor's case under Section 78A-6-103.

2407 (b) If the juvenile court obtains jurisdiction over a paternity action under Subsection  
2408 (1)(a)(i), the juvenile court may:

2409 (i) retain jurisdiction over the paternity action until paternity of the child is adjudicated;  
2410 or

2411 (ii) transfer jurisdiction over the paternity action to the district court.

2412 (2) (a) The juvenile court has jurisdiction, concurrent with the district court or the

2413 justice court otherwise having jurisdiction, over a criminal information filed under Part 4a,  
2414 Adult Criminal Proceedings, for an adult alleged to have committed:

2415 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to a  
2416 minor;

2417 (ii) an offense under Section 53G-6-202, failure to comply with compulsory education  
2418 requirements;

2419 (iii) an offense under Section 80-2-609, failure to report;

2420 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;

2421 (v) an offense under Section 76-10-2301, contributing to the delinquency of a minor; or

2422 (vi) an offense under Section 80-5-601, harboring a runaway.

2423 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the  
2424 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection  
2425 (2)(a).

2426 (3) (a) When a support, custody, or parent-time award has been made by a district court  
2427 in a divorce action or other proceeding, and the jurisdiction of the district court in the case is  
2428 continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the  
2429 child comes within the jurisdiction of the juvenile court under Section 78A-6-103.

2430 (b) (i) The juvenile court may, by order, change the custody subject to Subsection  
2431 [~~30-3-10(6)~~] 81-9-204(5), support, parent-time, and visitation rights previously ordered in the  
2432 district court as necessary to implement the order of the juvenile court for the safety and  
2433 welfare of the child.

2434 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long  
2435 as the juvenile court continues to exercise jurisdiction.

2436 (c) If a copy of the findings and order of the juvenile court under this Subsection (3)  
2437 are filed with the district court, the findings and order of the juvenile court are binding on the  
2438 parties to the divorce action as though entered in the district court.

2439 (4) This section does not deprive the district court of jurisdiction to:

2440 (a) appoint a guardian for a child;

2441 (b) determine the support, custody, and parent-time of a child upon writ of habeas  
2442 corpus; or

2443 (c) determine a question of support, custody, and parent-time that is incidental to the

2444 determination of an action in the district court.

2445 (5) A juvenile court may transfer a petition for a protective order for a child to the  
2446 district court if the juvenile court has entered an ex parte protective order and finds that:

2447 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step  
2448 parent of the child who is the object of the petition;

2449 (b) the district court has a petition pending or an order related to custody or parent-time  
2450 entered under [~~Title 30, Chapter 3, Divorce,~~] Title 78B, Chapter 7, Part 6, Cohabitant Abuse  
2451 Protective Orders, [~~or~~] Title 78B, Chapter 15, Utah Uniform Parentage Act, or Title 81,  
2452 Chapter 4, Part 4, Divorce, in which the petitioner and the respondent are parties; and

2453 (c) the best interests of the child will be better served in the district court.

2454 Section 49. Section **78A-6-356** is amended to read:

2455 **78A-6-356. Child support obligation when custody of a child is vested in an**  
2456 **individual or institution.**

2457 (1) As used in this section:

2458 (a) "Office" means the Office of Recovery Services.

2459 (b) "State custody" means that a child is in the custody of a state department, division,  
2460 or agency, including secure care.

2461 (2) Under this section, a juvenile court may not issue a child support order against an  
2462 individual unless:

2463 (a) the individual is served with notice that specifies the date and time of a hearing to  
2464 determine the financial support of a specified child;

2465 (b) the individual makes a voluntary appearance; or

2466 (c) the individual submits a waiver of service.

2467 (3) Except as provided in Subsection (11), when a juvenile court places a child in state  
2468 custody or if the guardianship of the child has been granted to another party and an agreement  
2469 for a guardianship subsidy has been signed by the guardian, the juvenile court:

2470 (a) shall order the child's parent, guardian, or other obligated individual to pay child  
2471 support for each month the child is in state custody or cared for under a grant of guardianship;

2472 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and  
2473 in writing, of the requirement to pay child support in accordance with [~~Title 78B, Chapter 12,~~  
2474 ~~Utah Child Support Act~~] Title 81, Chapter 6, Child Support; and



2475 (c) may refer the establishment of a child support order to the office.  
2476 (4) When a juvenile court chooses to refer a case to the office to determine support  
2477 obligation amounts in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title  
2478 81, Chapter 6, Child Support, the juvenile court shall:  
2479 (a) make the referral within three working days after the day on which the juvenile  
2480 court holds the hearing described in Subsection (2)(a); and  
2481 (b) inform the child's parent, guardian, or other obligated individual of:  
2482 (i) the requirement to contact the office within 30 days after the day on which the  
2483 juvenile court holds the hearing described in Subsection (2)(a); and  
2484 (ii) the penalty described in Subsection (6) for failure to contact the office.  
2485 (5) Liability for child support ordered under Subsection (3) shall accrue:  
2486 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which  
2487 the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child  
2488 support order for the child; or  
2489 (b) beginning on the day the child is removed from the child's home, including time  
2490 spent in detention or sheltered care, if the child is removed after having been returned to the  
2491 child's home from state custody.  
2492 (6) (a) If the child's parent, guardian, or other obligated individual contacts the office  
2493 within 30 days after the day on which the court holds the hearing described in Subsection  
2494 (2)(a), the child support order may not include a judgment for past due support for more than  
2495 two months.  
2496 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the  
2497 liability of support to begin to accrue from the date of the proceeding referenced in Subsection  
2498 (3) if:  
2499 (i) the court informs the child's parent, guardian, or other obligated individual, as  
2500 described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to  
2501 contact the office within 30 days after the day on which the court holds the hearing described in  
2502 Subsection (2)(a); and  
2503 (ii) the office took reasonable steps under the circumstances to contact the child's  
2504 parent, guardian, or other obligated individual within 30 days after the last day on which the  
2505 parent, guardian, or other obligated individual was required to contact the office to facilitate the

2506 establishment of a child support order.

2507 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken  
2508 reasonable steps if the office:

2509 (i) has a signed, returned receipt for a certified letter mailed to the address of the child's  
2510 parent, guardian, or other obligated individual regarding the requirement that a child support  
2511 order be established; or

2512 (ii) has had a documented conversation, whether by telephone or in person, with the  
2513 child's parent, guardian, or other obligated individual regarding the requirement that a child  
2514 support order be established.

2515 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a  
2516 payment schedule or demanding payment in full.

2517 (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated  
2518 individual shall pay the child support to the office.

2519 (b) The clerk of the juvenile court, the office, or the department and the department's  
2520 divisions shall have authority to receive periodic payments for the care and maintenance of the  
2521 child, such as social security payments or railroad retirement payments made in the name of or  
2522 for the benefit of the child.

2523 (9) An existing child support order payable to a parent or other individual shall be  
2524 assigned to the department as provided in Section 26B-9-111.

2525 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by  
2526 the juvenile court in an individual.

2527 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the  
2528 court may order the child's parent, guardian, or other obligated individual to pay child support  
2529 to the individual in whom custody is vested.

2530 (ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian,  
2531 or other obligated individual, verbally and in writing, of the requirement to pay child support in  
2532 accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child  
2533 Support.

2534 (11) The juvenile court may not order an individual to pay child support for a child in  
2535 state custody if:

2536 (a) the individual's only form of income is a government-issued disability benefit;

2537 (b) the benefit described in Subsection (11)(a) is issued because of the individual's  
2538 disability, and not the child's disability; and

2539 (c) the individual provides the juvenile court and the office evidence that the individual  
2540 meets the requirements of Subsections (11)(a) and (b).

2541 (12) (a) The child's parent or another obligated individual is not responsible for child  
2542 support for the period of time that the child is removed from the child's home by the Division  
2543 of Child and Family Services if:

2544 (i) the juvenile court finds that there were insufficient grounds for the removal of the  
2545 child; and

2546 (ii) the child is returned to the home of the child's parent or guardian based on the  
2547 finding described in Subsection (12)(a)(i).

2548 (b) If the juvenile court finds insufficient grounds for the removal of the child under  
2549 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court shall order  
2550 that the child's parent or another obligated individual is responsible for child support beginning  
2551 on the day on which it became improper to return the child to the home of the child's parent or  
2552 guardian.

2553 (13) After the juvenile court or the office establishes an individual's child support  
2554 obligation ordered under Subsection (3), the office shall waive the obligation without further  
2555 order of the juvenile court if:

2556 (a) the individual's child support obligation is established [~~under the low income table~~  
2557 ~~in Section 78B-12-302 or 78B-12-304~~] in accordance with a low income table described in  
2558 Title 81, Chapter 6, Part 3, Child Support Tables; or

2559 (b) the individual's only source of income is a means-tested, income replacement  
2560 payment of aid, including:

2561 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
2562 Program; or

2563 (ii) cash benefits received under General Assistance, social security income, or social  
2564 security disability income.

2565 Section 50. Section **78B-3-416** is amended to read:

2566 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**  
2567 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**

2568 fees.

2569 (1) (a) The division shall provide a hearing panel in alleged medical liability cases  
2570 against health care providers as defined in Section 78B-3-403, except dentists or dental care  
2571 providers.

2572 (b) (i) The division shall establish procedures for prelitigation consideration of medical  
2573 liability claims for damages arising out of the provision of or alleged failure to provide health  
2574 care.

2575 (ii) The division may establish rules necessary to administer the process and  
2576 procedures related to prelitigation hearings and the conduct of prelitigation hearings in  
2577 accordance with Sections 78B-3-416 through 78B-3-420.

2578 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter  
2579 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing  
2580 litigation.

2581 (d) Proceedings conducted under authority of this section are confidential, privileged,  
2582 and immune from civil process.

2583 (e) The division may not provide more than one hearing panel for each alleged medical  
2584 liability case against a health care provider.

2585 (2) (a) The party initiating a medical liability action shall file a request for prelitigation  
2586 panel review with the division within 60 days after the service of a statutory notice of intent to  
2587 commence action under Section 78B-3-412.

2588 (b) The request shall include a copy of the notice of intent to commence action. The  
2589 request shall be mailed to all health care providers named in the notice and request.

2590 (3) (a) As used in this Subsection (3):

2591 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to  
2592 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

2593 (ii) "Domestic case" means a proceeding under:

2594 [~~(A) Title 30, Chapter 3, Divorce;~~]

2595 [~~(B) Title 30, Chapter 4, Separate Maintenance;~~]

2596 [~~(C) Title 30, Chapter 5, Grandparents;~~]

2597 [~~(D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents~~  
2598 ~~Act;~~]

- 2599           ~~[(E)]~~ (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- 2600           ~~[(F)]~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
- 2601 Enforcement Act; ~~[or]~~
- 2602           ~~[(G)]~~ (C) Title 78B, Chapter 15, Utah Uniform Parentage Act~~[-]~~;
- 2603           (D) Title 81, Chapter 4, Dissolution of Marriage; or
- 2604           (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.
- 2605           (iii) "Mental health therapist" means the same as that term is defined in Section
- 2606 58-60-102.
- 2607           (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
- 2608 domestic case may not file a request for a prelitigation panel review for a malpractice action
- 2609 against the court-appointed therapist during the pendency of the domestic case, unless:
- 2610           (i) the party has requested that the court release the court-appointed therapist from
- 2611 appointment; and
- 2612           (ii) the court finds good cause to release the court-appointed therapist from the
- 2613 appointment.
- 2614           (c) If a party is prohibited from filing a request for a prelitigation panel review under
- 2615 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:
- 2616           (i) the court releasing the court-appointed therapist from appointment as described in
- 2617 Subsection (3)(b); or
- 2618           (ii) the court entering a final order in the domestic case.
- 2619           (4) (a) The filing of a request for prelitigation panel review under this section tolls the
- 2620 applicable statute of limitations until the later of:
- 2621           (i) 60 days following the division's issuance of:
- 2622           (A) an opinion by the prelitigation panel; or
- 2623           (B) a certificate of compliance under Section 78B-3-418; or
- 2624           (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).
- 2625           (b) The division shall:
- 2626           (i) send any opinion issued by the panel to all parties by regular mail; and
- 2627           (ii) complete a prelitigation hearing under this section within:
- 2628           (A) 180 days after the filing of the request for prelitigation panel review; or
- 2629           (B) any longer period as agreed upon in writing by all parties to the review.

2630 (c) If the prelitigation hearing has not been completed within the time limits  
2631 established in Subsection (4)(b)(ii), the claimant shall:  
2632 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or  
2633 (ii) file an affidavit with the division within 180 days of the request for pre-litigation  
2634 review, in accordance with Subsection (4)(d), alleging that the respondent has failed to  
2635 reasonably cooperate in scheduling the hearing.

2636 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):  
2637 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division  
2638 shall determine whether either the respondent or the claimant failed to reasonably cooperate in  
2639 the scheduling of a pre-litigation hearing; and  
2640 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in the  
2641 scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division  
2642 shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418;  
2643 or  
2644 (B) if the division makes a determination other than the determination in Subsection  
2645 (4)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423,  
2646 within 30 days of the determination of the division under this Subsection (4).

2647 (e) (i) The claimant and any respondent may agree by written stipulation that no useful  
2648 purpose would be served by convening a prelitigation panel under this section.  
2649 (ii) When the stipulation is filed with the division, the division shall within 10 days  
2650 after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the  
2651 stipulating respondent, and stating that the claimant has complied with all conditions precedent  
2652 to the commencement of litigation regarding the claim.

2653 (5) The division shall provide for and appoint an appropriate panel or panels to hear  
2654 complaints of medical liability and damages, made by or on behalf of any patient who is an  
2655 alleged victim of medical liability. The panels are composed of:  
2656 (a) one member who is a resident lawyer currently licensed and in good standing to  
2657 practice law in this state and who shall serve as chairman of the panel, who is appointed by the  
2658 division from among qualified individuals who have registered with the division indicating a  
2659 willingness to serve as panel members, and a willingness to comply with the rules of  
2660 professional conduct governing lawyers in the state, and who has completed division training

2661 regarding conduct of panel hearings;

2662 (b) (i) one or more members who are licensed health care providers listed under  
2663 Section 78B-3-403, who are practicing and knowledgeable in the same specialty as the  
2664 proposed defendant, and who are appointed by the division in accordance with Subsection (6);  
2665 or

2666 (ii) in claims against only a health care facility or the facility's employees, one member  
2667 who is an individual currently serving in a health care facility administration position directly  
2668 related to health care facility operations or conduct that includes responsibility for the area of  
2669 practice that is the subject of the liability claim, and who is appointed by the division; and

2670 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care  
2671 provider, and who is a responsible citizen of the state, selected and appointed by the division  
2672 from among individuals who have completed division training with respect to panel hearings.

2673 (6) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing  
2674 under a license issued by the state, is obligated as a condition of holding that license to  
2675 participate as a member of a medical liability prelitigation panel at reasonable times, places,  
2676 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the  
2677 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

2678 (b) A licensee may be excused from appearance and participation as a panel member  
2679 upon the division finding participation by the licensee will create an unreasonable burden or  
2680 hardship upon the licensee.

2681 (c) A licensee whom the division finds failed to appear and participate as a panel  
2682 member when so ordered, without adequate explanation or justification and without being  
2683 excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

2684 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and  
2685 participate as a panel member when so ordered, without adequate explanation or justification  
2686 and without being excused for cause by the division, may be assessed an administrative fine not  
2687 to exceed \$5,000, and is guilty of unprofessional conduct.

2688 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the  
2689 Physicians Education Fund created in Section 58-67a-1.

2690 (f) The director of the division may collect a fine that is not paid by:

2691 (i) referring the matter to a collection agency; or

2692 (ii) bringing an action in the district court of the county where the person against whom  
2693 the penalty is imposed resides or in the county where the office of the director is located.

2694 (g) A county attorney or the attorney general of the state shall provide legal assistance  
2695 and advice to the director in an action to collect a fine.

2696 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an  
2697 action brought by the division to collect a fine.

2698 (7) Each person selected as a panel member shall certify, under oath, that he has no  
2699 bias or conflict of interest with respect to any matter under consideration.

2700 (8) A member of the prelitigation hearing panel may not receive compensation or  
2701 benefits for the member's service, but may receive per diem and travel expenses in accordance  
2702 with:

2703 (a) Section [63A-3-106](#);

2704 (b) Section [63A-3-107](#); and

2705 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2706 [63A-3-107](#).

2707 (9) (a) In addition to the actual cost of administering the licensure of health care  
2708 providers, the division may set license fees of health care providers within the limits  
2709 established by law equal to their proportionate costs of administering prelitigation panels.

2710 (b) The claimant bears none of the costs of administering the prelitigation panel except  
2711 under Section [78B-3-420](#).

2712 Section 51. Section **78B-3-426** is amended to read:

2713 **78B-3-426. Nonpatient plaintiffs.**

2714 (1) For purposes of this section, a nonpatient plaintiff does not include a patient, as  
2715 defined in [~~Subsection [78B-3-403\(23\)](#)] Section [78B-3-403](#).~~

2716 (2) This section does not apply to a health care malpractice action brought or seeking  
2717 recovery under Section [~~30-2-11;~~] [78B-3-106](#), [78B-3-107](#), [~~or~~] [78B-3-502](#), or [81-3-111](#).

2718 (3) To establish a malpractice action against a health care provider, a nonpatient  
2719 plaintiff shall be required to show that:

2720 (a) the health care provider owes a duty to the nonpatient plaintiff;

2721 (b) the nonpatient plaintiff suffered a foreseeable injury;

2722 (c) the nonpatient plaintiff's injury was proximately caused by an act or omission of the



2723 health care provider; and

2724 (d) the health care provider's act or omission was conduct that manifests a knowing and  
2725 reckless indifference toward, and a disregard of, the injury suffered by the nonpatient plaintiff.

2726 Section 52. Section **78B-6-316** is amended to read:

2727 **78B-6-316. Compensatory service for violation of parent-time order or failure to**  
2728 **pay child support.**

2729 (1) As used in this section, "obligor" means the same as that term is defined in Section  
2730 81-6-101.

2731 [(1)] (2) If a court finds by a preponderance of the evidence that a parent has refused to  
2732 comply with the minimum amount of parent-time ordered in a decree of divorce, the court shall  
2733 order the parent to:

2734 (a) perform a minimum of 10 hours of compensatory service; and

2735 (b) participate in workshops, classes, or individual counseling to educate the parent  
2736 about the importance of complying with the court order and providing a child a continuing  
2737 relationship with both parents.

2738 [(2)] (3) If a custodial parent is ordered to perform compensatory service or undergo  
2739 court-ordered education, there is a rebuttable presumption that the noncustodial parent be  
2740 granted parent-time by the court to provide child care during the time the custodial parent is  
2741 complying with compensatory service or education in order to recompense him for parent-time  
2742 wrongfully denied by the custodial parent under the divorce decree.

2743 [(3)] (4) If a noncustodial parent is ordered to perform compensatory service or  
2744 undergo court-ordered education, the court shall attempt to schedule the compensatory service  
2745 or education at times that will not interfere with the noncustodial parent's parent-time with the  
2746 child.

2747 [(4)] (5) The person ordered to participate in court-ordered education is responsible for  
2748 expenses of workshops, classes, and individual counseling.

2749 [(5)] (6) If a court finds by a preponderance of the evidence that an obligor~~[, as defined~~  
2750 ~~in Section 78B-12-102;]~~ has refused to pay child support as ordered by a court in accordance  
2751 with ~~[Title 78B, Chapter 12, Utah Child Support Act]~~ Title 81, Chapter 6, Child Support, the  
2752 court shall order the obligor to:

2753 (a) perform a minimum of 10 hours of compensatory service; and

2754 (b) participate in workshops, classes, or individual counseling to educate the obligor  
2755 about the importance of complying with the court order and providing the children with a  
2756 regular and stable source of support.

2757 [~~(6)~~] (7) The obligor is responsible for the expenses of workshops, classes, and  
2758 individual counseling ordered by the court.

2759 [(7)] (8) If a court orders an obligor to perform compensatory service or undergo  
2760 court-ordered education, the court shall attempt to schedule the compensatory service or  
2761 education at times that will not interfere with the obligor's parent-time with the child.

2762 [(8)] (9) The sanctions that the court shall impose under this section do not prevent the  
2763 court from imposing other sanctions or prevent any person from bringing a cause of action  
2764 allowed under state or federal law.

2765 [(9)] (10) The Legislature shall allocate the money from the Children's Legal Defense  
2766 Account to the judiciary to defray the cost of enforcing and administering this section.

2767 Section 53. Section **78B-7-204** is amended to read:

2768 **78B-7-204. Content of orders -- Modification of orders -- Penalties.**

2769 (1) A child protective order or an ex parte child protective order may contain the  
2770 following provisions the violation of which is a class A misdemeanor under Section [76-5-108](#):

2771 (a) enjoin the respondent from threatening to commit or committing abuse of the child;

2772 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise  
2773 communicating with the child, directly or indirectly;

2774 (c) prohibit the respondent from entering or remaining upon the residence, school, or  
2775 place of employment of the child and the premises of any of these or any specified place  
2776 frequented by the child;

2777 (d) upon finding that the respondent's use or possession of a weapon may pose a  
2778 serious threat of harm to the child, prohibit the respondent from purchasing, using, or  
2779 possessing a firearm or other specified weapon; and

2780 (e) determine ownership and possession of personal property and direct the appropriate  
2781 law enforcement officer to attend and supervise the petitioner's or respondent's removal of  
2782 personal property.

2783 (2) A child protective order or an ex parte child protective order may contain the  
2784 following provisions the violation of which is contempt of court:

- 2785 (a) determine temporary custody of the child who is the subject of the petition;
- 2786 (b) determine parent-time with the child who is the subject of the petition, including
- 2787 denial of parent-time if necessary to protect the safety of the child, and require supervision of
- 2788 parent-time by a third party;
- 2789 (c) determine child support in accordance with [~~Title 78B, Chapter 12, Utah Child~~
- 2790 ~~Support Act~~] Title 81, Chapter 6, Child Support; and
- 2791 (d) order any further relief the court considers necessary to provide for the safety and
- 2792 welfare of the child.
- 2793 (3) (a) If the child who is the subject of the child protective order attends the same
- 2794 school or place of worship as the respondent, or is employed at the same place of employment
- 2795 as the respondent, the court:
- 2796 (i) may not enter an order under Subsection (1)(c) that excludes the respondent from
- 2797 the respondent's school, place of worship, or place of employment; and
- 2798 (ii) may enter an order governing the respondent's conduct at the respondent's school,
- 2799 place of worship, or place of employment.
- 2800 (b) A violation of an order under Subsection (3)(a) is contempt of court.
- 2801 (4) (a) A respondent may petition the court to modify or vacate a child protective order
- 2802 after notice and a hearing.
- 2803 (b) At the hearing described in Subsection (4)(a):
- 2804 (i) the respondent shall have the burden of proving by clear and convincing evidence
- 2805 that modification or vacation of the child protective order is in the best interest of the child; and
- 2806 (ii) the court shall consider:
- 2807 (A) the nature and duration of the abuse;
- 2808 (B) the pain and trauma inflicted on the child as a result of the abuse;
- 2809 (C) if the respondent is a parent of the child, any reunification services provided in
- 2810 accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; and
- 2811 (D) any other evidence the court finds relevant to the determination of the child's best
- 2812 interests, including recommendations by the other parent or a guardian of the child, or a mental
- 2813 health professional.
- 2814 (c) The child is not required to attend the hearing described in Subsection (4)(a).
- 2815 Section 54. Section **78B-15-102** is amended to read:

2816 **78B-15-102. Definitions.**

2817 As used in this chapter:

2818 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the  
2819 father of a child.

2820 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the  
2821 genetic father or a possible genetic father of a child, but whose paternity has not been  
2822 determined.

2823 (3) (a) "Assisted reproduction" means a method of causing pregnancy other than sexual  
2824 intercourse. [~~The term includes:~~]

2825 (b) "Assisted reproduction" includes:

2826 [~~(a)~~] (i) intrauterine insemination;

2827 [~~(b)~~] (ii) donation of eggs;

2828 [~~(c)~~] (iii) donation of embryos;

2829 [~~(d)~~] (iv) in vitro fertilization and transfer of embryos; and

2830 [~~(e)~~] (v) intracytoplasmic sperm injection.

2831 (4) "Birth expenses" means all medical costs associated with the birth of a child,  
2832 including the related expenses for the biological mother during her pregnancy and delivery.

2833 (5) "Birth mother" means the biological mother of a child.

2834 (6) "Child" means an individual of any age whose parentage may be determined under  
2835 this chapter.

2836 (7) "Commence" means to file the initial pleading seeking an adjudication of parentage  
2837 in the appropriate tribunal of this state.

2838 (8) "Declarant father" means a male who, along with the biological mother claims to be  
2839 the genetic father of a child, and signs a voluntary declaration of paternity to establish the man's  
2840 paternity.

2841 (9) "Determination of parentage" means the establishment of the parent-child  
2842 relationship by the signing of a valid declaration of paternity under Part 3, Voluntary  
2843 Declaration of Paternity Act, or adjudication by a tribunal.

2844 (10) (a) "Donor" means an individual who produces eggs or sperm used for assisted  
2845 reproduction, whether or not for consideration. [~~The term does not include:~~]

2846 (b) "Donor" does not include:

2847            ~~[(a)]~~ (i) a husband who provides sperm, or a wife who provides eggs, to be used for  
2848 assisted reproduction by the wife;

2849            ~~[(b)]~~ (ii) a woman who gives birth to a child by means of assisted reproduction, except  
2850 as otherwise provided in Part 8, Gestational Agreement; or

2851            ~~[(c)]~~ (iii) a parent under Part 7, Assisted Reproduction, or an intended parent under  
2852 Part 8, Gestational Agreement.

2853            (11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group  
2854 that an individual identifies as all or part of the individual's ancestry or that is so identified by  
2855 other information.

2856            (12) "Financial support" means a base child support award as defined in Section  
2857 ~~[78B-12-102]~~ [81-6-101](#), all past-due support which accrues under an order for current periodic  
2858 payments, and sum certain judgments for past-due support.

2859            (13) (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a  
2860 man as the father or a woman as the mother of a child. ~~[The term]~~

2861            (b) "Genetic testing" includes an analysis of one or a combination of the following:

2862            ~~[(a)]~~ (i) deoxyribonucleic acid; or

2863            ~~[(b)]~~ (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum  
2864 enzymes, serum proteins, or red-cell enzymes.

2865            (14) "Gestational mother" means an adult woman who gives birth to a child under a  
2866 gestational agreement.

2867            (15) ~~["Man," as defined in this chapter,]~~ "Man" means a male individual of any age.

2868            (16) "Medical support" means a provision in a support order that requires the purchase  
2869 and maintenance of appropriate insurance for health and dental expenses of dependent children,  
2870 and assigns responsibility for uninsured medical expenses.

2871            (17) "Parent" means an individual who has established a parent-child relationship  
2872 under Section [78B-15-201](#).

2873            (18) (a) "Parent-child relationship" means the legal relationship between a child and a  
2874 parent of the child. ~~[The term]~~

2875            (b) "Parent-child relationship" includes the mother-child relationship and the  
2876 father-child relationship.

2877            (19) "Paternity index" means the likelihood of paternity calculated by computing the

2878 ratio between:

2879 (a) the likelihood that the tested man is the father, based on the genetic markers of the  
2880 tested man and child, conditioned on the hypothesis that the tested man is the father of the  
2881 child; and

2882 (b) the likelihood that the tested man is not the father, based on the genetic markers of  
2883 the tested man and child, conditioned on the hypothesis that the tested man is not the father of  
2884 the child and that the father is of the same ethnic or racial group as the tested man.

2885 (20) "Presumed father" means a man who, by operation of law under Section  
2886 78B-15-204, is recognized as the father of a child until that status is rebutted or confirmed as  
2887 set forth in this chapter.

2888 (21) "Probability of paternity" means the measure, for the ethnic or racial group to  
2889 which the alleged father belongs, of the probability that the man in question is the father of the  
2890 child, compared with a random, unrelated man of the same ethnic or racial group, expressed as  
2891 a percentage incorporating the paternity index and a prior probability.

2892 (22) "Record" means information that is inscribed on a tangible medium or that is  
2893 stored in an electronic or other medium and is retrievable in perceivable form.

2894 (23) "Signatory" means an individual who authenticates a record and is bound by its  
2895 terms.

2896 (24) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
2897 the United States Virgin Islands, any territory, Native American Tribe, or insular possession  
2898 subject to the jurisdiction of the United States.

2899 (25) "Support-enforcement agency" means a public official or agency authorized under  
2900 Title IV-D of the Social Security Act which has the authority to seek:

2901 (a) enforcement of support orders or laws relating to the duty of support;

2902 (b) establishment or modification of child support;

2903 (c) determination of parentage; or

2904 (d) location of child-support obligors and their income and assets.

2905 (26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity  
2906 authorized to establish, enforce, or modify support orders or to determine parentage.

2907 Section 55. Section 78B-15-113 is amended to read:

2908 **78B-15-113. Parent-time rights of father.**

2909 (1) If the tribunal determines that the alleged father is the father, [it] the tribunal may  
 2910 upon [its] the tribunal's own motion or upon motion of the father, order parent-time rights in  
 2911 accordance with [~~Sections 30-3-32 through 30-3-37~~] Title 81, Chapter 9, Custody, Parent-time,  
 2912 and Visitation, as [it] the tribunal considers appropriate under the circumstances.

2913 (2) Parent-time rights may not be granted to a father if the child has been subsequently  
 2914 adopted.

2915 Section 56. Section **78B-15-603** is amended to read:

2916 **78B-15-603. Parties to proceeding.**

2917 The following individuals shall be joined as parties in a proceeding to adjudicate  
 2918 parentage:

- 2919 (1) the mother of the child;
- 2920 (2) a man whose paternity of the child is to be adjudicated; and
- 2921 (3) the state [~~pursuant to Section 78B-12-113~~] in accordance with Section 81-6-106.

2922 Section 57. Section **78B-15-610** is amended to read:

2923 **78B-15-610. Joinder of judicial proceedings -- Court reliance of custody and**  
 2924 **parent-time standards.**

2925 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate  
 2926 parentage may be joined with a proceeding for adoption, termination of parental rights, child  
 2927 custody or visitation, child support, divorce, annulment, legal separation or separate  
 2928 maintenance, probate or administration of an estate, or other appropriate proceeding.

2929 (2) A respondent may not join a proceeding described in Subsection (1) with a  
 2930 proceeding to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform  
 2931 Interstate Family Support Act.

2932 (3) A court [~~may rely on Title 30, Chapter 3, Divorce, in determining issues related to~~  
 2933 ~~custody or parent-time~~] may determine issues of custody, parent-time, visitation, and child  
 2934 support in accordance with Title 81, Chapter 6, Child Support, and Title 81, Chapter 9,  
 2935 Custody, Parent-time, and Visitation.

2936 Section 58. Section **78B-15-623** is amended to read:

2937 **78B-15-623. Binding effect of determination of parentage.**

2938 (1) Except as otherwise provided in Subsection (2), a determination of parentage is  
 2939 binding on:

- 2940 (a) all signatories to a declaration or denial of paternity as provided in Part 3,  
2941 Voluntary Declaration of Paternity Act; and
- 2942 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy  
2943 the jurisdictional requirements of Section [78B-14-201](#).
- 2944 (2) A child is not bound by a determination of parentage under this chapter unless:
- 2945 (a) the determination was based on an unrescinded declaration of paternity and the  
2946 declaration is consistent with the results of genetic testing;
- 2947 (b) the adjudication of parentage was based on a finding consistent with the results of  
2948 genetic testing and the consistency is declared in the determination or is otherwise shown; or
- 2949 (c) the child was a party or was represented in the proceeding determining parentage by  
2950 a guardian ad litem.
- 2951 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an  
2952 adjudication of the parentage of a child if the question of paternity is raised and the tribunal  
2953 adjudicates according to Part 6, Adjudication of Parentage, and the final order:
- 2954 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or  
2955 similar words indicating that the husband is the father of the child; or
- 2956 (b) provides for support of the child by the husband unless paternity is specifically  
2957 disclaimed in the order.
- 2958 (4) The tribunal is not considered to have made an adjudication of the parentage of a  
2959 child if the child was born at the time of entry of the order and other children are named as  
2960 children of the marriage, but that child is specifically not named.
- 2961 (5) Once the paternity of a child has been adjudicated, an individual who was not a  
2962 party to the paternity proceeding may not challenge the paternity, unless:
- 2963 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;
- 2964 (b) the challenger can demonstrate by clear and convincing evidence that the challenger  
2965 did not know about the adjudicatory proceeding or did not have a reasonable opportunity to  
2966 know of the proceeding; and
- 2967 (c) there would be harm to the child to leave the order in place.
- 2968 (6) A party to an adjudication of paternity may challenge the adjudication only under  
2969 law of this state relating to appeal, vacation of judgments, or other judicial review.
- 2970 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the



2971 party committed the fraud.

2972 Section 59. Section **78B-20-403** is amended to read:

2973 **78B-20-403. Visitation before termination of temporary grant of custodial**  
2974 **responsibility.**

2975 After a deploying parent returns from deployment until a temporary agreement or order  
2976 for custodial responsibility established under Part 2, Agreement Addressing Custodial  
2977 Responsibility During Deployment, or a provision of a court order specifying temporary  
2978 custodial responsibility during deployment issued under Part 3, Judicial Procedure for Granting  
2979 Custodial Responsibility During Deployment, or [~~Section 30-3-10~~] Title 81, Chapter 9,  
2980 Custody, Parent-time, and Visitation, is terminated, the court shall issue a temporary order  
2981 granting the deploying parent reasonable contact with the child unless it is contrary to the best  
2982 interest of the child, even if the time of contact exceeds the time the deploying parent spent  
2983 with the child before deployment.

2984 Section 60. Section **78B-20-404** is amended to read:

2985 **78B-20-404. Termination by operation of law of temporary grant of custodial**  
2986 **responsibility established by court order.**

2987 (1) If an agreement between the parties to terminate a court order for temporary  
2988 custodial responsibility during deployment under Part 3, Judicial Procedure for Granting  
2989 Custodial Responsibility During Deployment, or to terminate a provision of an order for  
2990 temporary custodial responsibility during deployment entered under [~~Section 30-3-10~~] Title 81,  
2991 Chapter 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order  
2992 terminates 30 days after the day on which the deploying parent gives notice to the other parent  
2993 and any nonparent granted custodial responsibility that the deploying parent has returned from  
2994 deployment.

2995 (2) A proceeding seeking to prevent termination of a temporary order for custodial  
2996 responsibility is governed by the law of this state other than this chapter.

2997 Section 61. Section **80-2-906** is amended to read:

2998 **80-2-906. Financial responsibility for child placed under Interstate Compact.**

2999 (1) Financial responsibility for a child placed under the provisions of the Interstate  
3000 Compact on the Placement of Children shall, in the first instance, be determined in accordance  
3001 with the provisions of Article V of the compact.

3002 (2) In the event of partial or complete default of performance under the compact, the  
3003 provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child  
3004 Support, may also be invoked.

3005 Section 62. Section **81-1-101** is enacted to read:

3006 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

3007 **CHAPTER 1. GENERAL PROVISIONS**

3008 **Part 1. General Provisions**

3009 **81-1-101. Definitions for title.**

3010 As used in this title:

3011 (1) "Child" means, except as provided in Section 81-6-101, a biological or adopted  
3012 child of any age.

3013 (2) "Court" means:

3014 (a) a judge; or

3015 (b) a court commissioner if the court commissioner has authority to hear the matter  
3016 under Section 78A-5-107 or the Utah Rules of Judicial Administration.

3017 (3) "Custodial parent" means:

3018 (a) a parent awarded primary physical custody of a minor child by a court order;

3019 (b) if both parents have joint physical custody:

3020 (i) the parent awarded more overnights each year by a court order; or

3021 (ii) the parent designated as the custodial parent by a court order; or

3022 (c) if there is no court order, the parent with whom the minor child resides more than  
3023 one-half of the calendar year without regard to any temporary parent-time.

3024 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is  
3025 younger than 18 years old and is not emancipated.

3026 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless  
3027 of any designation of joint legal custody.

3028 (6) "Parent" means a parent with an established parent-child relationship as described  
3029 in Section 78B-15-201.

3030 Section 63. Section **81-1-201** is enacted to read:

3031 **Part 2. Domestic Relations Proceedings**

3032 **81-1-201. Definitions for part.**

3033 As used in this part:

3034 (1) "Alimony" means the same as that term is defined in Section [81-4-101](#).

3035 (2) "Child support" means the same as that term is defined in Section [81-6-101](#).

3036 Section 64. Section **81-1-202** is enacted to read:

3037 **81-1-202. Court records in a domestic relations action.**

3038 (1) (a) In an action under this title, Title 78B, Chapter 13, Utah Uniform Child Custody  
3039 Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family  
3040 Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, a party may file a motion  
3041 to have the records of the action other than the final judgment, order, or decree, classified as  
3042 private.

3043 (b) If the court finds that there are substantial interests favoring restricting access that  
3044 clearly outweigh the interests favoring access, the court may classify the records of the action,  
3045 or any part of the records of the action, other than the final order, judgment, or decree, as  
3046 private.

3047 (c) An order classifying part of the records of the action as private does not apply to  
3048 subsequent filings.

3049 (d) The record of an action is private until the court determines it is possible to release  
3050 the record without prejudice to the interests that justified the closure.

3051 (2) (a) Any interested person may petition the court to permit access to a record  
3052 classified as private as described in Subsection (1).

3053 (b) The interested person described in Subsection (2)(a) shall serve the petition on the  
3054 parties to the closure order.

3055 (3) A party shall place the social security number of any individual, who is the subject  
3056 of an action under this title, in the records relating to the matter.

3057 Section 65. Section **81-1-203**, which is renumbered from Section 30-3-3 is renumbered  
3058 and amended to read:

3059 ~~[30-3-3]~~. **81-1-203. Award of costs and attorney and witness fees --**  
3060 **Temporary support and maintenance.**

3061 ~~[(1) In any action filed under Title 30, Chapter 3, Divorce, Chapter 4, Separate~~  
3062 ~~Maintenance, or Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and in any~~  
3063 ~~action to establish an order of custody, parent-time, child support, alimony, or division of~~

3064 ~~property in a domestic case]~~

3065 (1) (a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter  
3066 7, Part 6, Cohabitant Abuse Protective Orders, or in an action to establish an order of custody,  
3067 parent-time, child support, alimony, or the division of property in a domestic case, the court  
3068 may order a party to pay the costs, attorney fees, and witness fees, including expert witness  
3069 fees, of the other party to enable the other party to prosecute or defend the action.

3070 (b) The order under Subsection (1)(a) may include a provision for costs of the action.

3071 (2) In [any] an action to enforce an order of custody, parent-time, child support,  
3072 alimony, or division of property in a domestic case, the court may award costs and attorney fees  
3073 upon determining that the party substantially prevailed upon the claim or defense.

3074 (3) The court, in [its] the court's discretion, may award no fees or limited fees against a  
3075 party if the court finds the party is [impecunious] indigent or enters in the record the reason for  
3076 not awarding fees.

3077 ~~[(3)]~~ (4) In [any action listed in] an action described in Subsection (1), the court may  
3078 order a party to provide money, during the pendency of the action, for the separate support and  
3079 maintenance of the other party and of [any children] a minor child in the custody of the other  
3080 party.

3081 (5) The court may amend an order entered in accordance with this section before the  
3082 entry of the final order or judgment or in the final order or judgment.

3083 ~~[(4) Orders entered under this section prior to entry of the final order or judgment may~~  
3084 ~~be amended during the course of the action or in the final order or judgment.]~~

3085 Section 66. Section **81-1-204** is enacted to read:

3086 **81-1-204. Continuing jurisdiction of a court in a domestic relations action.**

3087 In an action under this title, the court has continuing jurisdiction after a decree or final  
3088 order is entered to make subsequent changes to the order, or to enter a new order, including an  
3089 order regarding:

3090 (1) the distribution of the property and obligations for debts, as is reasonable and  
3091 necessary, for an action described in Chapter 4, Dissolution of Marriage;

3092 (2) alimony in accordance with Section [81-4-503](#);

3093 (3) child support and medical expenses in accordance with Sections [81-6-208](#) and  
3094 [81-6-212](#); and

3095 (4) custody and parent-time in accordance with Section 81-9-208.

3096 Section 67. Section **81-2-101** is enacted to read:

3097 **CHAPTER 2. MARRIAGE**

3098 **Part 1. General Provisions**

3099 **81-2-101. Definitions for chapter.**

3100 Reserved.

3101 Section 68. Section **81-2-102**, which is renumbered from Section 30-1-4.1 is  
3102 renumbered and amended to read:

3103 ~~[30-1-4.1].~~ **81-2-102. Marriage recognition policy.**

3104 (1) (a) It is the policy of this state to recognize as marriage only the legal union of a  
3105 man and a woman as provided in this chapter.

3106 (b) Except for the relationship of marriage between a man and a woman recognized  
3107 pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law  
3108 creating any legal status, rights, benefits, or duties that are substantially equivalent to those  
3109 provided under Utah law to a man and a woman because they are married.

3110 (2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties  
3111 that are enforceable independently of this section.

3112 Section 69. Section **81-2-201**, which is renumbered from Section 30-1-36 is  
3113 renumbered and amended to read:

3114 **Part 2. Premarital Counseling**

3115 ~~[30-1-36].~~ **81-2-201. Definitions for part.**

3116 As used in this part:

3117 (1) ~~[Premarital counseling may include]~~ "Premarital counseling" includes group  
3118 counseling, individual counseling, and couple counseling.

3119 (2) ~~[Premarital education may include]~~ "Premarital education" includes:

3120 (a) a lecture, class, seminar, or workshop provided by a person that meets the  
3121 requirements of Subsection ~~[30-1-34(2)(b)(i)]~~ 81-2-206(2)(b)(i); or

3122 (b) an online course approved by the Utah Marriage Commission as provided in  
3123 Subsection ~~[30-1-34(2)(b)(i)(F)]~~ 81-2-206(2)(b)(i)(F).

3124 Section 70. Section **81-2-202**, which is renumbered from Section 30-1-30 is  
3125 renumbered and amended to read:

3126            ~~[30-1-30].~~    81-2-202.    **Premarital counseling or education -- State policy --**  
3127 **Applicability.**

3128            It is the policy of the state to enhance the possibility of couples to achieve more stable,  
3129 satisfying, and enduring marital and family relationships by providing opportunities for and  
3130 encouraging the use of premarital counseling or education before securing a marriage license.

3131            Section 71. Section **81-2-203**, which is renumbered from Section 30-1-31 is  
3132 renumbered and amended to read:

3133            ~~[30-1-31].~~    81-2-203.    **Premarital counseling board in county -- Appointment,**  
3134 **terms, compensation, offices -- Common counseling board with adjacent county.**

3135            [~~The boards of commissioners of the respective counties in this state are]~~

3136            (1) A county is authorized to:

3137            (a) provide for premarital counseling; and [~~to~~]

3138            (b) require the use of premarital counseling as a condition precedent to the issuance of  
3139 a marriage license under the provisions of this [~~act~~] part.

3140            (2) [~~They~~] The county may appoint a premarital counseling board consisting of seven  
3141 members, four of whom shall be lay persons and three of whom shall be chosen from the  
3142 professions of psychiatry, psychology, social work, marriage counseling, the clergy, law or  
3143 medicine.

3144            (3) [~~They~~] The county may designate the terms of office and the procedures to be  
3145 followed by the premarital counseling board and provide for payment of compensation and  
3146 expenses for members.

3147            (4) [~~They~~] The county may pay the salaries and expenses of a counseling staff under  
3148 the supervision of the premarital counseling board and provide office space, furnishings,  
3149 equipment and supplies for [~~their~~] the board's use.

3150            (5) A county may join with an adjacent county or counties in forming a common premarital  
3151 counseling board and in establishing a common master plan for premarital counseling.

3152            Section 72. Section **81-2-204**, which is renumbered from Section 30-1-32 is  
3153 renumbered and amended to read:

3154            ~~[30-1-32].~~    81-2-204.    **Master plan for counseling.**

3155            (1) It shall be the function and duty of the premarital counseling board, after holding

3156 public hearings, to make, adopt, and certify to the county legislative body a master plan for  
3157 premarital counseling of marriage license applicants within the purposes and objectives of this  
3158 ~~[act]~~ part.

3159 (2) The master plan described in Subsection (1) shall include:

3160 (a) counseling procedures that:

3161 (i) will make applicants aware of problem areas in their proposed marriage;

3162 (ii) suggest ways of meeting problems; and

3163 (iii) will induce reconsideration or postponement when:

3164 (A) the applicants are not sufficiently matured or are not financially capable of meeting  
3165 the responsibilities of marriage; or

3166 (B) are marrying for reasons not conducive to a sound lasting marriage; and

3167 (b) standards for evaluating premarital counseling received by the applicants, prior to  
3168 their application for a marriage license, which would justify issuance of certificate without  
3169 further counseling being given or required.

3170 (3) The premarital counseling board may, from time to time, amend or extend the plan  
3171 described in Subsection (1).

3172 (4) The premarital counseling board may, subject to Subsection (5):

3173 (a) appoint a staff and employees as may be necessary for its work; and

3174 (b) contract with social service agencies or other consultants within the county or  
3175 counties for services it requires.

3176 (5) Expenditures for the appointments and contracts described in Subsection (4) may  
3177 not exceed the sums appropriated by the county legislative body plus sums placed at its  
3178 disposal through gift or otherwise.

3179 Section 73. Section **81-2-205**, which is renumbered from Section 30-1-33 is  
3180 renumbered and amended to read:

3181 ~~[30-1-33]~~. **81-2-205. Conformity to master plan for counseling as prerequisite**  
3182 **to marriage license -- Exceptions.**

3183 Whenever ~~[the board of commissioners of]~~ a county has adopted a master plan for  
3184 premarital counseling no resident of the county may obtain a marriage license without  
3185 conforming to the plan, except that:

3186 (1) ~~[Any person]~~ an individual who applies for a marriage license shall have the right

3187 to secure the license and to marry notwithstanding [~~their~~] the individual's failure to conform to  
3188 the required premarital counseling or [~~their~~] the individual's failure to obtain a certificate of  
3189 authorization from the premarital counseling board if [~~they wait~~] the individual waits six  
3190 months from the date of application for issuance of the license[-];

3191 (2) [~~This chapter~~] this part does not apply to any application for a marriage license  
3192 where both parties are at least 19 years [~~of age~~] old and neither has been previously divorced[-];

3193 (3) [~~This chapter~~] this part does not apply to any application for a marriage license  
3194 unless both applicants have physically resided in Utah for 60 days immediately preceding their  
3195 application[-]; or

3196 (4) [~~Premarital counseling required by this act shall be~~] premarital counseling required  
3197 by this part is considered fulfilled if the applicants present a certificate verified by a clergyman  
3198 that the applicants have completed a course of premarital counseling approved by a church and  
3199 given by or under the supervision of the clergyman.

3200 Section 74. Section **81-2-206**, which is renumbered from Section 30-1-34 is  
3201 renumbered and amended to read:

3202 [~~30-1-34~~]. **81-2-206. Completion of counseling or education.**

3203 (1) The county clerk of a county that operates an online marriage application system  
3204 and issues a marriage license to applicants who certify completion of premarital counseling or  
3205 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

3206 (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify  
3207 completion of premarital counseling or education in accordance with this Subsection (2).

3208 (b) To complete premarital counseling or education, the applicants:

3209 (i) shall obtain the premarital counseling or education from:

3210 (A) a licensed or ordained minister or the minister's designee who is trained by the  
3211 minister or denomination to conduct premarital counseling or education;

3212 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional  
3213 Practice Act;

3214 (C) an individual certified by a national organization recognized by the Utah Marriage  
3215 Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as a family life  
3216 educator;

3217 (D) a family and consumer sciences educator;



3218 (E) an individual who is an instructor approved by a premarital education curriculum  
3219 that meets the requirements of Subsection (2)(b)(ii); or

3220 (F) an online course approved by the Utah Marriage Commission;

3221 (ii) shall receive premarital counseling or education that includes information on  
3222 important factors associated with strong and healthy marriages, including:

3223 (A) commitment in marriage; and

3224 (B) effective communication and problem-solving skills, including avoiding violence  
3225 and abuse in the relationship;

3226 (iii) shall complete at least three hours of premarital counseling or six hours of  
3227 premarital education meeting the requirements of this Subsection (2); and

3228 (iv) shall complete the premarital counseling or education meeting the requirements of  
3229 this Subsection (2) not more than one year before but at least 14 days before the day on which  
3230 the marriage license is issued.

3231 (c) Although applicants are encouraged to take the premarital counseling or education  
3232 together, each applicant may comply with the requirements of this Subsection (2) separately.

3233 (3) A provider of premarital counseling or education under this section is encouraged  
3234 to use research-based relationship inventories.

3235 Section 75. Section **81-2-207**, which is renumbered from Section 30-1-35 is  
3236 renumbered and amended to read:

3237 **~~[30-1-35].~~ 81-2-207. Persons performing counseling services designated by**  
3238 **board -- Exemption from license requirements.**

3239 For the purposes of this [~~chapter~~] part, the premarital counseling board of each county  
3240 or combination of counties may determine those persons who are to perform any services under  
3241 this [~~chapter~~] part and any person so acting is not subject to prosecution or other sanctions for  
3242 the person's failure to hold any license for these services as may be required by the laws of the  
3243 state.

3244 Section 76. Section **81-2-208**, which is renumbered from Section 30-1-37 is  
3245 renumbered and amended to read:

3246 **~~[30-1-37].~~ 81-2-208. Confidentiality of information obtained under counseling**  
3247 **provisions.**

3248 (1) Except for the information required or to be required on the marriage license

3249 application form, any information given by a marriage license applicant in compliance with this  
3250 [chapter] part:

3251 (a) shall be confidential information [and]; and

3252 (b) may not be released by any person, board, commission, or other entity. [However,]

3253 (2) Notwithstanding Subsection (1), the premarital counseling board or board of  
3254 commissioners may use the information given by a marriage license applicant, without  
3255 identification of individuals, to compile and release statistical data.

3256 Section 77. Section **81-2-209**, which is renumbered from Section 30-1-38 is  
3257 renumbered and amended to read:

3258 **[30-1-38]. 81-2-209. Fee for counseling.**

3259 Any county adopting a master plan under this act is authorized to charge, in addition to  
3260 [its] the county's ordinary marriage license application fees, not more than \$10 for premarital  
3261 counseling, to be paid by the applicants at the time [they] the applicants make application.

3262 Section 78. Section **81-2-301** is enacted to read:

3263 **Part 3. Marriage License and Solemnization**

3264 **81-2-301. Definitions for part.**

3265 As used in this part:

3266 (1) "County clerk" means:

3267 (a) the county clerk of the county; or

3268 (b) an employee or designee of the county clerk who is authorized to issue marriage  
3269 licenses or solemnize marriages.

3270 (2) "Judge or magistrate of the United States" means:

3271 (a) a justice of the United States Supreme Court;

3272 (b) a judge of a court of appeals;

3273 (c) a judge of a district court;

3274 (d) a judge of any court created by an act of Congress, the judges of which are entitled  
3275 to hold office during good behavior;

3276 (e) a judge of a bankruptcy court;

3277 (f) a judge of a tax court; or

3278 (g) a United States magistrate.

3279 (3) "Minor" means an individual who is 16 or 17 years old.

- 3280 (4) (a) "Native American spiritual advisor" means an individual who:
- 3281 (i) leads, instructs, or facilitates a Native American religious ceremony or service or
- 3282 provides religious counseling; and
- 3283 (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.
- 3284 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine
- 3285 person, traditional religious practitioner, or holy man or woman.

3286 Section 79. Section **81-2-302**, which is renumbered from Section 30-1-7 is renumbered  
 3287 and amended to read:

3288 ~~[30-1-7].~~ **81-2-302. Marriage licenses -- Use within state -- Expiration.**

3289 (1) ~~[No marriage may be]~~ A marriage may not be solemnized in this state without a  
 3290 license issued by the county clerk of any county of this state.

3291 (2) A license issued within this state by a county clerk may only be used within this  
 3292 state.

3293 (3) A license that is not used within 32 days after the day on which the licensed is  
 3294 issued is void.

3295 Section 80. Section **81-2-303**, which is renumbered from Section 30-1-8 is renumbered  
 3296 and amended to read:

3297 ~~[30-1-8].~~ **81-2-303. Application for marriage license -- Contents.**

3298 ~~[(1) As used in this section, "minor" means the same as that term is defined in Section~~  
 3299 ~~30-1-9:]~~

3300 ~~[(2)]~~ (1) A county clerk may issue a marriage license only after an application is filed  
 3301 with the county clerk's office, requiring the following information:

3302 (a) the full names of the applicants, including the maiden or bachelor name of each  
 3303 applicant;

3304 (b) the social security numbers of the applicants, unless an applicant has not been  
 3305 assigned a number;

3306 (c) the current address of each applicant;

3307 (d) the date and place of birth, including the town or city, county, state or country, if  
 3308 possible;

3309 (e) the names of the applicants' respective parents, including the maiden name of a  
 3310 mother; and

3311 (f) the birthplaces of the applicants' respective parents, including the town or city,  
3312 county, state or country, if possible.

3313 ~~[(3)]~~ (2) (a) If one or both of the applicants is a minor, the county clerk shall provide  
3314 each minor with a standard petition on a form provided by the Judicial Council to be presented  
3315 to the juvenile court to obtain the authorization required by Section ~~[30-1-9]~~ 81-2-304.

3316 (b) The form described in Subsection ~~[(3)(a)]~~ (2)(a) shall include:

3317 (i) all information described in Subsection ~~[(2)]~~ (1);

3318 (ii) ~~[in accordance with Subsection 30-1-9(2)(a);]~~ a place for the parent or legal  
3319 guardian to indicate the parent or legal guardian's relationship to the minor in accordance with  
3320 Subsection 81-2-304(1)(a);

3321 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described  
3322 in Section ~~[30-1-9.1]~~ 81-2-304 signed under penalty of perjury;

3323 (iv) an affidavit for each applicant regarding the accuracy of the information contained  
3324 in the marriage application signed under penalty of perjury; and

3325 (v) a place for the clerk to sign that indicates that the following have provided  
3326 documentation to support the information contained in the form:

3327 (A) each applicant; and

3328 (B) the minor's parent or legal guardian.

3329 ~~[(4)]~~ (3) (a) The social security numbers obtained under the authority of this section  
3330 may not be recorded on the marriage license~~;~~ and are not open to inspection as a part of the  
3331 vital statistics files.

3332 (b) The ~~[Department of Health;]~~ Bureau of Vital Records and Health Statistics shall,  
3333 upon request, supply the social security numbers to the Office of Recovery Services ~~[within the~~  
3334 ~~Department of Human Services]~~.

3335 (c) The Office of Recovery Services may not use a social security number obtained  
3336 under the authority of this section for any reason other than the administration of child support  
3337 services.

3338 (4) (a) A county clerk may not issue a marriage license until an affidavit is made before  
3339 the clerk by a party applying for the marriage license that shows there is no lawful reason in the  
3340 way of the marriage.

3341 (b) The county clerk shall file and preserve the affidavit under Subsection (4)(a).

3342 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing  
3343 witness to the affidavit who falsely swears in the affidavit, is guilty of perjury.

3344 (5) A county clerk who knowingly issues a marriage license for any prohibited  
3345 marriage is guilty of a class A misdemeanor.

3346 Section 81. Section **81-2-304**, which is renumbered from Section 30-1-9 is renumbered  
3347 and amended to read:

3348 **[30-1-9]. 81-2-304. Marriage of a minor -- Consent of parent or guardian --**  
3349 **Juvenile court authorization.**

3350 ~~[(1) For purposes of this section, "minor" means an individual that is 16 or 17 years~~  
3351 ~~old.]~~

3352 ~~[(2)] (1) (a) If [at the time of applying for a license the applicant is a minor, and not~~  
3353 ~~before the minor is married, a license may not be issued] an applicant is a minor at the time of~~  
3354 ~~applying for a license, a county clerk may not issue a marriage license without the signed~~  
3355 ~~consent of the minor's parent or legal guardian given in person to the clerk, except that:~~

3356 (i) if the parents of the minor are divorced, consent shall be given by the parent having  
3357 legal custody of the minor as evidenced by an oath of affirmation to the clerk;

3358 (ii) if the parents of the minor are divorced and have been awarded joint custody of the  
3359 minor, consent shall be given by the parent having physical custody of the minor the majority  
3360 of the time as evidenced by an oath of affirmation to the clerk; or

3361 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the  
3362 consent and provide proof of guardianship by court order as well as an oath of affirmation.

3363 (b) Each applicant, and ~~[if an applicant is a minor,]~~ the minor's consenting parent or  
3364 legal guardian if an applicant is a minor, shall appear in person before the county clerk and  
3365 provide legal documentation to establish the following information:

3366 (i) the legal relationship between the minor and the minor's parent or legal guardian;

3367 (ii) the legal name and identity of the minor; and

3368 (iii) the birth date of each applicant.

3369 (c) An individual may present the following documents to satisfy a requirement  
3370 described in Subsection ~~[(2)(b)]~~ (1)(b):

3371 (i) for verifying the legal relationship between the minor and the minor's parent or legal  
3372 guardian, one of the following:

3373 (A) the minor's certified birth certificate with the name of the parent, and an official  
3374 translation if the birth certificate is in a language other than English;

3375 (B) a report of a birth abroad with the name of the minor and the parent;

3376 (C) a certified adoption decree with the name of the minor and the parent; or

3377 (D) a certified court order establishing custody or guardianship between the minor and  
3378 the parent or legal guardian;

3379 (ii) for verifying the legal name and identity of the minor, one of the following:

3380 (A) an expired or current passport;

3381 (B) a driver's license;

3382 (C) a certificate of naturalization;

3383 (D) a military identification; or

3384 (E) a government employee identification card from a federal, state, or municipal  
3385 government; and

3386 (iii) for verifying the birth date of each applicant, one of the following for each  
3387 applicant:

3388 (A) a certified birth certificate;

3389 (B) a report of a birth abroad;

3390 (C) a certificate of naturalization;

3391 (D) a certificate of citizenship;

3392 (E) a passport;

3393 (F) a driver's license; or

3394 (G) a state identification card.

3395 (d) An individual may not use a temporary or altered document to satisfy a requirement  
3396 described in Subsection [~~(2)(b)~~] (1)(b).

3397 [~~(3)~~] (2) (a) The minor and the parent or legal guardian of the minor shall obtain a  
3398 written authorization to marry from:

3399 (i) a judge of the court exercising juvenile jurisdiction in the county where either party  
3400 to the marriage resides; or

3401 (ii) a court commissioner as permitted by rule of the Judicial Council.

3402 (b) Before issuing written authorization for a minor to marry, the judge or court  
3403 commissioner shall determine:

3404 (i) that the minor is entering into the marriage voluntarily; and  
3405 (ii) the marriage is in the best [~~interests~~] interest of the minor under the circumstances.

3406 (c) The judge or court commissioner shall require that both parties to the marriage  
3407 complete premarital counseling, except the requirement for premarital counseling may be  
3408 waived if premarital counseling is not reasonably available.

3409 (d) The judge or court commissioner may require:

3410 (i) that the minor continue to attend school, unless excused under Section 53G-6-204;  
3411 and

3412 (ii) any other conditions that the court deems reasonable under the circumstances.

3413 (e) The judge or court commissioner may not issue a written authorization to the minor  
3414 if the age difference between both parties to the marriage is more than seven years.

3415 [~~(4)~~] (3) (a) The determination required in Subsection [~~(3)~~] (2) shall be made on the  
3416 record.

3417 (b) Any inquiry conducted by the judge or commissioner may be conducted in  
3418 chambers.

3419 (4) (a) A parent or legal guardian who knowingly consents or allows a minor to enter  
3420 into a marriage prohibited by law is guilty of a third degree felony.

3421 (b) An individual is guilty of a third degree felony if the individual:

3422 (i) knowingly, with or without a license, solemnizes the marriage of an individual who  
3423 is younger than 18 years old and the marriage is prohibited by law;

3424 (ii) without a written authorization from the juvenile court, solemnizes a marriage to  
3425 which a party is a minor;

3426 (iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor  
3427 to marry; or

3428 (iv) forges the name of a parent or legal guardian of a minor on any writing purporting  
3429 to give consent to a marriage of a minor.

3430 Section 82. Section **81-2-305**, which is renumbered from Section 30-1-6 is renumbered  
3431 and amended to read:

3432 [~~30-1-6~~]. **81-2-305. Who may solemnize marriages -- Certificate.**

3433 [~~(1)~~ As used in this section:]

3434 [~~(a)~~ "Judge or magistrate of the United States" means:]

- 3435 ~~[(i) a justice of the United States Supreme Court;]~~  
3436 ~~[(ii) a judge of a court of appeals;]~~  
3437 ~~[(iii) a judge of a district court;]~~  
3438 ~~[(iv) a judge of any court created by an act of Congress, the judges of which are~~  
3439 ~~entitled to hold office during good behavior;]~~  
3440 ~~[(v) a judge of a bankruptcy court;]~~  
3441 ~~[(vi) a judge of a tax court; or]~~  
3442 ~~[(vii) a United States magistrate.]~~  
3443 ~~[(b) (i) "Native American spiritual advisor" means an individual who:]~~  
3444 ~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or~~  
3445 ~~provides religious counseling; and]~~  
3446 ~~[(B) is recognized as a spiritual advisor by a federally recognized Native American~~  
3447 ~~tribe.]~~  
3448 ~~[(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine~~  
3449 ~~person, traditional religious practitioner, or holy man or woman.]~~  
3450 ~~[(2)]~~ (1) The following individuals may solemnize a marriage:  
3451 (a) an individual 18 years old or older who is authorized by a religious denomination to  
3452 solemnize a marriage;  
3453 (b) a Native American spiritual advisor;  
3454 (c) the governor;  
3455 (d) the lieutenant governor;  
3456 (e) the state attorney general;  
3457 (f) the state treasurer;  
3458 (g) the state auditor;  
3459 (h) a mayor of a municipality or county executive;  
3460 (i) a justice, judge, or commissioner of a court of record;  
3461 (j) a judge of a court not of record of the state;  
3462 (k) a judge or magistrate of the United States;  
3463 (l) the county clerk of any county in the state or the county clerk's designee as  
3464 authorized by Section [17-20-4](#);  
3465 (m) a senator or representative of the Utah Legislature;



3466 (n) a member of the state's congressional delegation; or

3467 (o) a judge or magistrate who holds office in Utah when retired, under rules set by the  
3468 Supreme Court.

3469 ~~[(3)]~~ (2) An individual authorized under Subsection ~~[(2)]~~ (1) who solemnizes a  
3470 marriage shall give to the couple married a certificate of marriage that shows the:

3471 (a) name of the county from which the license is issued; and

3472 (b) date of the license's issuance.

3473 ~~[(4)]~~ (3) Except for an individual described in Subsection ~~[(2)]~~(1) (1)(1), an individual  
3474 described in Subsection ~~[(2)]~~ (1) has discretion to solemnize a marriage.

3475 ~~[(5)]~~ (4) Except as provided in Section 17-20-4 and Subsection ~~[(2)]~~(1) (1)(1), and  
3476 notwithstanding any other provision in law, no individual authorized under Subsection ~~[(2)]~~ (1)  
3477 to solemnize a marriage may delegate or deputize another individual to perform the function of  
3478 solemnizing a marriage.

3479 (5) (a) Within 30 days after the day on which a marriage is solemnized, the individual  
3480 solemnizing the marriage shall return the marriage license to the county clerk that issued the  
3481 marriage license with a certificate of the marriage over the individual's signature stating the  
3482 date and place of solemnization and the names of two or more witnesses present at the  
3483 marriage.

3484 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty  
3485 of an infraction.

3486 (6) (a) An individual is guilty of a third degree felony if the individual knowingly:

3487 (i) solemnizes a marriage without a valid marriage license; or

3488 (ii) solemnizes a marriage in violation of this section.

3489 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with  
3490 or without a marriage license, solemnizes a marriage between two individuals who are 18 years  
3491 old or older that is prohibited by law.

3492 Section 83. Section **81-2-306**, which is renumbered from Section 30-1-12 is  
3493 renumbered and amended to read:

3494 ~~[30-1-12]~~. **81-2-306. County clerk to file license and certificate -- Designation**  
3495 **as vital record.**

3496 ~~[(1)(a) The license, together with the certificate of the individual officiating at the~~

3497 ~~marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk]~~

3498 (1) (a) The county clerk shall:

3499 (i) file and preserve the marriage license returned by an individual under Subsection  
3500 81-2-305(5) with the certificate of the marriage; and

3501 (ii) record the marriage license and certificate in a book kept for that purpose[;] or by  
3502 electronic means.

3503 (b) The record shall be properly indexed in the names of the parties so married.

3504 (2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a  
3505 marriage license.

3506 (3) A transcript shall be promptly certified and transmitted by the clerk to the state  
3507 registrar of vital statistics.

3508 (4) The marriage license and the certificate of the individual officiating at the marriage  
3509 are:

3510 (a) vital records as defined in Section 26B-8-101; and [are]

3511 (b) subject to the inspection requirements described in Section 26B-8-125.

3512 Section 84. Section 81-2-401 is enacted to read:

3513 **Part 4. Validity of Marriage**

3514 **81-2-401. Definitions for part.**

3515 Reserved.

3516 Section 85. Section 81-2-402, which is renumbered from Section 30-1-1 is renumbered  
3517 and amended to read:

3518 ~~[30-1-1].~~ **81-2-402. Incestuous marriages void.**

3519 (1) The following marriages are incestuous and void from the beginning, regardless of  
3520 whether the relationship is legally recognized:

3521 (a) ~~[marriages between parents and children]~~ a marriage between a parent and a child;

3522 (b) ~~[marriages between ancestors and descendants of every degree]~~ a marriage between  
3523 an ancestor and a descendant of any degree;

3524 (c) ~~[marriages between siblings of the half as well as the whole blood]~~ a marriage  
3525 between siblings of the half or whole blood;

3526 ~~[(d) marriages between:]~~

3527 ~~[(i) uncles and nieces or nephews; or]~~

3528 ~~[(ii) aunts and nieces or nephews;]~~  
 3529 (d) a marriage between an uncle and a niece or nephew;  
 3530 (e) a marriage between an aunt and a niece or nephew;  
 3531 ~~[(e)]~~ (f) [marriages between first cousins;] except as provided in Subsection (2), a  
 3532 marriage between first cousins; or  
 3533 ~~[(f)]~~ (g) [marriages between any] except as provided in Subsection (2), a marriage  
 3534 between individuals related to each other within and not including the fifth degree of  
 3535 consanguinity computed according to the rules of the civil law~~[-except as provided in~~  
 3536 Subsection (2)].  
 3537 (2) First cousins may marry under the following circumstances:  
 3538 (a) both parties are 65 years ~~[of age]~~ old or older; or  
 3539 (b) if both parties are 55 years ~~[of age]~~ old or older, upon a finding by the district court,  
 3540 located in the district in which either party resides, that either party is unable to reproduce.  
 3541 Section 86. Section **81-2-403**, which is renumbered from Section 30-1-2 is renumbered  
 3542 and amended to read:  
 3543 ~~[30-1-2].~~ **81-2-403. Marriages prohibited and void.**  
 3544 (1) The following marriages are prohibited and declared void:  
 3545 (a) when there is a spouse living~~[-]~~ from whom the individual marrying has not been  
 3546 divorced;  
 3547 (b) except as provided in Subsection (2), ~~[when an applicant is]~~ the individual  
 3548 marrying is under 18 years old; ~~[and]~~ or  
 3549 (c) between a divorced individual and any individual other than the one from whom the  
 3550 divorce was secured until:  
 3551 (i) the divorce decree becomes absolute~~[- and;]~~ and  
 3552 (ii) if an appeal is taken, until after the affirmance of the divorce decree.  
 3553 (2) A marriage of an individual under 18 years old is not void if the individual:  
 3554 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile  
 3555 court authorization in accordance with Section ~~[30-1-9]~~ 81-2-304; or  
 3556 (b) lawfully marries before May 14, 2019.  
 3557 Section 87. Section **81-2-404**, which is renumbered from Section 30-1-2.1 is  
 3558 renumbered and amended to read:

3559            ~~[30-1-2.1].~~    **81-2-404.** Validation of a marriage to an individual subject to  
3560 chronic epileptic fits who had not been sterilized.

3561            ~~[All marriages, otherwise valid and legal, contracted prior to the effective date of this~~  
3562 ~~act, to which either party was subject to chronic epileptic fits and who had not been sterilized,~~  
3563 ~~as provided by law, are hereby validated and legalized in all respects as though such marriages~~  
3564 ~~had been duly and legally contracted in the first instance.]~~ A marriage between two individuals  
3565 that was not valid or legal before May 14, 1963, on the basis that a party was subject to chronic  
3566 epileptic fits and had not been sterilized is considered valid and legal in this state.

3567            Section 88. Section **81-2-405**, which is renumbered from Section 30-1-2.2 is  
3568 renumbered and amended to read:

3569            ~~[30-1-2.2].~~    **81-2-405.** Validation of a marriage on the basis of the race,  
3570 ethnicity, or national origin of the parties.

3571            ~~[All interracial marriages, otherwise valid and legal, contracted prior to July 1, 1965, to~~  
3572 ~~which one of the parties of the marriage was subject to disability to marry on account of~~  
3573 ~~Subsection 30-1-2(5) or (6), as those subsections existed prior to May 14, 1963, are hereby~~  
3574 ~~valid and made lawful in all respects as though such marriages had been duly and legally~~  
3575 ~~contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal  
3576 before July 1, 1965, on the basis of the race, ethnicity, or national origin of those individuals is  
3577 considered valid and legal in this state.

3578            Section 89. Section **81-2-406**, which is renumbered from Section 30-1-2.3 is  
3579 renumbered and amended to read:

3580            ~~[30-1-2.3].~~    **81-2-406.** Validation of a marriage to an individual with acquired  
3581 immune deficiency syndrome or other sexually transmitted disease.

3582            ~~[Each marriage contracted prior to October 21, 1993, is valid and legal but for the~~  
3583 ~~prohibition described in Laws of Utah 1991, Chapter 117, Section 1, Subsection 30-1-2(1)~~  
3584 ~~regarding persons afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea,~~  
3585 ~~is hereby valid and made lawful in all respects as though that marriage had been legally~~  
3586 ~~contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal  
3587 before October 21, 1993, on the basis that a party was afflicted with acquired immune  
3588 deficiency syndrome, syphilis, or gonorrhea, is considered valid and legal in this state.

3589            Section 90. Section **81-2-407**, which is renumbered from Section 30-1-4 is renumbered

3590 and amended to read:

3591 ~~[30-1-4]~~. **81-2-407. Validity of a foreign marriage -- Exceptions.**

3592 A marriage solemnized in any other country, state, or territory, if valid where  
3593 solemnized, is valid in this state, unless ~~[it is a marriage]~~:

3594 (1) ~~[that]~~ the marriage would be prohibited and declared void in this state~~;~~ under  
3595 Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a); or

3596 (2) the marriage is between parties who are related to each other within and including  
3597 three degrees of consanguinity, except as provided in Subsection ~~[30-1-1(2)]~~ 81-2-402(2).

3598 Section 91. Section **81-2-408**, which is renumbered from Section 30-1-4.5 is  
3599 renumbered and amended to read:

3600 ~~[30-1-4.5]~~. **81-2-408. Validity of marriage not solemnized or solemnized before**  
3601 **an unauthorized individual.**

3602 (1) A marriage ~~[which]~~ that is not solemnized according to this chapter ~~[shall be]~~ is  
3603 legal and valid if a court or administrative order establishes that the marriage arises out of a  
3604 contract between ~~[a man and a woman]~~ two individuals who:

3605 (a) are of legal age and capable of giving consent;

3606 (b) are legally capable of entering a solemnized marriage under the provisions of this  
3607 chapter;

3608 (c) have cohabited;

3609 (d) mutually assume marital rights, duties, and obligations; and

3610 (e) who hold themselves out as and have acquired a uniform and general reputation as  
3611 ~~[husband and wife]~~ spouses.

3612 (2) (a) A petition for an unsolemnized marriage shall be filed during the relationship  
3613 described in Subsection (1), or within one year following the termination of that relationship.

3614 (b) Evidence of a marriage recognizable under this section may be:

3615 (i) manifested in any form~~[-and may be]~~; and

3616 (ii) proved under the same general rules of evidence as facts in other cases.

3617 (3) (a) A marriage solemnized before an individual professing to have authority to  
3618 perform marriages may not be invalidated for lack of authority if consummated in the belief of  
3619 the parties or either party that the person had authority and that the parties have been lawfully  
3620 married.

3621 (b) Subsection (3)(a) may not be construed to validate a marriage that is prohibited or  
3622 void under Section 81-2-403.

3623 Section 92. Section **81-2-409**, which is renumbered from Section 30-1-3 is renumbered  
3624 and amended to read:

3625 ~~[30-1-3].~~ **81-2-409. Legal recognition of a child when marriage is void.**

3626 When a marriage is void under Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a) and the parties  
3627 entered into the marriage in good faith, a child of the marriage, who is born or conceived  
3628 before the parties had actual knowledge that the marriage was void, shall be legally recognized  
3629 as the child of the parties.

3630 Section 93. Section **81-3-101** is enacted to read:

3631 **CHAPTER 3. RIGHTS AND OBLIGATIONS DURING MARRIAGE**

3632 **Part 1. Property Rights**

3633 **81-3-101. Definitions for part.**

3634 Reserved.

3635 Section 94. Section **81-3-102**, which is renumbered from Section 30-2-2 is renumbered  
3636 and amended to read:

3637 ~~[30-2-2].~~ **81-3-102. Married individual's right to contract, sue, and be sued.**

3638 ~~[Contracts may be made by a wife, and liabilities incurred and enforced by or against~~  
3639 ~~her, to the same extent and in the same manner as if she were unmarried.] A married individual~~  
3640 ~~may contract, sue, or be sued, to the same extent and in the same manner as if the individual~~  
3641 ~~was unmarried.~~

3642 Section 95. Section **81-3-103**, which is renumbered from Section 30-2-3 is renumbered  
3643 and amended to read:

3644 ~~[30-2-3].~~ **81-3-103. Conveyances between spouses.**

3645 A conveyance, transfer, or lien executed by ~~[either husband or wife]~~ an individual, to or  
3646 in favor of the ~~[other shall be]~~ individual's spouse is valid to the same extent as between other  
3647 persons.

3648 Section 96. Section **81-3-104**, which is renumbered from Section 30-2-4 is renumbered  
3649 and amended to read:

3650 ~~[30-2-4].~~ **81-3-104. Married individual's right to wages -- Actions for**  
3651 **personal injury.**

3652 (1) A ~~[wife]~~ married individual may:  
 3653 (a) receive the wages for ~~[her]~~ the individual's personal labor[;] as if unmarried;  
 3654 (b) maintain an action ~~[therefor in her]~~ in the individual's own name and hold the same  
 3655 in [her] the individual's own right[; and may] as if unmarried; and  
 3656 (c) prosecute and defend all actions for the preservation and protection of ~~[her]~~ the  
 3657 individual's rights and property as if unmarried.

3658 (2) ~~[There shall be no right of recovery by the husband]~~ A husband does not have a  
 3659 right of recovery:

3660 (a) on account of personal injury or wrong to ~~[his wife, or]~~ the husband's wife; or  
 3661 (b) for expenses connected ~~[therewith, but the wife]~~ with the personal injury or wrong  
 3662 to the husband's wife.

3663 (3) (a) A wife may recover against a third person for ~~[such injury or wrong]~~ a personal  
 3664 injury or wrong to the wife as if unmarried[; and such].

3665 (b) A recovery shall include expenses of medical treatment and other expenses paid or  
 3666 assumed by the husband.

3667 Section 97. Section **81-3-105**, which is renumbered from Section 30-2-5 is renumbered  
 3668 and amended to read:

3669 ~~[30-2-5].~~ **81-3-105. Separate debts.**

3670 (1) ~~[Neither spouse is]~~ A married individual is not personally liable for the separate  
 3671 debts, obligations, or liabilities of the [other] individual's spouse that are:

3672 (a) contracted or incurred before marriage;  
 3673 (b) contracted or incurred during marriage, except family expenses as provided in  
 3674 Section ~~[30-2-9]~~ 81-3-109;

3675 (c) contracted or incurred after divorce or an order for separate maintenance under ~~[this~~  
 3676 ~~title, except the spouse is personally liable for that portion of the expenses incurred on behalf~~  
 3677 ~~of a minor child for reasonable and necessary medical and dental expenses, and other similar~~  
 3678 ~~necessities as provided in a court order under Section 30-3-5, 30-4-3, or 78B-12-212, or an~~  
 3679 ~~administrative order under Section 26B-9-224]~~ Chapter 4, Dissolution of Marriage, except that  
 3680 the individual is personally liable for any support ordered by a court as described in Chapter 6,  
 3681 Child Support, or an administrative agency as described in Title 26B, Chapter 9, Recovery  
 3682 Services and Administration of Child Support; or

3683 (d) ordered by the court to be paid by the ~~[other]~~ individual's spouse under ~~[Section~~  
3684 ~~30-3-5 or 30-4-3]~~ Chapter 4, Dissolution of Marriage, and not in conflict with Section ~~15-4-6.5~~  
3685 ~~or 15-4-6.7.~~

3686 (2) ~~[The]~~ A creditor of a married individual may not reach the wages, earnings,  
3687 ~~property, rents, or other income of [one spouse may not be reached by a creditor of the other~~  
3688 ~~spouse]~~ the individual's spouse to satisfy a debt, obligation, or liability ~~[of the other spouse, as~~  
3689 ~~described]~~ of the individual under Subsection (1).

3690 Section 98. Section **81-3-106**, which is renumbered from Section 30-2-6 is renumbered  
3691 and amended to read:

3692 ~~[30-2-6].~~ **81-3-106. Actions based on property rights.**

3693 ~~[Should the husband or wife obtain]~~ If a married individual obtains possession or  
3694 control of property belonging to the ~~[other]~~ individual's spouse before or after marriage, the  
3695 owner of the property may maintain an action therefor, or for any right growing out of the  
3696 same, in the same manner and to the same extent as if ~~[they were]~~ the individual was  
3697 unmarried.

3698 Section 99. Section **81-3-107**, which is renumbered from Section 30-2-7 is renumbered  
3699 and amended to read:

3700 ~~[30-2-7].~~ **81-3-107. Liability for spouse's torts.**

3701 ~~[For civil injuries committed by a married woman damages may be recovered from her~~  
3702 ~~alone, and her husband]~~

3703 (1) If a married individual is held liable in a civil action, the plaintiff may recover  
3704 damages from the individual alone.

3705 (2) The spouse of the individual described in Subsection (1) may not be held liable [for  
3706 ~~those civil injuries]~~ in the civil action, except in ~~[cases where he would be jointly liable with~~  
3707 ~~her]~~ an action where the spouse would be jointly liable with the individual if the marriage did  
3708 not exist.

3709 Section 100. Section **81-3-108**, which is renumbered from Section 30-2-8 is  
3710 renumbered and amended to read:

3711 ~~[30-2-8].~~ **81-3-108. Agency between spouses.**

3712 A ~~[husband or wife]~~ married individual may:

3713 (1) constitute the ~~[other his or her]~~ attorney in fact to control and dispose of ~~[his or her~~



3714 ~~property for their mutual benefit]~~ the property of the individual's spouse for the mutual benefit  
 3715 of the individual and the individual's spouse or otherwise~~[-and may]; and~~

3716 (2) revoke the appointment the same as other persons.

3717 Section 101. Section **81-3-109**, which is renumbered from Section 30-2-9 is  
 3718 renumbered and amended to read:

3719 ~~[30-2-9].~~ **81-3-109. Family expenses -- Joint and several liability.**

3720 ~~[(1) The expenses of the family and the education of the children are chargeable upon~~  
 3721 ~~the property of both spouses or of either of them separately, for which expenses they may be~~  
 3722 ~~sued jointly or separately.]~~

3723 (1) As used in this section:

3724 (a) "Family expenses" means expenses incurred that benefit and promote the family  
 3725 unit.

3726 (b) "Family expenses" do not include items purchased in accordance with a written  
 3727 contract or agreement during the marriage that do not relate to the expenses described in  
 3728 Subsection (1)(a).

3729 (2) (a) A married individual, and the married individual's property, is chargeable for  
 3730 family expenses and expenses for the education of a minor child.

3731 (b) A married individual may be sued separately or jointly with the individual's spouse  
 3732 for the expenses described in Subsection (2)(a).

3733 ~~[(2)]~~ (3) For the expenses described in Subsection ~~[(1);]~~ (2), where there is a written  
 3734 agreement signed by ~~[either]~~ a spouse that allows for the recovery of agreed upon amounts, a  
 3735 creditor or an assignee or successor in interest of the creditor is entitled to recover the  
 3736 contractually allowed amounts against both spouses, jointly and severally.

3737 ~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3) applies to all contracts and agreements under this section  
 3738 entered into by ~~[either]~~ a spouse during the time the parties are married and living together.

3739 ~~[(4) For the purposes of this section, family expenses are considered expenses incurred~~  
 3740 ~~that benefit and promote the family unit. Items purchased pursuant to a written contract or~~  
 3741 ~~agreement during the marriage that do not relate to family expenses are not covered by this~~  
 3742 ~~section.]~~

3743 (5) The provisions of Subsections ~~[(2) and (3)]~~ (3) and (4) do not create a right to  
 3744 attorney's fees or collection fees as to the nonsigning spouse for purchases of:

3745 (a) food or clothing; or

3746 (b) home improvements or repairs over \$5,000.

3747 Section 102. Section **81-3-110**, which is renumbered from Section 30-2-10 is  
3748 renumbered and amended to read:

3749 ~~[30-2-10].~~ **81-3-110. Homestead rights -- Custody of a minor child.**

3750 ~~[Neither the husband nor wife can remove the other or their children]~~

3751 (1) A married individual may not remove the individual's spouse or minor child from  
3752 the homestead without the consent of the ~~[other]~~ individual's spouse, unless the owner of the  
3753 property shall in good faith provide another homestead suitable to the condition in life of the  
3754 family~~[-; and if a husband or wife abandons his or her spouse, that spouse].~~

3755 (2) If a married individual abandons the individual's spouse, the individual's spouse is  
3756 entitled to the custody of ~~[the minor children]~~ a minor child, unless a court ~~[of competent~~  
3757 ~~jurisdiction shall otherwise direct]~~ with jurisdiction orders otherwise.

3758 Section 103. Section **81-3-111**, which is renumbered from Section 30-2-11 is  
3759 renumbered and amended to read:

3760 ~~[30-2-11].~~ **81-3-111. Action for consortium due to personal injury.**

3761 (1) ~~[For purposes of]~~ As used in this section:

3762 (a) ~~["injury"]~~ "Injury" or "injured" means a significant permanent injury to ~~[a person]~~  
3763 an individual that substantially changes that ~~[person's]~~ individual's lifestyle ~~[and includes the~~  
3764 ~~following], including:~~

3765 (i) a partial or complete paralysis of one or more of the extremities;

3766 (ii) significant disfigurement; or

3767 (iii) incapability of the ~~[person]~~ individual of performing the types of jobs the ~~[person]~~  
3768 individual performed before the injury~~[-; and].~~

3769 (b) ~~["spouse"]~~ "Spouse" means the legal relationship:

3770 (i) established between ~~[a man and a woman]~~ two individuals as recognized by the  
3771 laws of this state; and

3772 (ii) existing at the time of the person's injury.

3773 (2) The spouse of ~~[a person]~~ an individual injured by a third party on or after May 4,  
3774 1997, may maintain an action against the third party to recover for loss of consortium.

3775 (3) A claim for loss of consortium begins on the date of injury to the spouse.

3776 (4) The statute of limitations applicable to the injured [person] individual shall also  
 3777 apply to the spouse's claim of loss of consortium.

3778 ~~[(4)]~~ (5) A claim for the spouse's loss of consortium shall be:

3779 (a) made at the time the claim of the injured person is made and joinder of actions shall  
 3780 be compulsory; and

3781 (b) subject to the same defenses, limitations, immunities, and provisions applicable to  
 3782 the claims of the injured [person] individual.

3783 ~~[(5)]~~ (6) The spouse's action for loss of consortium:

3784 (a) shall be derivative from the cause of action existing ~~[in]~~ on behalf of the injured  
 3785 [person] individual; and

3786 (b) may not exist in cases where the injured [person] individual would not have a cause  
 3787 of action.

3788 ~~[(6)]~~ (7) Fault of the spouse of the injured [person] individual, as well as fault of the  
 3789 injured [person] individual, shall be compared with the fault of all other parties, pursuant to  
 3790 Sections [78B-5-817](#) through [78B-5-823](#), for purposes of reducing or barring any recovery by  
 3791 the spouse for loss of consortium.

3792 ~~[(7)]~~ (8) Damages awarded for loss of consortium, when combined with any award to  
 3793 the injured [person] individual for general damages, may not exceed any applicable statutory  
 3794 limit on noneconomic damages, including Section [78B-3-410](#).

3795 ~~[(8)]~~ (9) Damages awarded for loss of consortium which a governmental entity is  
 3796 required to pay, when combined with any award to the injured [person] individual which a  
 3797 governmental entity is required to pay, may not exceed the liability limit for one [person]  
 3798 individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity Act of  
 3799 Utah.

3800 Section 104. Section **81-3-201**, which is renumbered from Section 30-8-2 is  
 3801 renumbered and amended to read:

3802 **Part 2. Uniform Premarital Agreement Act**

3803 ~~[30-8-2]~~. **81-3-201. Definitions for part.**

3804 As used in this ~~[chapter]~~ part:

3805 (1) "Premarital agreement" means an agreement between prospective spouses made in  
 3806 contemplation of marriage and to be effective upon marriage.

3807 (2) "Property" means an interest, present or future, legal or equitable, vested or  
3808 contingent, in real or personal property, including income and earnings.

3809 Section 105. Section **81-3-202**, which is renumbered from Section 30-8-3 is  
3810 renumbered and amended to read:

3811 ~~[30-8-3]~~. **81-3-202. Writing -- Signature required.**

3812 (1) A premarital agreement shall be in writing and signed by both parties.

3813 (2) ~~[ft]~~ A premarital agreement is enforceable without consideration.

3814 Section 106. Section **81-3-203**, which is renumbered from Section 30-8-4 is  
3815 renumbered and amended to read:

3816 ~~[30-8-4]~~. **81-3-203. Content.**

3817 (1) Parties to a premarital agreement may contract with respect to:

3818 (a) the rights and obligations of each of the parties in any of the property of either or  
3819 both of them whenever and wherever acquired or located;

3820 (b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,  
3821 assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and  
3822 control property;

3823 (c) the disposition of property upon separation, marital dissolution, death, or the  
3824 occurrence or nonoccurrence of any other event;

3825 (d) the modification or elimination of spousal support;

3826 (e) the ownership rights in and disposition of the death benefit from a life insurance  
3827 policy;

3828 (f) the choice of law governing the construction of the agreement, except that a court  
3829 ~~[of competent jurisdiction]~~ with jurisdiction may apply the law of the legal domicile of either  
3830 party, if it is fair and equitable; and

3831 (g) any other matter, including their personal rights and obligations, not in violation of  
3832 public policy or a statute imposing a criminal penalty.

3833 (2) The right of a child, as defined in Section 81-6-101, to support, health and medical  
3834 provider expenses, medical insurance, and child care coverage may not be affected by a  
3835 premarital agreement.

3836 Section 107. Section **81-3-204**, which is renumbered from Section 30-8-5 is  
3837 renumbered and amended to read:

3838 ~~[30-8-5]~~. **81-3-204. Effect of marriage -- Amendment -- Revocation.**

3839 (1) A premarital agreement becomes effective upon marriage.

3840 (2) (a) After marriage, a premarital agreement may be amended or revoked only by a  
3841 written agreement signed by the parties.

3842 (b) The amended agreement or the revocation is enforceable without consideration.

3843 Section 108. Section **81-3-205**, which is renumbered from Section 30-8-6 is

3844 renumbered and amended to read:

3845 ~~[30-8-6]~~. **81-3-205. Enforcement.**

3846 (1) A premarital agreement is not enforceable if the party against whom enforcement is  
3847 sought proves that:

3848 (a) that party did not execute the agreement voluntarily; or

3849 (b) the agreement was fraudulent when ~~[it]~~ the agreement was executed and, before  
3850 execution of the agreement, that party:

3851 (i) was not provided a reasonable disclosure of the property or financial obligations of  
3852 the other party insofar as was possible;

3853 (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the  
3854 property or financial obligations of the other party beyond the disclosure provided; and

3855 (iii) did not have, or reasonably could not have had, an adequate knowledge of the  
3856 property or financial obligations of the other party.

3857 (2) If a provision of a premarital agreement modifies or eliminates spousal support and  
3858 that modification or elimination causes one party to the agreement to be eligible for support  
3859 under a program of public assistance at the time of separation or marital dissolution, a court,  
3860 notwithstanding the terms of the agreement, may require the other party to provide support to  
3861 the extent necessary to avoid that eligibility.

3862 (3) An issue of fraud of a premarital agreement shall be decided by the court as a  
3863 matter of law.

3864 Section 109. Section **81-3-206**, which is renumbered from Section 30-8-7 is  
3865 renumbered and amended to read:

3866 ~~[30-8-7]~~. **81-3-206. Enforcement -- Void marriage.**

3867 If a marriage is determined to be void, an agreement that would otherwise have been a  
3868 premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

3869 Section 110. Section **81-3-207**, which is renumbered from Section 30-8-8 is  
3870 renumbered and amended to read:

3871 ~~[30-8-8]~~. **81-3-207. Limitations of actions.**

3872 Any statute of limitations applicable to an action asserting a claim for relief under a  
3873 premarital agreement is tolled during the marriage of the parties to the agreement.

3874 Section 111. Section **81-3-208**, which is renumbered from Section 30-8-9 is  
3875 renumbered and amended to read:

3876 ~~[30-8-9]~~. **81-3-208. Application and construction.**

3877 This ~~[act]~~ part shall be applied and construed to effectuate ~~[its]~~ the part's general  
3878 purpose to make uniform the law with respect to the subject of this ~~[act]~~ part among states  
3879 enacting ~~[it]~~ this uniform law.

3880 Section 112. Section **81-4-101** is enacted to read:

3881 **CHAPTER 4. DISSOLUTION OF MARRIAGE**

3882 **Part 1. General Provisions**

3883 **81-4-101. Definitions for chapter.**

3884 As used in this chapter:

3885 (1) "Alimony" means financial support made to a spouse or former spouse for the  
3886 support and maintenance of that spouse.

3887 (2) "Child support" means the same as that term is defined in Section 81-6-101.

3888 Section 113. Section **81-4-102**, which is renumbered from Section 30-1-17.4 is  
3889 renumbered and amended to read:

3890 ~~[30-1-17.4]~~. **81-4-102. Action for annulment or divorce as alternative relief.**

3891 Nothing ~~[herein]~~ in this chapter shall be construed to prevent the filing of an action  
3892 requesting an annulment or a divorce as alternative relief.

3893 Section 114. Section **81-4-103**, which is renumbered from Section 30-4a-1 is  
3894 renumbered and amended to read:

3895 ~~[30-4a-1]~~. **81-4-103. Nunc pro tunc order by court.**

3896 ~~[A court having jurisdiction may, upon its]~~ Upon a court's finding of good cause and  
3897 giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter  
3898 relating to marriage, divorce, legal separation, or annulment of marriage.

3899 Section 115. Section **81-4-104**, which is renumbered from Section 30-3-4.5 is

3900 renumbered and amended to read:

3901 ~~[30-3-4.5]~~. **81-4-104. Temporary separation order.**

3902 (1) ~~[A petitioner]~~ An individual may file an action for a temporary separation order,  
3903 without filing a petition for divorce, by filing a petition for temporary separation and motion  
3904 for temporary orders if:

3905 (a) the ~~[petitioner]~~ individual is lawfully married to the ~~[respondent]~~ individual from  
3906 whom the separation is sought; and

3907 (b) both parties are residents of the state for at least 90 days ~~[prior to the date of filing]~~  
3908 before the day on which the action is filed.

3909 (2) The temporary orders are valid for one year ~~[from the date of the hearing,]~~ after the  
3910 day on which the hearing for the order is held or until one of the following occurs:

3911 (a) a petition for divorce is filed and consolidated with the petition for temporary  
3912 separation; or

3913 (b) the case is dismissed.

3914 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
3915 separation, orders entered in the temporary separation shall continue in the consolidated case.

3916 (4) (a) ~~[Both]~~ If the parties have a minor child, the parties shall attend the divorce  
3917 orientation course described in Section ~~[30-3-11.4]~~ 81-4-105 within:

3918 (i) 60 days of the filing of the petition, for the petitioner~~[-and within];and~~

3919 (ii) 45 days of being served, for the respondent.

3920 (b) The clerk of the court shall provide notice to the petitioner of the requirement for  
3921 the divorce orientation course.

3922 (c) The petition shall include information regarding the divorce orientation course  
3923 when the petition is served on the respondent.

3924 (d) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
3925 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
3926 petition for temporary separation, until the moving party completes the divorce orientation  
3927 course.

3928 (e) The court may waive the requirement for the parties to attend the mandatory  
3929 courses under this Subsection (4), on the court's own motion or on the motion of one of the  
3930 parties, if the court determines course attendance and completion are not necessary,

3931 appropriate, feasible, or in the best interest of the parties.

3932 (5) The petitioner shall serve the petition for a temporary separation order in  
3933 accordance with the Utah Rules of Civil Procedure.

3934 (6) If a party files for divorce within one year after the day on which the petition for  
3935 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
3936 credited towards the filing fee for a divorce.

3937 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~  
3938 ~~accordance with the rules of civil procedure.]~~

3939 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either~~  
3940 ~~party files a petition for divorce within one year from the date of filing the petition for~~  
3941 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~  
3942 ~~divorce.]~~

3943 Section 116. Section **81-4-105**, which is renumbered from Section 30-3-11.4 is  
3944 renumbered and amended to read:

3945 ~~[30-3-11.4].~~ **81-4-105. Mandatory orientation course for divorcing parties.**

3946 (1) (a) There is established a mandatory divorce orientation course for all parties with  
3947 ~~[minor children]~~ a minor child who file a petition for temporary separation or for a divorce. ~~[A~~  
3948 ~~couple with no minor children is not required, but may choose to attend the course.]~~

3949 (b) The purpose of the course is to educate parties about the divorce process and  
3950 reasonable alternatives.

3951 ~~[(2) A petitioner shall attend a divorce orientation course no more than 60 days after~~  
3952 ~~filing a petition for divorce.]~~

3953 ~~[(3) (a) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~  
3954 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~  
3955 ~~related to the divorce or petition for temporary separation, until the moving party completes the~~  
3956 ~~divorce orientation course.]~~

3957 ~~[(b) Notwithstanding Subsection (3)(a), both parties shall attend a divorce orientation~~  
3958 ~~course before a divorce decree may be entered, unless waived by the court under Section~~  
3959 ~~30-3-4.]~~

3960 ~~[(4) The respondent shall attend the divorce orientation course no more than 30 days~~  
3961 ~~after being served with a petition for divorce.]~~



3962           ~~[(5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~  
3963 ~~course, and information regarding the course shall be included with the petition or motion,~~  
3964 ~~when served on the respondent.]~~

3965           ~~[(6)]~~ (2) The divorce orientation course shall be neutral, unbiased, at least one hour in  
3966 duration, and include:

3967           (a) options available as alternatives to divorce;

3968           (b) resources available from courts and administrative agencies for resolving custody  
3969 and support issues without filing for divorce;

3970           (c) resources available to improve or strengthen the marriage;

3971           (d) a discussion of the positive and negative consequences of divorce;

3972           (e) a discussion of the process of divorce;

3973           (f) options available for proceeding with a divorce, including:

3974           (i) mediation;

3975           (ii) collaborative law; and

3976           (iii) litigation; and

3977           (g) a discussion of post-divorce resources.

3978           ~~[(7)]~~ (3) The course may be provided in conjunction with the mandatory course for  
3979 divorcing parents required by Section ~~[30-3-11.3]~~ [81-4-106](#).

3980           ~~[(8)]~~ (4) (a) The Administrative Office of the Courts shall administer the course  
3981 pursuant to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.

3982           **(b) The contracts shall provide for the recoupment of administrative expenses through**  
3983 **the costs charged to individual parties as described in Subsection (6).**

3984           ~~[(9)]~~ (5) The course may be through live instruction, video instruction, or through an  
3985 online provider.

3986           ~~[(10)]~~ (6) (a) A participant shall pay the costs of the course, which may not exceed \$30,  
3987 to the independent contractor providing the course at the time and place of the course.

3988           (b) A petitioner who attends a live instruction course within 30 days of filing may not  
3989 be charged more than \$15 for the course.

3990           (c) A respondent who attends a live instruction course within 30 days of being served  
3991 with a petition for divorce or temporary separation order may not be charged more than \$15 for  
3992 the course.

3993 (d) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and  
3994 deposited in the Children's Legal Defense Account described in Section 51-9-408.

3995 (e) Each party who is unable to pay the costs of the course may attend the course  
3996 without payment upon a prima facie showing of indigency as evidenced by an affidavit of  
3997 indigency filed in the district court in accordance with Section 78A-2-302. ~~[The independent~~  
3998 ~~contractor shall be reimbursed for the independent contractor's costs by the Administrative~~  
3999 ~~Office of the Courts.]~~

4000 (f) A petitioner who is later determined not to meet the qualifications for indigency  
4001 may be ordered to pay the costs of the course.

4002 ~~[(11) Appropriations from the General Fund to the Administrative Office of the Courts~~  
4003 ~~for the divorce orientation course shall be used]~~

4004 (7) (a) The Administrative Office of the Courts shall reimburse an independent  
4005 contractor that administers the mandatory orientation courts for the independent contractor's  
4006 costs.

4007 (b) The Administrative Office of the Courts shall use appropriations from the  
4008 Children's Legal Defense Account to pay the costs of an indigent [petitioner who is determined  
4009 to be indigent as provided in Subsection (10)(e)] individual who makes a showing as described  
4010 in Subsection (6) to attend the mandatory orientation course under this section.

4011 ~~[(12)]~~ (8) The Online Court Assistance Program shall include instructions with the  
4012 forms for divorce that inform the petitioner of the requirement of this section.

4013 ~~[(13)]~~ (9) A certificate of completion constitutes evidence to the court of course  
4014 completion by the parties.

4015 ~~[(14)]~~ (10) It ~~[shall be]~~ is an affirmative defense in all divorce actions that the divorce  
4016 orientation requirement was not complied with~~[-]~~ and the action may not continue until a party  
4017 has complied.

4018 ~~[(15)]~~ (11) The Administrative Office of the Courts shall:

4019 (a) adopt a program to evaluate the effectiveness of the mandatory educational course[-  
4020 Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and

4021 (b) provide progress reports to the Judiciary Interim Committee if requested.

4022 Section 117. Section **81-4-106**, which is renumbered from Section 30-3-11.3 is  
4023 renumbered and amended to read:

4024 ~~[30-3-11.3].~~ 81-4-106. Mandatory educational course for divorcing parents.

4025 (1) (a) The Judicial Council shall approve and implement a mandatory educational  
4026 course for divorcing parents in all judicial districts.

4027 (b) The mandatory educational course is designed to educate and sensitize divorcing  
4028 parties to their [~~children's~~] minor child's needs both during and after the divorce process.

4029 (2) The Judicial Council shall adopt rules to implement and administer this program.

4030 ~~[(3) (a) As a prerequisite to receiving a divorce decree, both parties are required to~~  
4031 ~~attend a mandatory course on their children's needs after filing a complaint for divorce and~~  
4032 ~~receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived,~~  
4033 ~~the court may permit the divorce action to proceed.]~~

4034 ~~[(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~  
4035 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~  
4036 ~~related to the divorce until the moving party completes the mandatory educational course for~~  
4037 ~~divorcing parents required by this section.]~~

4038 ~~[(4) The court may require unmarried parents to attend this educational course when~~  
4039 ~~those parents are involved in a visitation or custody proceeding before the court.]~~

4040 ~~[(5)]~~ (3) The mandatory educational course shall instruct both parties:

4041 (a) about divorce and its impacts on:

4042 (i) their [~~child or children~~] minor child;

4043 (ii) their family relationship; and

4044 (iii) their financial responsibilities for [~~their child or children~~] their minor child; and

4045 (b) that domestic violence has a harmful effect on [~~children~~] a minor child and family  
4046 relationships.

4047 ~~[(6)]~~ (4) (a) The course may be provided through live instruction, video instruction, or  
4048 an online provider.

4049 (b) The online and video options must be formatted as interactive presentations that  
4050 ensure active participation and learning by the parent.

4051 ~~[(7)]~~ (5) (a) The Administrative Office of the Courts shall administer the course  
4052 [~~pursuant to~~] in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through  
4053 private or public contracts and organize the program in each of Utah's judicial districts.

4054 (b) The contracts shall provide for the recoupment of administrative expenses through

4055 the costs charged to individual parties[~~;~~ pursuant to ~~Subsection (9)~~] as described in Subsection  
4056 (7).

4057 [~~(8)~~] (6) A certificate of completion constitutes evidence to the court of course  
4058 completion by the parties.

4059 [~~(9)~~] (7) (a) Each party shall pay the costs of the course to the independent contractor  
4060 providing the course at the time and place of the course.

4061 (b) A fee of \$8 shall be collected, as part of the course fee paid by each participant, and  
4062 deposited in the Children's Legal Defense Account[~~;~~] described in Section [51-9-408](#).

4063 [~~(b)~~] (c) Each party who is unable to pay the costs of the course may attend the course  
4064 without payment upon a prima facie showing of indigency as evidenced by an affidavit of  
4065 indigency filed in the district court in accordance with Section [78A-2-302](#). [~~In those situations,~~  
4066 ~~the independent contractor shall be reimbursed for the independent contractor's costs from the~~  
4067 ~~appropriation to the Administrative Office of the Courts for "Mandatory Educational Course~~  
4068 ~~for Divorcing Parents Program."~~]

4069 (d) Before a decree of divorce may be entered, the court shall make a final review and  
4070 determination of indigency and may order the payment of the costs if so determined.

4071 [~~(10)~~ ~~Appropriations from the General Fund to the Administrative Office of the Courts~~  
4072 ~~for the "Mandatory Educational Course for Divorcing Parents Program" shall be used]~~

4073 (8) (a) The Administrative Office of the Courts shall reimburse an independent  
4074 contractor that administers the mandatory educational course for the independent contractor's  
4075 costs.

4076 (b) The Administrative Office of the Courts shall use appropriations from the  
4077 Children's Legal Defense Account to pay the costs of an indigent parent who makes a showing  
4078 as [~~provided in Subsection (9)(b)~~] described in Subsection (7) to attend the mandatory  
4079 educational course under this section.

4080 [~~(11)~~] (9) The Administrative Office of the Courts shall:

4081 (a) adopt a program to evaluate the effectiveness of the mandatory educational course[;  
4082 Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and

4083 (b) provide progress reports to the Judiciary Interim Committee if requested.

4084 Section 118. Section **81-4-201** is enacted to read:

4085 **Part 2. Separate Maintenance**

4086 81-4-201. Definitions for part.

4087 As used in this part:

4088 (1) "Petitioner" means an individual who brings a petition for separate maintenance.

4089 (2) "Respondent" means the individual against whom a petition for separate

4090 maintenance is brought.

4091 Section 119. Section **81-4-202**, which is renumbered from Section 30-4-1 is

4092 renumbered and amended to read:

4093 ~~[30-4-1].~~ 81-4-202. Petition for separate maintenance -- Grounds.

4094 ~~[Whenever a resident of this state:]~~

4095 (1) A married individual may bring a petition seeking separate maintenance from the

4096 married individual's spouse if:

4097 (a) the married individual, or the married individual's spouse, is a resident of this state;

4098 and

4099 (b) the married individual's spouse:

4100 ~~[(1)]~~ (i) deserts [a spouse] the married individual without good and sufficient cause;

4101 ~~[(2)]~~ (ii) being of sufficient ability to provide support, neglects or refuses to properly

4102 provide for and suitably maintain [that spouse] the married individual;

4103 ~~[(3)]~~ (iii) [having property within this state and the spouse being a resident of this state,

4104 so deserts or neglects or refuses to provide such support] has property within this state and

4105 deserts, neglects or refuses to provide support to the married individual; or

4106 ~~[(4)]~~ (iv) [where a married person without that person's fault lives separate and apart

4107 from that spouse, the district court shall, on the filing of a complaint, allot, assign, set apart and

4108 decree as alimony the use of the real and personal estate or earnings of the deserting spouse as

4109 the court may determine appropriate] lives separate and apart from the married individual

4110 without any fault to the married individual.

4111 (2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and

4112 decree as alimony the use of the real and personal estate or earnings of the respondent as the

4113 court may determine is appropriate.

4114 (3) During the pendency of the action, the court may require the [deserting spouse]

4115 respondent to pay a sum as provided in Section [30-3-3] 81-1-203.

4116 Section 120. Section **81-4-203**, which is renumbered from Section 30-4-2 is

4117 renumbered and amended to read:

4118 ~~[30-4-2].~~ **81-4-203. Venue -- Procedure.**

4119 ~~[In all actions brought hereunder the proceedings and practice shall be the same as near~~  
4120 ~~as may be as in actions for divorce; but the action may be brought in any county where the wife~~  
4121 ~~or the husband may be found.]~~

4122 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall  
4123 bring an action under this part in any county in which the petitioner or respondent is found.

4124 (2) An action under this part shall proceed in accordance with the Utah Rules of Civil  
4125 Procedure.

4126 Section 121. Section **81-4-204**, which is renumbered from Section 30-4-3 is  
4127 renumbered and amended to read:

4128 ~~[30-4-3].~~ **81-4-204. Custody and maintenance of children -- Property and**  
4129 **debt division -- Support payments.**

4130 (1) ~~[In all actions brought under this chapter]~~ In an action under this part, the court may  
4131 by order or decree:

4132 (a) provide for the care, custody, and maintenance of ~~[the minor children]~~ a minor child  
4133 of the parties [and may determine with which of the parties the children or any of them shall  
4134 remain];

4135 (b) (i) provide for support of ~~[either]~~ a spouse and the support of ~~[the minor children]~~ a  
4136 minor child remaining with that spouse;

4137 (ii) provide how and when support payments ~~[shall be]~~ are made; and

4138 (iii) provide that ~~[either]~~ a spouse have a lien upon the property of the other spouse to  
4139 secure payment of the support or maintenance obligation;

4140 (c) award to ~~[either]~~ a spouse the possession of any real or personal property of the  
4141 other spouse or acquired by the spouses during the marriage; ~~[or]~~

4142 (d) specify which party is responsible for the payment of joint debts, obligations, or  
4143 liabilities of the parties contracted or incurred during marriage in accordance with Section  
4144 15-4-6.5;

4145 (e) require the parties to notify respective creditors or obligees regarding the court's  
4146 division of debts, obligations, or liabilities and regarding the parties' separate and current  
4147 addresses in accordance with Section 15-4-6.5; or

4148 (f) provide for the enforcement of the orders described in Subsections (1)(a) and (e).

4149 [~~(d) pursuant to Section 15-4-6.5;~~]

4150 [(i) specify which party is responsible for the payment of joint debts, obligations, or  
4151 liabilities contracted or incurred by the parties during the marriage;]

4152 [(ii) require the parties to notify respective creditors or obligees regarding the court's  
4153 division of debts, obligations, and liabilities and regarding the parties' separate, current  
4154 addresses; and]

4155 [(iii) provide for the enforcement of these orders.]

4156 (2) [~~The orders and decrees]~~ A court may enforce an order or decree under this section  
4157 [may be enforced]:

4158 (a) by sale of any property of the spouse [or by];

4159 (b) by contempt proceedings [or otherwise as may be necessary.]; or

4160 (c) as is otherwise necessary.

4161 (3) The court may:

4162 (a) change the support or maintenance of a party from time to time according to  
4163 circumstances[~~, and may~~]; or

4164 (b) terminate altogether any obligation upon satisfactory proof of voluntary and  
4165 permanent reconciliation.

4166 (4) An order or decree of support or maintenance [~~shall in every case be~~] described in  
4167 this part is valid only during the joint lives of [the husband and wife] the parties.

4168 Section 122. Section **81-4-205**, which is renumbered from Section 30-4-4 is  
4169 renumbered and amended to read:

4170 ~~[30-4-4].~~ **81-4-205. Restraining disposal of property.**

4171 ~~[At the time of filing the complaint mentioned in Section 30-4-1]~~

4172 (1) At the time of the filing of a petition described in Section 81-4-202, or at any time  
4173 subsequent [~~thereto, the plaintiff~~] to the filing of the petition, a party may procure from the  
4174 court, and file with the county recorder of any county in the state in which the [defendant] other  
4175 party may own real estate, an order enjoining and restraining the [defendant] other party from  
4176 disposing of or encumbering the [same] real estate or any portion [thereof, describing such] of  
4177 the real estate.

4178 (2) The party shall describe the real estate with reasonable certainty[~~, and from the time~~

4179 of filing such order the property described therein shall be charged with a lien in favor of the  
4180 plaintiff to the extent of any judgment which may be rendered in the action:] in a filing  
4181 described in Subsection (1).

4182 (3) From the time in which a party receives a court order described in Subsection (1),  
4183 the party has a lien in favor of the party to the extent of any judgment that is rendered in an  
4184 action under this part.

4185 Section 123. Section **81-4-206**, which is renumbered from Section 30-4-5 is  
4186 renumbered and amended to read:

4187 ~~[30-4-5].~~ **81-4-206. Rights and remedies -- Imprisonment of spouse.**

4188 ~~[Like rights and remedies shall be extended to either husband or wife on the~~  
4189 ~~imprisonment of the other in the state prison under a sentence of one year or more when~~  
4190 ~~suitable provision has not been made for the support of the one not so imprisoned.]~~ If a party to  
4191 an action for separate maintenance is imprisoned in the state prison for a sentence of one year  
4192 or more and a suitable provision of support has not been made for the other party, the rights  
4193 and remedies of this part shall be extended to the party that is not imprisoned.

4194 Section 124. Section **81-4-301** is enacted to read:

4195 **Part 3. Annulment**

4196 **81-4-301. Definitions for part.**

4197 As used in this part:

4198 (1) "Petitioner" means an individual who brings a petition for an annulment.

4199 (2) "Respondent" means the individual against whom a petition for an annulment is  
4200 brought.

4201 Section 125. Section **81-4-302**, which is renumbered from Section 30-1-17.1 is  
4202 renumbered and amended to read:

4203 ~~[30-1-17.1].~~ **81-4-302. Annulment -- Grounds.**

4204 ~~[A marriage may be annulled]~~ A court may annul a marriage for any of the following  
4205 causes existing at the time of the marriage:

4206 ~~[(1) When the marriage is prohibited or void under Title 30, Chapter 1, Marriage.]~~

4207 (1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity  
4208 of Marriage; or

4209 (2) [Upon] upon grounds existing at common law.



4210 Section 126. Section **81-4-303**, which is renumbered from Section 30-1-17 is  
4211 renumbered and amended to read:

4212 ~~[30-1-17].~~ **81-4-303. Petition for annulment -- Venue -- Judgment on validity**  
4213 **of marriage.**

4214 (1) (a) When there is doubt as to the validity of a marriage, ~~[either party may, in a court~~  
4215 ~~of equity in a county where either party is domiciled,]~~ a party to the marriage may bring a  
4216 petition for annulment to demand avoidance or affirmance of the marriage~~[, but when].~~

4217 (b) If one of the parties was under 18 years old at the time of the marriage, the other  
4218 party, being of proper age at the time of the marriage, ~~[does not have a proceeding for that~~  
4219 ~~cause]~~ may not bring a petition for annulment against the party who was under 18 years old.

4220 (2) A petitioner may bring a petition for annulment in any county where the petitioner  
4221 or respondent is domiciled.

4222 (3) (a) If a petition for annulment is filed upon the ground that one or both of the  
4223 parties were prohibited from marriage because of the age of the parties, the court may refuse to  
4224 grant the annulment if the court finds that it is in the best interest of the parties, or a child of the  
4225 parties, to refuse the annulment.

4226 (b) The refusal to annul under Subsection (3)(a) makes the marriage valid and  
4227 subsisting for all purposes.

4228 (4) If the parties have accumulated any property or acquired any obligations subsequent  
4229 to the marriage, if there is a genuine need arising from an economic change of circumstances  
4230 due to the marriage, or if there is a child born or expected, the court may make temporary and  
4231 final orders, and subsequently modify the orders, as may be equitable, in regards to:

4232 (a) the property and obligations of the parties;

4233 (b) the support and maintenance of the parties and a child, as defined in Section  
4234 81-6-101, of the parties; and

4235 (c) the custody and parent-time for a minor child of the parties.

4236 (5) ~~[The judgment in the action shall either declare the marriage valid or annulled and~~  
4237 ~~shall be conclusive]~~ A judgment in an action under this part:

4238 (a) shall declare the marriage valid or annulled; and

4239 (b) is conclusive upon all persons concerned with the marriage.

4240 Section 127. Section **81-4-401** is enacted to read:

Part 4. Divorce

**81-4-401. Definitions for part.**

As used in this part:

(1) "Cohabitation" means the same as the term, "cohabit," is defined in Section

81-4-501.

(2) "Mandatory courses" means:

(a) the mandatory divorce orientation course described in Section 81-4-105; and

(b) the mandatory educational course for divorcing parents described in Section

81-4-106.

(3) "Petitioner" means the individual who brings a petition for divorce.

(4) "Respondent" means the individual against whom a petition for divorce is brought.

Section 128. Section **81-4-402** is enacted to read:

**81-4-402. Petition for divorce -- Divorce proceedings -- Temporary orders.**

(1) An individual may bring a petition for divorce if:

(a) the individual or the individual's spouse is an actual and bona fide resident of the county where the petition is filed for at least 90 days before the day on which the petition is filed; or

(b) the individual is a member of the armed forces of the United States and the individual is stationed under military orders in this state for at least 90 days before the day on which the petition is filed.

(2) A divorce action shall be commenced and conducted in accordance with this chapter and the Utah Rules of Civil Procedure.

(3) (a) The court may not enter a decree of divorce until 30 days after the day on which the petition is filed, unless the court finds that extraordinary circumstances exist.

(b) The court may make interim orders as the court considers just and equitable before the expiration of the 30-day period described in Subsection (3)(a).

(4) (a) Except as provided in Subsection (5), if the parties to the divorce action have a minor child, the parties shall attend the mandatory courses described in Sections 81-4-105 and 81-4-106 within:

(i) for the petitioner, 60 days after the day on which the petition is filed; and

(ii) for the respondent, 30 days after the day on which the respondent is served.

4272 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
4273 to attend the mandatory divorce orientation course described in Section 81-4-105.

4274 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
4275 mandatory courses.

4276 (d) A petition shall include information regarding the mandatory courses when the  
4277 petition is served on the respondent.

4278 (e) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
4279 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
4280 divorce until the moving party completes the mandatory courses.

4281 (5) (a) The court may waive the requirement for the parties to attend the mandatory  
4282 courses under Subsection (4), on the court's own motion or on the motion of one of the parties,  
4283 if the court determines course attendance and completion are not necessary, appropriate,  
4284 feasible, or in the best interest of the parties.

4285 (b) If the requirement is waived, the court may permit the divorce action to proceed.

4286 (6) The use of counseling, mediation, and education services provided under this part  
4287 may not be construed as condoning or promoting divorce.

4288 Section 129. Section **81-4-403**, which is renumbered from Section 30-3-39 is  
4289 renumbered and amended to read:

4290 **[30-3-39]. 81-4-403. Mediation requirement.**

4291 (1) There is established a mandatory domestic mediation program to help reduce the  
4292 time and tensions associated with obtaining a divorce.

4293 (2) (a) ~~If[, after the filing of an answer to a complaint of divorce,]~~ there are any  
4294 remaining contested issues after the filing of a response to a petition for divorce, the parties  
4295 shall participate in good faith in at least one session of mediation.

4296 (b) ~~[This requirement]~~ The requirement described in Subsection (2)(a) does not  
4297 preclude the entry of pretrial orders before mediation takes place.

4298 (3) The parties shall use a mediator qualified to mediate domestic disputes under  
4299 criteria established by the Judicial Council in accordance with Section **78B-6-205**.

4300 (4) Unless otherwise ordered by the court or the parties agree upon a different payment  
4301 arrangement, the cost of mediation shall be divided equally between the parties.

4302 (5) The director of dispute resolution programs for the courts, the court, or the

4303 mediator may excuse either party from the requirement to mediate for good cause.

4304 (6) ~~[Mediation]~~ A mediation described in this section shall be conducted in accordance  
4305 with the Utah Rules of Court-Annexed Alternative Dispute Resolution.

4306 Section 130. Section **81-4-404**, which is renumbered from Section 30-3-5.2 is  
4307 renumbered and amended to read:

4308 ~~[30-3-5.2].~~ **81-4-404. Allegations of child abuse or child sexual abuse in a**  
4309 **divorce proceeding -- Investigation.**

4310 (1) When ~~[in any divorce proceeding or upon a request for modification of a divorce~~  
4311 ~~decree,]~~ an allegation of child abuse or child sexual abuse is made ~~[, implicating either]~~ in a  
4312 divorce proceeding, or a request for modification of a divorce decree, that implicates a party,  
4313 the court, after making an inquiry, may order that an investigation be conducted by the Division  
4314 of Child and Family Services ~~[within the Department of Human Services]~~ in accordance with  
4315 Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective  
4316 Custody of a Child.

4317 (2) A final award of custody or parent-time may not be rendered until a report on that  
4318 investigation, consistent with Section **80-2-1005**, is received by the court.

4319 (3) ~~[That investigation shall be conducted by the]~~ The Division of Child and Family  
4320 Services shall conduct an investigation described in Subsection (1) within 30 days of the court's  
4321 notice and request for an investigation.

4322 (4) In reviewing ~~[this report]~~ a report described in Subsection (2), the court shall  
4323 comply with Sections **78A-2-703**, **78A-2-705**, and **78B-15-612**.

4324 Section 131. Section **81-4-405**, which is renumbered from Section 30-3-1 is  
4325 renumbered and amended to read:

4326 ~~[30-3-1].~~ **81-4-405. Grounds for divorce.**

4327 ~~[(1) Proceedings in divorce are commenced and conducted as provided by law for~~  
4328 ~~proceedings in civil causes, except as provided in this chapter.]~~

4329 ~~[(2) The court may decree a dissolution of the marriage contract between the petitioner~~  
4330 ~~and respondent on the grounds specified in Subsection (3) in all cases where the petitioner or~~  
4331 ~~respondent has been an actual and bona fide resident of this state and of the county where the~~  
4332 ~~action is brought, or if members of the armed forces of the United States who are not legal~~  
4333 ~~residents of this state, where the petitioner has been stationed in this state under military orders;~~

4334 ~~for three months next prior to the commencement of the action.]~~

4335 ~~[(3)]~~ (1) ~~[Grounds for divorce]~~ A court may order the dissolution of a marriage contract  
 4336 between the petitioner and the respondent on the grounds of:

4337 (a) impotency of the respondent at the time of marriage;

4338 (b) adultery committed by the respondent subsequent to marriage;

4339 (c) willful desertion of the petitioner by the respondent for more than one year;

4340 (d) willful neglect of the respondent to provide for the petitioner the common  
 4341 necessities of life;

4342 (e) habitual drunkenness of the respondent;

4343 (f) conviction of the respondent for a felony;

4344 (g) cruel treatment of the petitioner by the respondent to the extent of causing bodily  
 4345 injury or great mental distress to the petitioner;

4346 (h) irreconcilable differences of the marriage;

4347 (i) incurable insanity; or

4348 (j) when the ~~[husband and wife]~~ petitioner and respondent have lived separately under  
 4349 a decree of separate maintenance of any state for three consecutive years without cohabitation.

4350 ~~[(4)]~~ (2) A decree of divorce granted under Subsection ~~[(3)(j)]~~ (1)(j) does not affect the  
 4351 liability of either party under any provision for separate maintenance previously granted.

4352 ~~[(5)]~~ (3) (a) ~~A [divorce may not be granted on the]~~ court may not order the dissolution  
 4353 of a marriage contract between the petitioner and the respondent on the grounds of insanity  
 4354 unless:

4355 (i) the respondent has been adjudged insane by the appropriate authorities of this or  
 4356 another state prior to the commencement of the action; and

4357 (ii) the court finds by the testimony of competent witnesses that the insanity of the  
 4358 respondent is incurable.

4359 (b) The court shall appoint for the respondent a guardian ad litem who shall protect the  
 4360 interests of the respondent.

4361 (c) A copy of the summons and ~~[complaint]~~ petition shall be served on:

4362 (i) the respondent in person or by publication, as provided by the laws of this state in  
 4363 other actions for divorce, or upon ~~[his]~~ the respondent's guardian ad litem~~[-and upon];~~ and

4364 (ii) the county attorney for the county where the action is prosecuted.

4365 ~~[(e)]~~ (d) The county attorney shall:  
4366 (i) investigate the merits of the case [~~and~~];  
4367 (ii) if the respondent resides out of this state, take depositions as necessary[;];  
4368 (iii) attend the proceedings[;]; and  
4369 (iv) make a defense as is just to protect the rights of the respondent and the interests of  
4370 the state.

4371 ~~[(d) In all actions the court and judge have jurisdiction over the payment of alimony,  
4372 the distribution of property, and the custody and maintenance of minor children, as the courts  
4373 and judges possess in other actions for divorce.]~~

4374 (e) The petitioner or respondent may[;]:  
4375 (i) if the respondent resides in this state, upon notice, have the respondent brought into  
4376 the court at trial[~~or~~]; or  
4377 (ii) have an examination of the respondent by two or more competent physicians[;] to  
4378 determine the mental condition of the respondent.

4379 (f) For [~~this purpose either~~] the purpose described in Subsection (3)(e), a party may  
4380 have leave from the court to enter any asylum or institution where the respondent may be  
4381 confined.

4382 (g) The court shall apportion the costs of court in this action [~~shall be apportioned by~~  
4383 ~~the court~~].

4384 Section 132. Section **81-4-406** is enacted to read:

4385 **81-4-406. Decree of divorce -- When decree becomes absolute -- Remarriage --**  
4386 **Jurisdiction to modify a decree for a child born after the decree.**

4387 (1) (a) The court shall enter a decree of divorce upon the evidence or the petitioner's  
4388 affidavit in the case of default as described in Subsection (1)(b).

4389 (b) A court may not grant a divorce upon default, unless there is evidence to support a  
4390 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules  
4391 of Civil Procedure.

4392 (2) Unless the requirement is waived by the court under Subsection [81-4-402\(5\)](#), a  
4393 court may not grant a decree of divorce for parties with a minor child until:

4394 (a) both parties have attended the mandatory courses described in Sections [81-4-105](#)  
4395 and [81-4-106](#); and

4396 (b) both parties have presented a certificate of course completion for each course to the  
4397 court.

4398 (3) In a decree of divorce, the court shall:

4399 (a) specify which party is responsible for the payment of joint debts, obligations, or  
4400 liabilities of the parties contracted or incurred during marriage in accordance with Section  
4401 15-4-6.5;

4402 (b) require the parties to notify respective creditors or obligees, regarding the court's  
4403 division of debts, obligations, or liabilities and regarding the parties' separate and current  
4404 addresses in accordance with Section 15-4-6.5;

4405 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

4406 (d) if a party owns a life insurance policy or an annuity contract, include an  
4407 acknowledgment by the court that the party:

4408 (i) has reviewed and updated, where appropriate, the list of beneficiaries;

4409 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries  
4410 after the divorce becomes final; and

4411 (iii) understands that, if no changes are made to the policy or contract, the beneficiaries  
4412 currently listed will receive any funds paid by the insurance company under the terms of the  
4413 policy or contract; and

4414 (e) if the parties have a child as defined in Section 81-6-101, include an order for child  
4415 support and medical expenses as described in Chapter 6, Child Support.

4416 (4) The court may include in the divorce decree any equitable orders relating to:

4417 (a) the parties, including any alimony to be awarded to a party in accordance with Part  
4418 5, Spousal Support;

4419 (b) a child of the parties; and

4420 (c) any property, debts, or obligations.

4421 (5) A decree of divorce becomes absolute:

4422 (a) on the date it is signed by the court and entered by the clerk in the register of  
4423 actions;

4424 (b) at the expiration of a period of time the court may specifically designate, unless an  
4425 appeal or other proceedings for review are pending;

4426 (c) if an appeal is taken, when the decree is affirmed; or

4427 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise  
4428 orders.

4429 (6) The court, upon application or on the court's own motion for good cause shown,  
4430 may waive, alter, or extend a designated period of time before the decree becomes absolute, but  
4431 not to exceed six months from the signing and entry of the decree.

4432 (7) A party to a divorce proceeding may not marry another individual other than the  
4433 other party for whom the divorce was granted until the party's divorce becomes absolute.

4434 (8) The court has jurisdiction to modify a decree of divorce to address child support,  
4435 parent-time, and other matters related to a minor child born to the parties after the decree of  
4436 divorce is entered.

4437 Section 133. Section **81-4-501** is enacted to read:

4438 **Part 5. Spousal Support**

4439 **81-4-501. Definitions for part.**

4440 As used in this part:

4441 (1) "Child support guidelines" means the same as that term is defined in Section  
4442 [81-6-101](#).

4443 (2) "Cohabit" means to live together, or to reside together on a regular basis, in the  
4444 same residence and in a relationship of a romantic or sexual nature.

4445 (3) "Fault" means any of the following wrongful conduct during the marriage that  
4446 substantially contributed to the breakup of the marriage:

4447 (a) engaging in sexual relations with an individual other than the party's spouse;

4448 (b) knowingly and intentionally causing or attempting to cause physical harm to the  
4449 other party or a minor child;

4450 (c) knowingly and intentionally causing the other party or a minor child to reasonably  
4451 fear life-threatening harm; or

4452 (d) substantially undermining the financial stability of the other party or the minor  
4453 child.

4454 (4) "Length of the marriage" means, for purposes of alimony, the number of years from  
4455 the day on which the parties are legally married to the day on which the petition for divorce is  
4456 filed with the court.

4457 (5) "Payee" means the party who is or would receive alimony from the other party.



4458 (6) "Payor" means the party who is paying, or would pay, alimony to the other party.

4459 (7) "Temporary alimony" means money that the court orders a party to pay during the  
4460 pendency of an action under this chapter for the support and maintenance of a party as  
4461 described in Subsection 81-1-203(4).

4462 Section 134. Section **81-4-502** is enacted to read:

4463 **81-4-502. Determination of alimony.**

4464 (1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to  
4465 modify alimony, the court shall consider at least the following factors in determining alimony:

4466 (a) the financial condition and needs of the payee;

4467 (b) the payee's earning capacity or ability to produce income, including the impact of  
4468 diminished workplace experience resulting from primarily caring for a minor child of the  
4469 payor;

4470 (c) the ability of the payor to provide support;

4471 (d) the length of the marriage;

4472 (e) whether the payee has custody of a minor child requiring support;

4473 (f) whether the payee worked in a business owned or operated by the payor; and

4474 (g) whether the payee directly contributed to any increase in the payor's skill by paying  
4475 for education received by the payor or enabling the payor to attend school during the marriage.

4476 (2) (a) The court may consider the fault of the parties in determining whether to award  
4477 alimony and the terms of the alimony.

4478 (b) The court may, when fault is at issue, close the proceedings and seal the court  
4479 records.

4480 (3) (a) Except as otherwise provided by this section, the court shall consider the  
4481 standard of living, existing at the time of separation, in determining alimony in accordance  
4482 with this section.

4483 (b) In considering all relevant facts and equitable principles, the court may, in the  
4484 court's discretion, base alimony on the standard of living that existed at the time of trial.

4485 (4) The court may, under appropriate circumstances, attempt to equalize the parties'  
4486 respective standards of living.

4487 (5) (a) If the marriage is short in duration and a minor child has not been conceived or  
4488 born during the marriage, the court may consider the standard of living that existed at the time

4489 of the marriage.

4490 (b) In determining alimony when a marriage of short duration dissolves and a minor  
4491 child has not been conceived or born during the marriage, the court may consider restoring  
4492 each party to the condition which existed at the time of the marriage.

4493 (6) (a) When a marriage of long duration dissolves on the threshold of a major change  
4494 in the income of one of the parties due to the collective efforts of both parties, the court shall  
4495 consider the change when dividing the marital property and in determining the amount of  
4496 alimony.

4497 (b) If a party's earning capacity has been greatly enhanced through the efforts of both  
4498 parties during the marriage, the court may make a compensating adjustment in dividing the  
4499 marital property and awarding alimony.

4500 (7) (a) Except as provided in Subsection (7)(c), the court may not order alimony for a  
4501 period of time longer than the length of the marriage.

4502 (b) If a party is ordered to pay temporary alimony during the pendency of a divorce  
4503 action, the court shall count the period of time that the party pays temporary alimony towards  
4504 the period of time for which the party is ordered to pay alimony.

4505 (c) At any time before the termination of alimony, the court may find extenuating  
4506 circumstances or good cause that justify the payment of alimony for a longer period of time  
4507 than the length of the marriage.

4508 Section 135. Section **81-4-503** is enacted to read:

4509 **81-4-503. Modification of alimony after divorce decree.**

4510 (1) The court has continuing jurisdiction to make substantive changes and new orders  
4511 regarding alimony based on a substantial material change in circumstances not expressly stated  
4512 in the divorce decree or in the findings that the court entered at the time of the divorce decree.

4513 (2) A party's retirement is a substantial material change in circumstances that is subject  
4514 to a petition to modify alimony, unless the divorce decree, or the findings that the court entered  
4515 at the time of the divorce decree, expressly states otherwise.

4516 (3) The court may not modify alimony or issue a new order for alimony to address  
4517 needs of the recipient that did not exist at the time the decree was entered, unless the court  
4518 finds extenuating circumstances that justify that action.

4519 (4) In modifying the amount of alimony, the court may not consider the income of any

4520 subsequent spouse of the payor, except that the court may consider:

4521 (a) the subsequent spouse's financial ability to share living expenses; or

4522 (b) the income of a subsequent spouse if the court finds that the payor's improper  
4523 conduct justifies that consideration.

4524 Section 136. Section **81-4-504** is enacted to read:

4525 **81-4-504. Termination of alimony.**

4526 (1) (a) Except as provided in Subsection (1)(b), or unless a decree of divorce  
4527 specifically provides otherwise, any order of the court that a payor pay alimony to a payee  
4528 automatically terminates upon the remarriage or death of that payee.

4529 (b) If the remarriage of the payee is annulled and found to be void ab initio, the  
4530 payment of alimony shall resume if the payor is made a party to the action of annulment and  
4531 the payor's rights are determined.

4532 (2) If a payor establishes that a payee cohabits with another individual during the  
4533 pendency of the divorce action, the court:

4534 (a) may not order the payor to pay temporary alimony to the payee; and

4535 (b) shall terminate any order that the payor pay temporary alimony to the payee.

4536 (3) (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay  
4537 alimony to a payee if the payor establishes that, after the order for alimony is issued, the payee  
4538 cohabits with another individual even if the payee is not cohabiting with the individual when  
4539 the payor files the motion to terminate alimony.

4540 (b) A payor may not seek termination of alimony under Subsection (3)(a) later than one  
4541 year after the day on which the payor knew or should have known that the payee has cohabited  
4542 with another individual.

4543 Section 137. Section **81-5-101** is enacted to read:

4544 **CHAPTER 5. UNIFORM PARENTAGE ACT**

4545 **81-5-101. Reserved.**

4546 Reserved.

4547 Section 138. Section **81-6-101**, which is renumbered from Section 78B-12-102 is  
4548 renumbered and amended to read:

4549 **CHAPTER 6. CHILD SUPPORT**

4550 **Part 1. General Provisions**

4551 ~~[78B-12-102].~~ 81-6-101. Definitions for chapter.

4552 As used in this chapter:

4553 ~~[(1) "Adjusted gross income" means income calculated under Subsection~~  
4554 ~~78B-12-204(1).]~~

4555 ~~[(2)]~~ (1) "Administrative agency" means the Office of Recovery Services or the  
4556 Department of Health and Human Services.

4557 ~~[(3)]~~ (2) "Administrative order" means ~~[an order that has been issued by the Office of~~  
4558 ~~Recovery Services, the Department of Health and Human Services, or an administrative agency~~  
4559 ~~of another state or other comparable jurisdiction with similar authority to that of the office.]~~ the  
4560 same as that term is defined in Section 26B-9-201.

4561 (3) "Alimony" means the same as that term is defined in Section 81-4-101.

4562 (4) "Base child support award" means the award that may be ordered and is calculated  
4563 using the child support guidelines before additions for medical expenses and work-related child  
4564 care costs.

4565 (5) "Base combined child support obligation" means the presumed amount of child  
4566 support that the parents should provide for their child as described in Subsection 81-6-204(1).

4567 (6) "Base combined child support obligation table" means the appropriate table  
4568 described in Sections 81-6-302 and 81-6-304.

4569 ~~[(5) "Base combined child support obligation table," "child support table," "base child~~  
4570 ~~support obligation table," "low income table," or "table" means the appropriate table in Part 3,~~  
4571 ~~Tables.]~~

4572 ~~[(6) "Cash medical support" means an obligation to equally share all reasonable and~~  
4573 ~~necessary medical and dental expenses of children.]~~

4574 (7) "Child" means:

4575 (a) a son or daughter ~~[under the age of 18 years]~~ who is under 18 years old and who is  
4576 not otherwise emancipated, self-supporting, married, or a member of the armed forces of the  
4577 United States;

4578 (b) a son or daughter ~~[over the age of 18 years,]~~ who is 18 years old or older while  
4579 enrolled in high school during the normal and expected year of graduation and not otherwise  
4580 emancipated, self-supporting, married, or a member of the armed forces of the United States; or

4581 (c) a son or daughter of any age who is incapacitated from earning a living and, if able

4582 to provide some financial resources to the family, is not able to support self by own means.

4583 (8) (a) "Child support" means a base child support award, or a monthly financial award  
4584 for uninsured medical expenses, ordered by a tribunal for the support of a child~~[, including].~~

4585 (b) "Child support" includes current periodic payments, arrearages that accrue under an  
4586 order for current periodic payments, and sum certain judgments awarded for arrearages,  
4587 medical expenses, and child care costs.

4588 (9) "Child support guidelines" means the calculation and application of child support  
4589 as described in Part 2, Calculation and Adjustment of Child Support.

4590 ~~[(9)]~~ (10) "Child support order" [or "support order"] means a judgment, decree, or  
4591 order [of] issued by a tribunal ~~[whether interlocutory or final, whether or not prospectively or~~  
4592 ~~retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal~~  
4593 ~~separation, separate maintenance, paternity, guardianship, civil protection, or otherwise]~~  
4594 whether temporary, final, or subject to modification, that:

4595 (a) establishes or modifies child support;

4596 (b) reduces child support arrearages to judgment; or

4597 (c) establishes child support or registers a child support order under ~~[Chapter 14, Utah~~  
4598 ~~Uniform Interstate Family Support Act]~~ Title 78B, Chapter 14, Utah Uniform Interstate Family  
4599 Support Act.

4600 (11) "Child support tables" means the tables described in Part 3, Child Support Tables.

4601 ~~[(10) "Child support services" or "IV-D child support services" means services~~  
4602 ~~provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.]~~

4603 ~~[(11) "Court" means the district court or juvenile court.]~~

4604 ~~[(12) "Guidelines" means the directions for the calculation and application of child~~  
4605 ~~support in Part 2, Calculation and Adjustment.]~~

4606 (12) "Child support services" means the same as that term is defined in Section  
4607 [26B-9-101](#).

4608 (13) "Gross income" means the amount of income calculated for a parent as described  
4609 in Section [81-6-203](#).

4610 ~~[(13)]~~ (14) "Health care coverage" means coverage under which medical services are  
4611 provided to a child through:

4612 (a) fee for service;

4613 (b) a health maintenance organization;

4614 (c) a preferred provider organization;

4615 (d) any other type of private health insurance; or

4616 (e) public health care coverage.

4617 ~~[(14)]~~ (15) (a) "Income" means earnings, compensation, or other payment due to an  
4618 individual, regardless of source, whether denominated as wages, salary, commission, bonus,  
4619 pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and  
4620 incentive pay.

4621 (b) "Income" includes:

4622 (i) all gain derived from capital assets, labor, or both, including profit gained through  
4623 sale or conversion of capital assets;

4624 (ii) interest and dividends;

4625 (iii) periodic payments made under pension or retirement programs or insurance  
4626 policies of any type;

4627 (iv) unemployment compensation benefits;

4628 (v) workers' compensation benefits; and

4629 (vi) disability benefits.

4630 ~~[(15)]~~ (16) "Joint physical custody" means the ~~[child stays with each parent overnight~~  
4631 ~~for more than 30% of the year, and both parents contribute to the expenses of the child in~~  
4632 ~~addition to paying child support]~~ same as that term is defined in Section 81-9-101.

4633 (17) "Low income table" means the appropriate table under Section 81-6-303 or  
4634 81-6-305.

4635 ~~[(16)]~~ (18) "Medical expenses" means health and dental expenses and related insurance  
4636 costs.

4637 (19) "Minor child" means a child who is younger than 18 years old.

4638 ~~[(17)]~~ (20) "Obligee" means an individual, this state, another state, or another  
4639 comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of  
4640 child support or public assistance.

4641 ~~[(18)]~~ (21) "Obligor" means a person owing a duty of support.

4642 ~~[(19)]~~ (22) "Office" means the Office of Recovery Services within the Department of  
4643 Health and Human Services.

4644 [~~(20)~~ "Parent" includes a natural parent, or an adoptive parent.]

4645 [~~(21)~~] (23) "Pregnancy expenses" means an amount equal to:

4646 (a) the sum of a pregnant mother's:

4647 (i) health insurance premiums while pregnant that are not paid by an employer or

4648 government program; and

4649 (ii) medical costs related to the pregnancy, incurred after the date of conception and

4650 before the pregnancy ends; [~~minus~~] and

4651 (b) minus any portion of the amount described in Subsection [~~(21)(a)~~] (23)(a) that a

4652 court determines is equitable based on the totality of the circumstances, not including any

4653 amount paid by the mother or father of the child.

4654 [~~(22)~~] (24) "Split custody" means that each parent has physical custody of at least one

4655 of the children.

4656 [~~(23)~~] (25) "State" [~~includes~~] means a state, territory, possession of the United States,

4657 the District of Columbia, the Commonwealth of Puerto Rico, Native American [~~Tribe~~] tribe, or

4658 other comparable domestic or foreign jurisdiction.

4659 (26) "Support" means past-due, present, and future obligations to provide for the

4660 financial support, maintenance, or medical expenses of a child.

4661 (27) "Support order" means:

4662 (a) a child support order; or

4663 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to

4664 modification, for alimony.

4665 [~~(24)~~] (28) "Temporary" means a period of time that is projected to be less than 12

4666 months in duration.

4667 [~~(25)~~] (29) "Third party" means an agency or a person other than [~~the biological or~~

4668 ~~adoptive parent~~] a parent or a child who provides care, maintenance, and support to a child.

4669 [~~(26)~~] (30) "Tribunal" means the district court, the Department of Health and Human

4670 Services, Office of Recovery Services, or court or administrative agency of a state, territory,

4671 possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico,

4672 Native American [~~Tribe~~] tribe, or other comparable domestic or foreign jurisdiction.

4673 [~~(27)~~] (31) "Work-related child care [~~costs~~] expenses" means reasonable child care

4674 costs for up to a full-time work week or training schedule as necessitated by the employment or

4675 training of a parent [~~under Section 78B-12-215~~].

4676 [~~(28)~~] (32) [~~"Worksheets" means the forms~~] "Worksheet" means a form used to aid in  
4677 calculating the base child support award.

4678 Section 139. Section **81-6-102** is enacted to read:

4679 **81-6-102. Application of chapter.**

4680 This chapter applies to any judicial or administrative order establishing or modifying an  
4681 award of child support entered on or after July 1, 1989.

4682 Section 140. Section **81-6-103**, which is renumbered from Section 78B-12-103 is  
4683 renumbered and amended to read:

4684 [~~78B-12-103~~]. **81-6-103. Jurisdiction over a child support proceeding --**  
4685 **Appeals.**

4686 [~~The district court shall have jurisdiction of all proceedings brought under this chapter.~~]

4687 (1) A court has jurisdiction over a proceeding brought under this chapter in accordance  
4688 with Title 78A, Judiciary and Judicial Administration.

4689 (2) An appeal may be taken from an order or judgment under this part as in other civil  
4690 actions.

4691 Section 141. Section **81-6-104**, which is renumbered from Section 78B-12-105 is  
4692 renumbered and amended to read:

4693 [~~78B-12-105~~]. **81-6-104. Duty of parents to provide support for a child --**  
4694 **Support follows the child.**

4695 (1) (a) Every child is presumed to be in need of the support of the [~~child's mother and~~  
4696 ~~father. Every mother and father shall support their children.~~] child's parents.

4697 (b) Every parent shall support their child.

4698 (c) Nothing in this chapter relieves a parent of the primary obligation of support for the  
4699 parent's child.

4700 (2) Except as limited in a [~~court order under Section 30-3-5, 30-4-3, or 78B-12-212~~]  
4701 court order under Section 81-6-208:

4702 (a) [~~The~~] the expenses incurred on behalf of a minor child for reasonable and necessary  
4703 medical and dental expenses[;] and other necessities are chargeable upon the property of both  
4704 parents, regardless of the marital status of the parents[-]; and

4705 (b) [~~Either or both parents may be sued by a creditor~~] a creditor may sue a parent for



4706 the expenses described in Subsection (2)(a) incurred on behalf of ~~[minor children]~~ a minor  
4707 child.

4708 (3) (a) A parent whose minor child has become a ward of this or any other state is not  
4709 relieved of the primary obligation to support that child until the minor child is 18 years old or is  
4710 legally married, regardless of any agreements or legal defenses that exist between the parents or  
4711 other care providers.

4712 (b) Any state that provides support for a child shall have the right to reimbursement.

4713 (c) A third party has a right to recover support from a parent.

4714 (4) An obligation ordered for child support and medical expenses:

4715 (a) are for the use and benefit of the child; and

4716 (b) shall follow the child in a case in which a parent, or another person, is awarded sole  
4717 physical custody of the child as described in Subsection 81-6-205(8).

4718 (5) The rights created in this chapter are in addition to and not in substitution to any  
4719 other rights.

4720 Section 142. Section **81-6-105**, which is renumbered from Section 78B-12-105.1 is  
4721 renumbered and amended to read:

4722 ~~[78B-12-105.1].~~ **81-6-105. Duty of biological father to share pregnancy**  
4723 **expenses.**

4724 (1) Except as otherwise provided in this section, a biological father of a child has a  
4725 duty to pay 50% of the mother's pregnancy expenses.

4726 (2) (a) If paternity is disputed, a biological father owes no duty under this section until  
4727 the biological father's paternity is established.

4728 (b) Once paternity is established, the biological father is subject to Subsection (1).

4729 (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the  
4730 biological father reduces that parent's 50% share under Subsection (1), not the total amount of  
4731 pregnancy expenses.

4732 (b) Subsection (3)(a) applies regardless of when the mother or biological father pays  
4733 the pregnancy expense.

4734 (4) If a mother receives an abortion, as defined in Section **76-7-301**, without the  
4735 biological father's consent, the biological father owes no duty under this section, unless:

4736 (a) the abortion is necessary to avert the death of the mother; or

4737 (b) the mother was pregnant as a result of:  
4738 (i) rape, as described in Section [76-5-402](#);  
4739 (ii) rape of a child, as described in Section [76-5-402.1](#); or  
4740 (iii) incest, as described in Subsection [76-5-406\(2\)\(j\)](#) or Section [76-7-102](#).  
4741 (5) Subsection (1) does not apply if a court apportions pregnancy expenses [~~under~~  
4742 ~~Section [30-3-5](#)] in a divorce decree under Section [81-4-406](#).~~

4743 [~~(6) A person may seek payment under Subsection (1) in accordance with Section~~  
4744 ~~[78B-12-113](#).]~~

4745 (6) (a) A person who seeks payment under this section for pregnancy expenses shall  
4746 provide documentation of payments, medical expenses, and insurance premiums to the court.

4747 (b) The court shall order the payment of the expenses after a review of the  
4748 documentation described in Subsection (6)(a).

4749 (7) Nothing in this section [~~or Section [78B-12-212.1](#)] requires a person to separately~~  
4750 bill a biological father for pregnancy expenses.

4751 Section 143. Section **81-6-106**, which is renumbered from Section 78B-12-113 is  
4752 renumbered and amended to read:

4753 ~~**[78B-12-113].**~~ **81-6-106. Duty of obligor -- Enforcement of right of support.**

4754 (1) (a) An obligor who is present in, or a resident of, this state has the duty to provide  
4755 support to the child regardless of the presence or residence of the obligee.

4756 [~~(1)~~]

4757 [~~(a)~~] (b) The obligee may enforce [his] the obligee's right of support against the  
4758 obligor.

4759 (2) (a) The office may proceed pursuant to this [chapter] part or any other applicable  
4760 statute on behalf of:

4761 (i) the Department of Health and Human Services;

4762 (ii) any other department or agency of this state that provides public assistance, as  
4763 defined by [~~Subsection [26B-9-201\(4\)](#)] Section [26B-9-101](#), to enforce the right to recover public~~  
4764 assistance; or

4765 (iii) the obligee, to enforce the obligee's right of support against the obligor.

4766 (b) Whenever any court action is commenced by the office to enforce payment of the  
4767 obligor's support obligation, the attorney general or the county attorney of the county of

4768 residence of the obligee shall represent the office.

4769 (c) The attorney general or the county attorney does not represent or have an  
4770 attorney-client relationship with the obligee or the obligor in carrying out the duties under this  
4771 chapter.

4772 [(2)] (3) (a) A person may not commence an action, file a pleading, or submit a written  
4773 stipulation to the court, without complying with Subsection [(2)(b)] (3)(b), if the purpose or  
4774 effect of the action, pleading, or stipulation is to:

- 4775 (i) establish paternity;  
4776 (ii) establish or modify a support obligation;  
4777 (iii) change the court-ordered manner of payment of support;  
4778 (iv) recover support due or owing; or  
4779 (v) appeal issues regarding child support laws.

4780 (b) (i) When taking an action described in Subsection [(2)(a)] (3)(a), a person must file  
4781 an affidavit with the court at the time the action is commenced, the pleading is filed, or the  
4782 stipulation is submitted stating whether child support services have been or are being provided  
4783 under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., on behalf of a child  
4784 who is a subject of the action, pleading, or stipulation.

4785 (ii) If child support services have been or are being provided, under Part IV of the  
4786 Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of the affidavit  
4787 and a copy of the pleading or stipulation to the child and family support division of the Office  
4788 of the Attorney General [~~Child Support Division~~].

4789 (iii) (A) If notice is not given in accordance with this Subsection [(2)] (3), the office is  
4790 not bound by any decision, judgment, agreement, or compromise rendered in the action.

4791 (B) For purposes of appeals, service must be made on the Office of the Director for the  
4792 Office of Recovery Services.

4793 (c) If [~~IV-D services~~] child support services have been or are being provided, that  
4794 person shall join the office as a party to the action, or mail or deliver a written request to the  
4795 child and family support division of the Office of the Attorney General, [~~Child Support~~  
4796 ~~Division~~] asking the office to join as a party to the action.

4797 (d) A copy of [~~that request~~] the request described in Subsection (3)(c), along with proof  
4798 of service, shall be filed with the court.

4799 (e) The office shall be represented as provided in Subsection ~~[(1)(b)]~~ (2)(b).  
4800 ~~[(3) Neither the attorney general nor the county attorney represents or has an~~  
4801 ~~attorney-client relationship with the obligee or the obligor in carrying out the duties under this~~  
4802 ~~chapter.]~~

4803 Section 144. Section **81-6-107**, which is renumbered from Section 78B-12-201 is  
4804 renumbered and amended to read:

4805 ~~[78B-12-201].~~ **81-6-107. Procedure for child support proceeding --**  
4806 **Documentation.**

4807 (1) In any matter in which child support is ordered, the moving party shall submit:

4808 (a) a completed ~~[child support]~~ worksheet;

4809 (b) the financial verification required by ~~[Subsection 78B-12-203(5)]~~ Section  
4810 81-6-203;

4811 (c) a written statement indicating whether or not the amount of child support requested  
4812 is consistent with the child support guidelines; and

4813 (d) the information required under Subsection (3).

4814 (2) (a) If the documentation of income required under Subsection (1) is not available,  
4815 the moving party may submit a verified representation of the other party's income ~~[by the~~  
4816 ~~moving party,]~~ based on the best evidence available~~[, may be submitted].~~

4817 ~~(b) [The evidence shall be in affidavit form and may only be offered after a copy has~~  
4818 ~~been provided]~~ The moving party shall provide the evidence described in Subsection (2)(a) in  
4819 affidavit form.

4820 (c) The moving party may only offer the evidence described in Subsection (2)(a) after a  
4821 copy is provided to the other party in accordance with Utah Rules of Civil Procedure or Title  
4822 63G, Chapter 4, Administrative Procedures Act, in an administrative proceeding.

4823 (3) (a) Upon the entry of an order in a proceeding to establish paternity or to establish,  
4824 modify, or enforce a child support order, each party shall:

4825 (i) file identifying information ~~[and shall]; and~~

4826 (ii) update that information as changes occur with the court that conducted the  
4827 proceeding.

4828 ~~[(a)]~~ (b) The required identifying information shall include the person's social security  
4829 number, driver's license number, residential and mailing addresses, telephone numbers, the

4830 name, address and telephone number of employers, and any other data required by the United  
4831 States Secretary of Health and Human Services.

4832 ~~[(b)]~~ (c) ~~[Attorneys]~~ An attorney representing the office in child support services cases  
4833 ~~[are]~~ is not required to file the identifying information required by Subsection ~~[(3)(a):]~~ (3)(b).

4834 ~~[(4) A stipulated amount for child support or combined child support and alimony is~~  
4835 ~~adequate under the guidelines if the stipulated child support amount or combined amount~~  
4836 ~~equals or exceeds the base child support award required by the guidelines.]~~

4837 Section 145. Section **81-6-108**, which is renumbered from Section 78B-12-109 is  
4838 renumbered and amended to read:

4839 ~~[78B-12-109].~~ **81-6-108. Waiver and estoppel.**

4840 (1) Waiver and estoppel shall apply only to the ~~[custodial parent]~~ obligee when there is  
4841 no order already established by a tribunal if the ~~[custodial parent]~~ obligee freely and voluntarily  
4842 waives support specifically and in writing.

4843 (2) Waiver and estoppel may not be applied against any third party or public entity that  
4844 may provide support for the child.

4845 (3) ~~[A noncustodial parent]~~ An obligor, or alleged biological father in a paternity  
4846 action, may not rely on statements made by the ~~[custodial parent of the child]~~ obligee  
4847 concerning child support unless the statements are reduced to writing and signed by both  
4848 parties.

4849 Section 146. Section **81-6-109**, which is renumbered from Section 78B-12-115 is  
4850 renumbered and amended to read:

4851 ~~[78B-12-115].~~ **81-6-109. Spousal privilege -- Competency of spouses.**

4852 ~~[Laws]~~

4853 (1) A law attaching a privilege against the disclosure of communications between  
4854 ~~[husband and wife]~~ spouses are inapplicable under this chapter.

4855 (2) Spouses are competent witnesses to testify to any relevant matter, including  
4856 marriage and parentage.

4857 Section 147. Section **81-6-110**, which is renumbered from Section 78B-12-114 is  
4858 renumbered and amended to read:

4859 ~~[78B-12-114].~~ **81-6-110. County attorney to assist obligee.**

4860 (1) The county attorney's office shall provide assistance to an obligee desiring to

4861 proceed under this [~~chapter~~] part in the following manner:

4862 (a) provide forms, approved by the Judicial Council [~~of Utah~~], for an order of wage  
4863 assignment if the obligee is not represented by legal counsel;

4864 (b) inform the obligee of the right to file [~~impecuniously~~] indigently if the obligee is  
4865 unable to bear the expenses of the action and assist the obligee with such filing;

4866 (c) advise the obligee of the available methods for service of process; and

4867 (d) assist the obligee in expeditiously scheduling a hearing before the court.

4868 (2) The county attorney's office may charge a fee not to exceed \$25 for providing  
4869 assistance to an obligee under Subsection (1).

4870 Section 148. Section **81-6-201** is enacted to read:

4871 **Part 2. Calculation and Adjustment of Child Support**

4872 **81-6-201. Definitions for part.**

4873 Reserved.

4874 Section 149. Section **81-6-202**, which is renumbered from Section 78B-12-210 is  
4875 renumbered and amended to read:

4876 [~~78B-12-210~~]. **81-6-202. Determination of amount of child support --**

4877 **Application of child support guidelines -- Requirements for child support order.**

4878 [~~(1) The guidelines in this chapter apply to any judicial or administrative order~~  
4879 ~~establishing or modifying an award of child support entered on or after July 1, 1989.]~~

4880 (1) (a) If a prior child support order does not exist, a substantial change in  
4881 circumstances has occurred, or a petition to modify a child support order as described in  
4882 Section [81-6-212](#) is filed, the court determining the amount of prospective child support shall  
4883 require each party to file a proposed award of child support using the child support guidelines  
4884 before the court enters or modifies a child support order.

4885 (b) When no prior child support order exists, the court or administrative agency shall  
4886 determine and assess all arrearages based upon the child support guidelines.

4887 (2) (a) The court or administrative agency shall apply the child support guidelines  
4888 [~~shall be applied~~] as a rebuttable presumption in establishing or modifying the amount of  
4889 temporary or permanent child support.

4890 (b) The rebuttable presumption means the provisions and considerations required by  
4891 the child support guidelines, the award amounts resulting from the application of the child

4892 support guidelines, and the use of worksheets consistent with ~~[these]~~ the child support  
4893 guidelines are presumed to be correct, unless ~~[rebutted under the provisions of]~~ the child  
4894 support guidelines are rebutted in accordance with this section.

4895 (3) (a) A written finding or specific finding on the record supporting the conclusion  
4896 that complying with a provision of the child support guidelines or ordering an award amount  
4897 resulting from use of the child support guidelines would be unjust, inappropriate, or not in the  
4898 best interest of a child in a particular case is sufficient to rebut the presumption in that case.

4899 (b) If an order rebuts the presumption through findings, ~~[it]~~ the order is considered a  
4900 deviated order.

4901 (4) The following ~~[shall be]~~ are considered deviations from the child support  
4902 guidelines, if:

4903 (a) the order includes a written finding that ~~[it]~~ the order is a deviation from the child  
4904 support guidelines;

4905 (b) the ~~[guidelines]~~ worksheet has:

4906 (i) the box checked for a deviation; and

4907 (ii) an explanation as to the reason; or

4908 (c) the deviation is made because there were more children than provided for in the  
4909 ~~[guidelines table]~~ child support tables.

4910 (5) If the amount in the order and the amount on the ~~[guidelines]~~ worksheet differ by  
4911 \$10 or more:

4912 (a) the order is considered deviated; and

4913 (b) the incomes listed on the worksheet may not be used in adjusting support for  
4914 emancipation as described in Section 81-6-213.

4915 (6) If the court finds sufficient evidence to rebut the guidelines as described in  
4916 Subsection (3), the court shall establish child support after considering all relevant factors,  
4917 including:

4918 (a) the standard of living and situation of the parties;

4919 (b) the relative wealth and income of the parties;

4920 (c) the ability of the obligor to earn;

4921 (d) the ability of the obligee to earn;

4922 (e) the ability of an incapacitated adult child to earn, or other benefits received by the

4923 adult child or on the adult child's behalf including Supplemental Security Income;

4924 (f) the needs of the obligee, the obligor, and the child;

4925 (g) the ages of the parties; and

4926 (h) the responsibilities of the obligor and the obligee for the support of others.

4927 ~~[(6)]~~ (7) (a) [Natural or adoptive children of either] If there are children of either parent

4928 who live in the home of that parent and are not children in common to both parties [may at the

4929 option of either party be taken into account], the court or administrative agency, at the option of

4930 either party, may take into account the children under the child support guidelines in setting a

4931 base child support award[~~as provided~~] as described in Subsection ~~[(7)]~~ (8).

4932 (b) Additional worksheets shall be prepared that ~~[compute]~~ calculate the base child

4933 support award of the respective parents for the additional children.

4934 ~~(c) [The base child support award shall then be subtracted]~~ The court or administrative

4935 agency shall subtract the base child support award calculated under Subsection (7)(b) from the

4936 appropriate parent's income before determining the award in the [instant case] case described in

4937 Subsection (7)(a).

4938 ~~[(7)]~~ (8) In a proceeding to adjust or modify [an existing award, consideration of

4939 natural or adoptive children born after entry of the order and who are not in common to both

4940 parties may be applied] a child support order, the court or administrative agency may consider

4941 children, who are born after the entry of the child support order and are not in common to both

4942 parties, to mitigate an increase in the award, but [may not be applied] the court or

4943 administrative agency may not consider the children:

4944 (a) for the benefit of the obligee if the credit would increase the support obligation of

4945 the obligor from the most recent child support order; or

4946 (b) for the benefit of the obligor if the amount of support received by the obligee would

4947 be decreased from the most recent child support order.

4948 (9) A stipulated amount for child support or combined child support and alimony is

4949 adequate under the child support guidelines if the stipulated child support amount or combined

4950 amount equals or exceeds the base child support award required by the child support

4951 guidelines.

4952 (10) The court shall include the following provisions in a child support order:

4953 (a) a provision establishing the monthly amount of child support obligation for each



4954 parent in accordance with the child support guidelines;

4955 (b) a provision assigning responsibility for the payment of reasonable and necessary  
4956 medical expenses for the child as described in Section [81-6-208](#);

4957 (c) a provision requiring the purchase and maintenance of appropriate health care  
4958 insurance for the medical expenses of the child as described in Section [81-6-208](#) if health care  
4959 insurance is or becomes available at a reasonable cost;

4960 (d) a provision regarding the child care expenses and costs as described in Section  
4961 [81-6-209](#);

4962 (e) a provision regarding each parent's right to claim a child as a tax exemption for  
4963 federal and state income tax purposes in accordance with Section [81-6-210](#);

4964 (f) provisions for income withholding as a means of collecting child support, in  
4965 accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title  
4966 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and

4967 (g) a provision regarding a parent's opportunity to adjust a child support order as  
4968 described in Section [81-6-212](#).

4969 (11) The office shall include the provisions described in Section [26B-9-224](#) in a child  
4970 support order.

4971 ~~[(8) (a) If a child support order has not been issued or modified within the previous~~  
4972 ~~three years, a parent, legal guardian, or the office may move the court to adjust the amount of a~~  
4973 ~~child support order.]~~

4974 ~~[(b) Upon receiving a motion under Subsection (8)(a), the court shall, taking into~~  
4975 ~~account the best interests of the child:]~~

4976 ~~[(i) determine whether there is a difference between the payor's ordered support~~  
4977 ~~amount and the payor's support amount that would be required under the guidelines; and]~~

4978 ~~[(ii) if there is a difference as described in Subsection (8)(b)(i), adjust the payor's~~  
4979 ~~ordered support amount to the payor's support amount provided in the guidelines if:]~~

4980 ~~[(A) the difference is 10% or more;]~~

4981 ~~[(B) the difference is not of a temporary nature; and]~~

4982 ~~[(C) the order adjusting the payor's ordered support amount does not deviate from the~~  
4983 ~~guidelines.]~~

4984 ~~[(e) A showing of a substantial change in circumstances is not necessary for an~~

4985 adjustment under this Subsection (8).]

4986 [(9) (a) A parent, legal guardian, or the office may at any time petition the court to  
4987 adjust the amount of a child support order if there has been a substantial change in  
4988 circumstances. A change in the base combined child support obligation table is not a  
4989 substantial change in circumstances for the purposes of this Subsection (9).]

4990 [(b) For purposes of this Subsection (9), a substantial change in circumstances may  
4991 include:]

4992 [(i) material changes in custody;]

4993 [(ii) material changes in the relative wealth or assets of the parties;]

4994 [(iii) material changes of 30% or more in the income of a parent;]

4995 [(iv) material changes in the employment potential and ability of a parent to earn;]

4996 [(v) material changes in the medical needs of the child; or]

4997 [(vi) material changes in the legal responsibilities of either parent for the support of  
4998 others.]

4999 [(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into  
5000 account the best interests of the child:]

5001 [(i) determine whether a substantial change has occurred;]

5002 [(ii) if a substantial change has occurred, determine whether the change results in a  
5003 difference of 15% or more between the payor's ordered support amount and the payor's support  
5004 amount that would be required under the guidelines; and]

5005 [(iii) adjust the payor's ordered support amount to that which is provided for in the  
5006 guidelines if:]

5007 [(A) there is a difference of 15% or more; and]

5008 [(B) the difference is not of a temporary nature.]

5009 [(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9)  
5010 shall be included in each child support order.]

5011 Section 150. Section **81-6-203**, which is renumbered from Section 78B-12-203 is  
5012 renumbered and amended to read:

5013 **[~~78B-12-203~~]. 81-6-203. Determination of gross income for child support --**  
5014 **Imputing income to a parent.**

5015 [(1) As used in the guidelines, "gross income" includes prospective income from any

5016 ~~source, including earned and nonearned income sources which may include salaries, wages,~~  
5017 ~~commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay,~~  
5018 ~~pensions, interest, trust income, alimony from previous marriages, annuities, capital gains,~~  
5019 ~~Social Security benefits, workers' compensation benefits, unemployment compensation,~~  
5020 ~~income replacement disability insurance benefits, and payments from "nonmeans-tested"~~  
5021 ~~government programs.]~~

5022 (1) (a) Each parent shall provide verification of current income to the court or  
5023 administrative agency.

5024 (b) Each parent shall provide year-to-date pay stubs or employer statements and  
5025 complete copies of tax returns from at least the most recent year, unless the court finds the  
5026 verification is not reasonably available.

5027 (c) Verification of income from records maintained by the Department of Workforce  
5028 Services may be substituted for pay stubs, employer statements, and income tax returns.

5029 (2) (a) To calculate gross income of a parent, the court or administrative agency may  
5030 include:

5031 (i) prospective income of the parent, including income from earned and nonearned  
5032 sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone,  
5033 prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous  
5034 marriages, annuities, capital gains, Social Security benefits, worker compensation benefits,  
5035 unemployment compensation, income replacement disability insurance benefits, and payments  
5036 from nonmeans-tested government programs; and

5037 (ii) income imputed to the parent as described in Subsection (6).

5038 ~~[(2)]~~ (b) Income from earned income sources is limited to the equivalent of one  
5039 full-time 40-hour job.

5040 (c) If and only if during the time before the original support order, the parent normally  
5041 and consistently worked more than 40 hours at the parent's job, the court may consider this  
5042 extra time as a pattern in calculating the parent's ability to provide child support.

5043 (3) (a) The court or administrative agency shall use historical and current earnings to  
5044 determine whether an underemployment or overemployment situation exists.

5045 (b) The office may not treat incarceration of at least six months as voluntary  
5046 unemployment in establishing or modifying a support order.

5047 ~~[(3) Notwithstanding Subsection (1), specifically excluded from gross income are:]~~

5048 ~~[(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment~~  
5049 ~~Program;]~~

5050 ~~[(b) benefits received under a housing subsidy program, the Job Training Partnership~~  
5051 ~~Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP~~  
5052 ~~benefits, or General Assistance; and]~~

5053 ~~[(c) other similar means-tested welfare benefits received by a parent.]~~

5054 ~~(4) [(a) Gross income from self-employment or operation of a business shall be~~  
5055 ~~calculated]~~

5056 (a) To calculate income from self-employment or operation of a business, the court or  
5057 administrative agency:

5058 (i) shall calculate gross income from self-employment or operation of a business by  
5059 subtracting necessary expenses required for self-employment or business operation from gross  
5060 receipts[-];

5061 (ii) [The] shall review income and expenses from self-employment or operation of a  
5062 business ~~[shall be reviewed]~~ to determine an appropriate level of gross income available to the  
5063 parent to satisfy a child support award[-]; and

5064 (iii) [Only] may only deduct those expenses necessary to allow the business to operate  
5065 at a reasonable level ~~[may be deducted]~~ from gross receipts.

5066 (b) Gross income determined under this Subsection (4) may differ from the amount of  
5067 business income determined for tax purposes.

5068 ~~[(5) (a) When possible, gross income should first be computed on an annual basis and~~  
5069 ~~then recalculated to determine the average gross monthly income.]~~

5070 ~~[(b) Each parent shall provide verification of current income. Each parent shall~~  
5071 ~~provide year-to-date pay stubs or employer statements and complete copies of tax returns from~~  
5072 ~~at least the most recent year unless the court finds the verification is not reasonably available.~~  
5073 ~~Verification of income from records maintained by the Department of Workforce Services may~~  
5074 ~~be substituted for pay stubs, employer statements, and income tax returns.]~~

5075 ~~[(c) Historical and current earnings shall be used to determine whether an~~  
5076 ~~underemployment or overemployment situation exists.]~~

5077 ~~[(6) Incarceration of at least six months may not be treated as voluntary unemployment~~

5078 ~~by the office in establishing or modifying a support order.]~~

5079 ~~[(7) Gross income includes income imputed to the parent under Subsection (8).]~~

5080 ~~[(8)(a) Income may not be imputed]~~

5081 (5) When possible, the court or administrative agency shall determine the average

5082 monthly gross income for each parent by:

5083 (a) calculating the gross income of each parent on an annual basis; and

5084 (b) dividing the annual gross income for each parent by 12.

5085 (6) (a) The court or administrative agency may not impute income to a parent unless

5086 the parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a

5087 hearing is held and ~~[the judge in a judicial proceeding or the presiding officer in an~~

5088 ~~administrative proceeding]~~ the court or administrative agency enters findings of fact as to the

5089 evidentiary basis for the imputation.

5090 (b) If income is imputed to a parent, ~~[the income shall be based]~~ the court or

5091 administrative agency shall base income upon employment potential and probable earnings

5092 considering, to the extent known:

5093 (i) employment opportunities;

5094 (ii) work history;

5095 (iii) occupation qualifications;

5096 (iv) educational attainment;

5097 (v) literacy;

5098 (vi) age;

5099 (vii) health;

5100 (viii) criminal record;

5101 (ix) other employment barriers and background factors; and

5102 (x) prevailing earnings and job availability for persons of similar backgrounds in the

5103 community.

5104 (c) If a parent has no recent work history or a parent's occupation is unknown, ~~[that~~

5105 ~~parent may be imputed]~~ the court or administrative agency may impute an income to that parent

5106 at the federal minimum wage for a 40-hour work week.

5107 (d) To impute a greater or lesser income, the ~~[judge in a judicial proceeding or the~~

5108 ~~presiding officer in an administrative proceeding]~~ court or administrative agency shall enter

5109 specific findings of fact as to the evidentiary basis for the imputation.

5110 ~~[(d)]~~ (e) ~~[Income may not be imputed]~~ The court or administrative agency may not  
5111 impute income to a parent if any of the following conditions exist and the condition is not of a  
5112 temporary nature:

5113 (i) the reasonable costs of child care for the parents' minor ~~[children]~~ child approach or  
5114 equal the amount of income the custodial parent can earn;

5115 (ii) a parent is physically or mentally unable to earn minimum wage;

5116 (iii) a parent is engaged in career or occupational training to establish basic job skills;

5117 or

5118 (iv) unusual emotional or physical needs of a child require the custodial parent's  
5119 presence in the home.

5120 (7) Notwithstanding Subsection (2), the court or administrative agency may not include  
5121 the following sources of income when calculating the gross income of a parent:

5122 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
5123 Program;

5124 (b) benefits received under a housing subsidy program, the Job Training Partnership  
5125 Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP  
5126 benefits, or General Assistance;

5127 (c) other similar means-tested welfare benefits received by a parent;

5128 (d) the earned income of a child who is the subject of a child support award; or

5129 (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's  
5130 own right, such as Supplemental Security Income.

5131 (8) (a) The court or administrative agency shall credit, as child support, the amount of  
5132 social security benefits received by a child due to the earnings of the parent on whose earning  
5133 record the social security benefits are based by crediting the amount against the potential  
5134 obligation of that parent.

5135 (b) The court or administrative agency may consider other unearned income of a child  
5136 as income of a parent depending upon the circumstances of each case.

5137 ~~[(9)(a) Gross income may not include the earnings of a minor child who is the subject~~  
5138 ~~of a child support award nor benefits to a minor child in the child's own right such as~~  
5139 ~~Supplemental Security Income.]~~

5140 ~~[(b) Social security benefits received by a child due to the earnings of a parent shall be~~  
5141 ~~credited as child support to the parent upon whose earning record it is based, by crediting the~~  
5142 ~~amount against the potential obligation of that parent. Other unearned income of a child may~~  
5143 ~~be considered as income to a parent depending upon the circumstances of each case.]~~

5144 Section 151. Section **81-6-204** is enacted to read:

5145 **81-6-204. General provisions for calculating child support -- Determination of**  
5146 **base combined child support obligation.**

5147 (1) To calculate child support, the court or administrative agency shall determine the  
5148 base combined child support obligation for the parents by:

5149 (a) except as provided in Subsection (3), adjusting the average monthly gross income  
5150 for each parent by subtracting any alimony previously ordered and paid and any child support  
5151 previously ordered for that parent;

5152 (b) adjusting the average monthly gross income for each parent by subtracting any  
5153 credits deemed appropriate under Subsections [81-6-202](#)(7) and (8);

5154 (c) combining the adjusted average monthly gross incomes for both parents; and

5155 (d) locating the base combined child support obligation in the base combined child  
5156 support obligation table by finding:

5157 (i) the combined adjusted average monthly gross incomes of the parents in the table;

5158 and

5159 (ii) the total number of children in common to the parents.

5160 (2) The court or administrative agency may only use the income of the parents of the  
5161 child to determine the base child support award.

5162 (3) The court or administrative agency may not subtract any alimony ordered in the  
5163 pending proceeding from the gross incomes of the parents as described in Subsection (1)(a).

5164 (4) If there is no amount listed for the base combined child support obligation in the  
5165 base combined child support obligation table, the base combined support obligation for the  
5166 parents is \$0.

5167 (5) Upon determining the base combined child support obligation, the court or  
5168 administrative agency shall make additional calculations as described in Section [81-6-205](#),  
5169 [81-6-206](#), or [81-6-207](#) to determine the base child support award.

5170 (6) (a) Except as provided in Subsection (6)(b), the court may consider any amount that

5171 an incapacitated adult child can contribute to the child's support and use the amount to justify a  
5172 reduction in the amount of support ordered.

5173 (b) If the case described in Subsection (6)(a) involves more than one child, the  
5174 reduction may not be greater than the effect of reducing the total number of children by one.

5175 (7) (a) The base combined child support obligation table provides combined child  
5176 support obligations for up to six children.

5177 (b) If a case involves more than six children, the court may add additional amounts to  
5178 the base child support obligation shown in the base combined child support obligation table.

5179 (c) Unless rebutted by Subsection 81-6-202(3), the court or administrative agency may  
5180 not order an amount less than the amount that would be ordered for up to six children.

5181 (8) (a) If the combined adjusted gross income exceeds the highest level specified in the  
5182 base combined child support obligation table, the court shall order an appropriate and just  
5183 amount of child support on a case-by-case basis, except that the court may not order an amount  
5184 that is less than the highest level specified in the table for the number of children due child  
5185 support.

5186 (b) There is no maximum limit on the base child support award that a court may order  
5187 using the child support tables.

5188 (9) The amount shown in a child support table is the child support amount for the total  
5189 number of children not an amount per child.

5190 (10) For all worksheets, income and child support award figures are rounded to the  
5191 nearest dollar.

5192 Section 152. Section **81-6-205** is enacted to read:

5193 **81-6-205. Sole physical custody -- Obligation calculations -- Change in physical**  
5194 **custody.**

5195 (1) This section applies to a case in which a parent, or another person, is awarded sole  
5196 physical custody of the children.

5197 (2) Except as provided in Subsections (3) and (4), the court or administrative agency  
5198 shall determine the base child support award for each parent by:

5199 (a) dividing each parent's monthly adjusted gross income by the combined monthly  
5200 adjusted gross income to determine each parent's percentage; and

5201 (b) multiplying each parent's percentage by the base combined child support obligation



5202 that is calculated as described in Subsection [81-6-204\(1\)](#).

5203 (3) (a) If the base combined child support obligation is \$0, the court or administrative  
5204 agency shall establish the base child support award for each parent by:

5205 (i) determining the individual monthly adjusted gross income for the parent;

5206 (ii) locating the amount of the base child support award in the low income table by  
5207 finding:

5208 (A) the monthly adjusted gross income for the parent in the low income table; and

5209 (B) the number of children in common with the parents.

5210 (b) The corresponding amount in the low income table is the base child support award  
5211 for that parent.

5212 (4) (a) If a parent's individual monthly adjusted gross income is less than the highest  
5213 amount of monthly adjusted gross income shown in the low income table, the court or  
5214 administrative agency shall determine that the base child support award is the lesser of:

5215 (i) the amount calculated using the base combined child support obligation table as  
5216 described in Subsection (2); and

5217 (ii) the amount calculated using the low income table as described in Subsection (3).

5218 (b) If the monthly adjusted gross income of a parent is found in an area of the low  
5219 income table in which no amount is shown, the court or administrative agency shall determine  
5220 the base child support award by using the amount listed in the base combined child support  
5221 obligation table and calculated as described in Subsection (2).

5222 (5) A base child support award in a sole physical custody case may not be less than  
5223 \$30.

5224 (6) The amounts calculated under this section are rebuttable as described in Section  
5225 [81-6-202](#).

5226 (7) A parent without sole physical custody of the children is an obligor and is required  
5227 to pay the amount of child support calculated under this section.

5228 (8) (a) When physical custody of a child changes after the original child support order,  
5229 the parent without physical custody of the child is required to pay the amount of child support  
5230 calculated under this section, without the need to modify the order, to:

5231 (i) the parent who has physical custody of the child;

5232 (ii) a relative to whom physical custody of the child has been voluntarily given; or

5233 (iii) the state when the child is residing outside of the home in the protective custody,  
5234 temporary custody, or care of the state or a state-licensed facility for at least 30 days.

5235 (b) When physical custody of a child changes from the physical custody that is  
5236 assumed in the original child support order calculated under this section, the modification of  
5237 the child support order is not necessary even if only one parent is specifically ordered to pay in  
5238 the child support order.

5239 Section 153. Section **81-6-206** is enacted to read:

5240 **81-6-206. Joint physical custody -- Obligation calculations.**

5241 (1) This section applies to a case in which the parents are awarded joint physical  
5242 custody of the children.

5243 (2) If the base combined child support obligation that is calculated as described in  
5244 Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.

5245 (3) If the base combined child support obligation that is calculated as described in  
5246 Subsection 81-6-204(1) is greater than \$0, the court or administrative agency shall determine  
5247 each parent's share of the base combined child support obligation by:

5248 (a) dividing each parent's monthly adjusted gross income by the combined monthly  
5249 adjusted gross income to determine each parent's percentage; and

5250 (b) multiplying each parent's percentage by the base combined child support obligation.

5251 (4) The court or administrative agency shall determine the base child support award for  
5252 the parent with the lesser number of overnights by:

5253 (a) multiplying the number of overnights over 110 and under 131 for that parent by  
5254 .0027;

5255 (b) multiplying the number calculated under Subsection (4)(a) by the base combined  
5256 child support obligation;

5257 (c) multiplying the number of overnights over 130 for that parent by .0084;

5258 (d) multiplying the number calculated under Subsection (4)(c) by the base combined  
5259 child support obligation; and

5260 (e) subtracting the numbers calculated in Subsections (4)(b) and (4)(d) from that  
5261 parent's share of the base combined child support obligation calculated under Subsection (3).

5262 (5) If the base child support award calculated under Subsection (4) is greater than \$0,  
5263 the parent with the lesser number of overnights is the obligor and is required to pay child

5264 support.

5265 (6) If the base child support award calculated under Subsection (4) is less than \$0:

5266 (a) the parent with the lesser number of overnights is the obligee; and

5267 (b) the parent with the greater number of overnights is the obligor and is required to

5268 pay child support.

5269 (7) If the parents have an equal parent-time schedule under Section [81-9-305](#), the

5270 amount of time to be spent with the parent who has the lower monthly adjusted gross income is

5271 considered 183 overnights, regardless of whether the parent receives 182 overnights or 183

5272 overnights under the equal parent-time schedule.

5273 Section 154. Section **81-6-207** is enacted to read:

5274 **81-6-207. Split physical custody -- Obligation calculations.**

5275 (1) This section applies to a case in which the parents are awarded split physical

5276 custody of the children.

5277 (2) If the base combined child support obligation that is calculated as described in

5278 Subsection [81-6-204](#)(1) is \$0, the base child support award for each parent is \$0.

5279 (3) If the base combined child support obligation that is calculated as described in

5280 Subsection [81-6-204](#)(1) is greater than \$0, the court shall determine the base child support

5281 award by:

5282 (a) dividing the number of children with each parent by the combined number of

5283 children to calculate each parent's percentage of children;

5284 (b) dividing each parent's monthly adjusted gross income by the combined monthly

5285 adjusted gross income to calculate each parent's percentage of the combined monthly adjusted

5286 gross income;

5287 (c) multiplying each parent's percentage of the combined monthly adjusted gross

5288 income by the base combined child support obligation to calculate each parent's share of the

5289 base combined child support obligation;

5290 (d) multiplying each parent's share of the base combined child support obligation by

5291 the other parent's percentage of children to determine the individual child support obligations

5292 for each parent; and

5293 (e) subtracting the lesser individual child support obligation from the higher individual

5294 child support obligation to reach the base child support award.

5295 (4) The parent with the higher individual child support obligation is the parent required  
5296 to pay the base child support award calculated under Subsection (3).

5297 Section 155. Section **81-6-208**, which is renumbered from Section 78B-12-212 is  
5298 renumbered and amended to read:

5299 ~~[78B-12-212].~~ **81-6-208. Requirements for a child support order regarding**  
5300 **medical expenses -- Determination of parental liability for medical expenses.**

5301 (1) As used in this section, "health insurance" means the same as that term is defined in  
5302 Section [31A-1-301](#).

5303 ~~[(1)]~~ (2) Except as provided in Subsection ~~[(3)]~~ (4), a child support order issued or  
5304 modified in this state on or after May 3, 2023, shall require compliance with the requirements  
5305 described in Subsection ~~[(2)]~~ (3) as of the effective date of the child support order.

5306 ~~[(2)]~~ (3) A child support order shall:

5307 (a) ~~[order that]~~ require the parents provide health care coverage for the medical  
5308 expenses of a child;

5309 (b) ~~[order that]~~ require the parents provide health insurance for the medical expenses of  
5310 a child if health insurance is available to the parents at a reasonable cost;

5311 (c) ~~[in accordance with Subsection [30-3-5\(3\)\(b\)\(ii\)](#) and Section [30-3-5.4](#);~~ designate  
5312 which health~~[- hospital, or dental]~~ insurance plan is primary and which health~~[- hospital, or~~  
5313 ~~dental]~~ insurance plan is secondary if, at any time, a child is covered by both parents' health~~[-~~  
5314 ~~hospital, or dental]~~ insurance plans as described in Subsection (7);

5315 (d) ~~[require]~~ require each parent to share equally the out-of-pocket costs of the  
5316 premium actually paid by a parent for the child's portion of health insurance; and

5317 (e) ~~[in accordance with Subsection [30-3-5\(3\)\(a\)](#);~~ include a provision that requires each  
5318 parent to equally share all reasonable and necessary uninsured and unreimbursed medical and  
5319 dental expenses incurred for a child, including co-payments, co-insurance, and deductibles.

5320 ~~[(3)]~~ (4) ~~[A court]~~ The court may deviate from the requirements described in  
5321 Subsection ~~[(2)]~~ (3) if:

5322 (a) the court makes specific findings establishing good cause for the deviation; or

5323 (b) subject to the court's approval, the parents agree which parent shall provide health  
5324 insurance for the child.

5325 ~~[(4)]~~ (5) In determining whether to take the action described in Subsection ~~[(3)]~~ (4), the

5326 court may consider:

- 5327 (a) the reasonableness of the cost;  
5328 (b) the availability of a group insurance policy;  
5329 (c) the coverage of the policy; or  
5330 (d) the preference of the custodial parent.

5331 ~~[(5)]~~ (6) Subject to Subsection ~~[(3)]~~ (4), if a child support order does not contain the  
5332 requirements described in Subsection ~~[(2)]~~ (3):

5333 (a) the parents are nonetheless subject to the requirements described in Subsection ~~[(2)]~~  
5334 (3), as applicable; and

5335 (b) for purposes of Subsection ~~[(2)(c)]~~ (3)(c), the health insurance plan of the parent  
5336 whose birthday falls first in the calendar year is primary, and the health insurance plan of the  
5337 parent whose birthday falls second in the calendar year is secondary.

5338 (7) (a) The provisions of an order under Subsection (3)(c) shall:

5339 (i) take effect if at any time a child is covered by both parents' health insurance plans;  
5340 and

5341 (ii) include the following language: "If, at any point in time, a child is covered by the  
5342 health insurance plans of both parents, the health insurance plan of (Parent's Name) shall be  
5343 primary coverage for the child and the health insurance plan of (Other Parent's Name) shall be  
5344 secondary coverage for the child. If a parent remarries and the child is not covered by that  
5345 parent's health insurance plan but is covered by a step-parent's plan, the health insurance plan  
5346 of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the  
5347 same designation as the primary or secondary plan of the child."

5348 (b) A court or administrative agency may not modify the language required by  
5349 Subsection (7)(a)(ii).

5350 (c) Notwithstanding Subsection (7)(b), the court may allocate the payment of medical  
5351 expenses including co-payments, deductibles, and co-insurance not covered by health insurance  
5352 between the parents.

5353 (d) In designating primary coverage pursuant to Subsection (3)(c), the court may take  
5354 into account:

5355 (i) the birth dates of the parents;

5356 (ii) a requirement in a court order, if any, for one of the parents to maintain health

5357 insurance coverage for a child;

5358 (iii) the parent with physical custody of the child; or

5359 (iv) any other factor the court considers relevant.

5360 ~~[(6)(a)]~~ (8) (a) The parent who provides health insurance may receive credit against  
5361 the base child support award or recover the other parent's share of the child's portion of the  
5362 premium.

5363 (b) If the parent does not have health insurance but another member of the parent's  
5364 household provides health insurance for the child, the parent may receive credit against the  
5365 base child support award or recover the other parent's share of the child's portion of the  
5366 premium.

5367 ~~[(7)(a)]~~ (9) (a) The child's portion of the premium is a per capita share of the premium  
5368 actually paid.

5369 (b) The premium expense for a child shall be calculated by dividing the premium  
5370 amount by the number of persons covered under the policy and multiplying the result by the  
5371 number of children in the instant case.

5372 ~~[(8)(a)]~~ (10) (a) The parent maintaining health care coverage or insurance shall  
5373 provide verification of coverage to the other parent, or to the ~~[Office of Recovery Services]~~  
5374 office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., upon initial  
5375 enrollment of the child, and after initial enrollment on or before January 2 of each calendar  
5376 year.

5377 (b) The parent shall notify the other parent, or the ~~[Office of Recovery Services]~~ office  
5378 under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., of any change of  
5379 insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew  
5380 or should have known of the change.

5381 ~~[(9)]~~ (c) A parent who incurs medical expenses shall provide written verification of the  
5382 cost and payment of medical expenses to the other parent within 30 days of payment.

5383 ~~[(10)]~~ (d) ~~[In addition to any other sanctions provided by the court, a]~~ The court may  
5384 deny a parent incurring medical expenses ~~[may be denied]~~ the right to receive credit for the  
5385 expenses or to recover the other parent's share of the expenses if that parent fails to comply  
5386 with ~~[Subsections (8) and (9)]~~ this Subsection (10).

5387 (11) (a) The court or administrative agency may issue an order determining the amount

5388 of a parent's liability for medical expenses of a child when the parent:

5389 (i) is required by a prior court or administrative order to:

5390 (A) share those expenses with the other parent of the child; or

5391 (B) obtain insurance for medical expenses but fails to do so; or

5392 (ii) receives direct payment from an insurer under insurance coverage obtained after the  
5393 prior court or administrative order was issued.

5394 (b) If the prior court or administrative order does not specify what proportions of the  
5395 expenses are to be shared:

5396 (i) the court may determine the amount of liability as may be reasonable and necessary;  
5397 and

5398 (ii) the administrative agency may determine the amount of liability in accordance with  
5399 established rules.

5400 (c) This Subsection (11) applies to an order without regard to when the order was  
5401 issued.

5402 Section 156. Section **81-6-209**, which is renumbered from Section 78B-12-214 is  
5403 renumbered and amended to read:

5404 ~~[78B-12-214]~~. **81-6-209. Requirements for a child support order regarding**  
5405 **child care costs and expenses -- Actual expenses for child care.**

5406 ~~[(1) The child support order shall require that each parent share equally the reasonable~~  
5407 ~~work-related child care expenses of the parents.]~~

5408 (1) The court or administrative agency shall require in a child support order that each  
5409 parent share equally the reasonable work-related child care expenses of the parents.

5410 (2) (a) If an actual expense for child care is incurred, a parent shall begin paying [his]  
5411 the parent's share on a monthly basis immediately upon presentation of proof of the child care  
5412 expense[~~,-but if~~].

5413 (b) If the child care expense ceases to be incurred, [that] the parent may suspend  
5414 making monthly payment of that expense, while [it] the expense is not being incurred, without  
5415 obtaining a modification of the child support order.

5416 ~~[(b)]~~ (c) (i) In the absence of a court order to the contrary, a parent who incurs child  
5417 care expense shall provide written verification of the cost and identity of a child care provider  
5418 to the other parent upon initial engagement of a provider and thereafter on the request of the

5419 other parent.

5420 (ii) In the absence of a court order to the contrary, the parent shall notify the other  
5421 parent of any change of child care provider or the monthly expense of child care within 30  
5422 calendar days ~~[of the date of the change]~~ after the day on which the change occurred.

5423 (3) ~~[In addition to any other sanctions provided by the court, a]~~ The court may deny a  
5424 parent incurring child care expenses ~~[may be denied]~~ the right to receive credit for the expenses  
5425 or to recover the other parent's share of the expenses if the parent incurring the expenses fails to  
5426 comply with Subsection ~~[(2)(b)]~~ (2)(c).

5427 (4) (a) The court or administrative agency shall presume that child care costs should be  
5428 included in a child support order if a parent, during extended parent-time, is working and  
5429 actually incurring the child care costs.

5430 (b) The presumption under Subsection (4)(a) is rebutted if:

5431 (i) the obligor's base child support award, in combination with the award of medical  
5432 expenses, exceeds 50% of the obligor's adjusted gross income; or

5433 (ii) by adding the child care costs, the obligor's child support obligation would exceed  
5434 50% of the obligor's adjusted gross income.

5435 (5) (a) The court or administrative agency may award child care costs on a case-by-case  
5436 basis if the child care costs are related to the career and occupational training of the custodial  
5437 parent or the child care costs would be in the interest of justice.

5438 (b) The court or administrative agency may assign financial responsibility in a child  
5439 support order for all or a portion of child care expenses incurred on behalf of a child due to the  
5440 employment or training of the custodial parent.

5441 (6) (a) The court or administrative agency may impute a monthly obligation for child  
5442 care costs when the court imputes income to a parent who is providing child care for the child  
5443 so that the parties are not incurring child care costs for the child.

5444 (b) The court shall apply any monthly obligation imputed under Subsection (6)(a)  
5445 towards any actual child care costs incurred within the same month for the child.

5446 Section 157. Section **81-6-210**, which is renumbered from Section 78B-12-217 is  
5447 renumbered and amended to read:

5448 ~~[78B-12-217].~~ **81-6-210. Award of tax exemption for a child.**

5449 (1) ~~[No presumption exists]~~ There is no presumption as to which parent should be



5450 awarded the right to claim a child [~~or children as exemptions~~] as an exemption for federal and  
 5451 state income tax purposes.

5452 (2) Unless the parties otherwise stipulate in writing, the court [~~or administrative~~  
 5453 ~~agency~~] shall award in any final order the exemption on a case-by-case basis.

5454 [~~(2)~~] (3) In awarding the exemption, the court [~~or administrative agency~~] shall  
 5455 consider:

5456 (a) as the primary factor, the relative contribution of each parent to the cost of raising  
 5457 the child; and

5458 (b) among other factors, the relative tax benefit to each parent.

5459 [~~(3)~~] (4) (a) Notwithstanding Subsection [~~(2)~~] (3), the court [~~or administrative agency~~]  
 5460 may not award any exemption to [~~the noncustodial parent if that parent is not current in his~~] a  
 5461 parent if the parent is not current in the parent's child support obligation[~~, in which case~~].

5462 (b) If a parent is not current in the parent's child support obligation under Subsection  
 5463 (4)(a), the court [~~or administrative agency~~] may award an exemption to the [~~custodial parent~~]  
 5464 other parent.

5465 [~~(4)~~] (5) An exemption may not be awarded to a parent unless the award will result in a  
 5466 tax benefit to that parent.

5467 Section 158. Section **81-6-211**, which is renumbered from Section 78B-12-216 is  
 5468 renumbered and amended to read:

5469 ~~[78B-12-216].~~ **81-6-211. Reduction for extended parent-time.**

5470 (1) The base child support award [~~shall be~~] is:

5471 (a) reduced by 50% for each child for time periods during which the child is with the  
 5472 noncustodial parent by order of the court or by written agreement of the parties for at least 25  
 5473 of any 30 consecutive days of extended parent-time; or

5474 (b) reduced by 25% for each child for time periods during which the child is with the  
 5475 noncustodial parent by order of the court[;] or by written agreement of the parties for at least 12  
 5476 of any 30 consecutive days of extended parent-time.

5477 (2) If the [~~dependent~~] child is a client of cash assistance provided under Title 35A,  
 5478 Chapter 3, Part 3, Family Employment Program, the administrative agency shall approve any  
 5479 agreement by the parties for reduction of child support during extended parent-time [~~shall be~~  
 5480 ~~approved by the administrative agency~~].

5481 (3) ~~[Normal]~~ For purposes of this section, normal parent-time and holiday visits to the  
5482 custodial parent ~~[shall not be]~~ are not considered extended parent-time.

5483 (4) For cases receiving ~~[IV-D]~~ child support services in accordance with ~~[Title 26B,  
5484 Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child Support  
5485 Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, to receive the  
5486 adjustment]~~ Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the  
5487 noncustodial parent shall provide written documentation to the office of the extended  
5488 parent-time schedule to receive the adjustment under Subsection (1), including the beginning  
5489 and ending dates, ~~[to the Office of Recovery Services]~~ in the form of ~~[either]~~ a court order or a  
5490 voluntary written agreement between the parties.

5491 (5) If the noncustodial parent complies with Subsection (4), owes no past-due support,  
5492 and pays the full, unadjusted amount of current child support due for the month of scheduled  
5493 extended parent-time and the following month, the ~~[Office of Recovery Services]~~ office shall  
5494 refund the difference from the child support due to the custodial parent or the state, between the  
5495 full amount of current child support received during the month of extended parent-time and the  
5496 adjusted amount of current child support due:

5497 (a) from current child support received in the month following the month of scheduled  
5498 extended parent-time; or

5499 (b) from current child support received in the month following the month written  
5500 documentation of the scheduled extended parent-time is provided to the office, whichever  
5501 occurs later.

5502 (6) If the noncustodial parent complies with Subsection (4), owes past-due support, and  
5503 pays the full, unadjusted amount of current child support due for the month of scheduled  
5504 extended parent-time, the ~~[Office of Recovery Services]~~ office shall apply the difference, from  
5505 the child support due to the custodial parent or the state, between the full amount of current  
5506 child support received during the month of extended parent-time and the adjusted amount of  
5507 current child support due, to the past-due support obligation in the case.

5508 (7) For cases not receiving ~~[IV-D]~~ child support services in accordance with ~~[Title  
5509 26B, Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child  
5510 Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, any  
5511 potential adjustment of the support payment during the month of extended visitation or any~~

5512 ~~refund that may be due to the noncustodial parent from the custodial parent, shall be resolved~~  
5513 ~~between the parents or through the court without involvement by the Office of Recovery~~  
5514 ~~Services] Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the~~  
5515 ~~court or the parents shall resolve, without involvement by the office, any potential adjustment~~  
5516 ~~of the child support payment during the month of extended visitation or any refund that is due~~  
5517 ~~to the noncustodial parent from the custodial parent.~~

5518 (8) For purposes of this section, the per child amount to which the abatement applies  
5519 ~~[shall be]~~ is calculated by dividing the base child support award by the number of children  
5520 included in the award.

5521 (9) The reduction in this section does not apply to parents with joint physical custody  
5522 obligations calculated in accordance with Section ~~[78B-12-208]~~ 81-6-206.

5523 Section 159. Section **81-6-212** is enacted to read:

5524 **81-6-212. Modification of child support order -- Adjustment of child support.**

5525 (1) The amount of prospective child support is equal to the amount granted by a prior  
5526 child support order unless:

5527 (a) there is a substantial change of circumstances on the part of the obligor or obligee  
5528 as described in this section; or

5529 (b) an adjustment is made as described in this section or Section 81-6-213.

5530 (2) If the prior child support order contains a stipulated provision for the automatic  
5531 adjustment for prospective child support, the prospective child support is the amount as stated  
5532 in the order, without a showing of a substantial change of circumstances, if the stipulated  
5533 provision:

5534 (a) is clear and unambiguous;

5535 (b) is self-executing;

5536 (c) provides for child support that equals or exceeds the base child support award  
5537 required by the child support guidelines; and

5538 (d) does not allow a decrease in child support as a result of the obligor's voluntary  
5539 reduction of income.

5540 (3) (a) A parent, legal guardian, or the office may, at any time, petition the court to  
5541 adjust the amount of a child support order if there has been a substantial change in  
5542 circumstances.

5543 (b) A change in the child support tables is not a substantial change in circumstances for  
5544 the purposes of Subsection (3)(a).

5545 (c) For purposes of this Subsection (3)(a), a substantial change in circumstances may  
5546 include:

5547 (i) material changes in custody;

5548 (ii) material changes in the relative wealth or assets of the parties;

5549 (iii) material changes of 30% or more in the income of a parent;

5550 (iv) material changes in the employment potential and ability of a parent to earn;

5551 (v) material changes in the medical needs of the child; or

5552 (vi) material changes in the legal responsibilities of either parent for the support of  
5553 others.

5554 (4) Upon receiving a petition under Subsection (3)(a), the court shall, taking into  
5555 account the best interests of the child:

5556 (a) determine whether a substantial change has occurred;

5557 (b) if a substantial change has occurred, determine whether the change results in a  
5558 difference of 15% or more between the obligor's ordered support amount and the obligor's  
5559 support amount that would be required under the child support guidelines; and

5560 (c) adjust the obligor's ordered support amount to that which is provided for in the  
5561 child support guidelines if:

5562 (i) there is a difference of 15% or more; and

5563 (ii) the difference is not of a temporary nature.

5564 (5) (a) If a child support order has not been issued or modified within the previous  
5565 three years, a parent, legal guardian, or the office may move the court to adjust the amount of a  
5566 child support order.

5567 (b) Upon receiving a motion under Subsection (5)(a), the court shall, taking into  
5568 account the best interests of the child:

5569 (i) determine whether there is a difference between the obligor's ordered support  
5570 amount and the obligor's support amount that would be required under the child support  
5571 guidelines; and

5572 (ii) if there is a difference as described in Subsection (5)(b)(i), adjust the obligor's  
5573 ordered support amount to the obligor's support amount provided in the child support

5574 guidelines if:

5575 (A) the difference is 10% or more;

5576 (B) the difference is not of a temporary nature; and

5577 (C) the order adjusting the obligor's ordered support amount does not deviate from the

5578 child support guidelines.

5579 (c) A showing of a substantial change in circumstances is not necessary for an

5580 adjustment under this Subsection (5).

5581 Section 160. Section **81-6-213** is enacted to read:

5582 **81-6-213. Adjustment to child support when child becomes emancipated.**

5583 (1) Except as otherwise provided in the child support order, the base child support

5584 award is automatically adjusted to the base child support award for the remaining number of

5585 children due child support, without the need to modify the most recent child support order by a

5586 court, when a child:

5587 (a) becomes 18 years old or graduates from high school during the child's normal and

5588 expected year of graduation, whichever occurs later;

5589 (b) dies, marries, becomes a member of the armed forces of the United States; or

5590 (c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.

5591 (2) The base child support award is adjusted as described in Subsection (1) by using

5592 the child support table that was used to establish the most recent child support order and by

5593 using the income of the parties as specified in the most recent child support order or the

5594 worksheets.

5595 (3) The base child support award may not be reduced by a per child amount derived

5596 from the base child support award originally ordered.

5597 (4) If the incomes of the parties are not specified in the most recent child support order

5598 or the worksheets, the information regarding the incomes is not consistent, or the order deviates

5599 from the child support guidelines, the base child support award is not automatically adjusted

5600 under Subsection (1) and the child support order will continue until modified by the issuing

5601 tribunal.

5602 (5) If the child support order is deviated and the parties subsequently obtain a court

5603 order that adjusts the amount of child support back to the date of the emancipation of the child,

5604 the office may not be required to repay any difference in the child support collected during the

5605 interim.

5606 Section 161. Section **81-6-214**, which is renumbered from Section 78B-12-218 is  
5607 renumbered and amended to read:

5608 ~~[78B-12-218].~~ **81-6-214. Accountability of support provided to benefit child**  
5609 **-- Accounting.**

5610 (1) The court or administrative agency [~~which~~] that issues the initial or modified order  
5611 for child support may, upon the petition of the obligor, order prospectively the obligee to  
5612 furnish an accounting of amounts provided for the child's benefit to the obligor, including an  
5613 accounting or receipts.

5614 (2) The court or administrative agency may prescribe the frequency and the form of the  
5615 accounting [~~which shall include~~], including receipts [~~and an accounting~~].

5616 (3) The obligor may petition for the accounting only if current on all child support that  
5617 has been ordered.

5618 Section 162. Section **81-6-301** is enacted to read:

5619 **Part 3. Child Support Tables**

5620 **81-6-301. Definitions for part.**

5621 Reserved.

5622 Section 163. Section **81-6-302**, which is renumbered from Section 78B-12-301 is  
5623 renumbered and amended to read:

5624 ~~78B-12-301.~~ **81-6-302. Base combined child support obligation table --**  
5625 **Both parents -- Child support orders entered before January 1, 2023.**

5626 The table in this section [~~shall be~~] is used to:

5627 (1) establish a child support order entered for the first time on or after January 1, 2008,  
5628 but before January 1, 2023;

5629 (2) modify a child support order entered for the first time on or after January 1, 2008,  
5630 but before January 1, 2023;

5631 (3) modify a temporary judicial child support order established on or before December  
5632 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

5633 (4) modify a final child support order entered on or before December 31, 2007, if the  
5634 modification is made on or after January 1, 2010, but before January 1, 2025.

5635	Combined Monthly Adjusted Gross Income		Number of Children					
			1	2	3	4	5	6
5636								
5637	From	To						
5638	726 -	750	138	245	286	319	351	382
5639	751 -	775	141	252	294	328	360	392
5640	776 -	800	146	259	301	336	370	402
5641	801 -	825	151	265	309	345	379	412
5642	826 -	850	155	272	317	353	389	423
5643	851 -	875	160	279	324	362	398	433
5644	876 -	900	165	285	332	370	407	443
5645	901 -	925	169	292	340	379	417	453
5646	926 -	950	174	299	348	387	426	464
5647	951 -	975	179	305	355	396	436	474
5648	976 -	1,000	183	312	363	405	445	484
5649	1,001 -	1,050	193	322	374	417	459	500
5650	1,051 -	1,100	201	335	390	435	478	520
5651	1,101 -	1,150	210	348	405	452	497	541
5652	1,151 -	1,200	220	362	420	469	516	561
5653	1,201 -	1,250	229	375	436	486	535	582
5654	1,251 -	1,300	238	388	451	503	553	602
5655	1,301 -	1,350	248	401	467	520	572	623
5656	1,351 -	1,400	256	414	481	536	590	642
5657	1,401 -	1,450	265	426	495	552	607	661
5658	1,451 -	1,500	275	438	510	568	625	680
5659	1,501 -	1,550	284	451	524	584	643	699
5660	1,551 -	1,600	293	463	538	600	660	718
5661	1,601 -	1,650	303	476	553	616	678	737

5662	1,651 - 1,700	311	488	567	632	695	757
5663	1,701 - 1,750	320	500	581	648	713	776
5664	1,751 - 1,800	330	513	596	664	731	795
5665	1,801 - 1,850	339	525	610	680	748	814
5666	1,851 - 1,900	348	538	624	696	766	833
5667	1,901 - 1,950	358	550	638	712	783	852
5668	1,951 - 2,000	366	562	652	727	800	870
5669	2,001 - 2,100	385	580	673	750	825	898
5670	2,101 - 2,200	399	604	701	781	859	935
5671	2,201 - 2,300	410	628	728	812	893	972
5672	2,301 - 2,400	420	652	756	843	927	1,009
5673	2,401 - 2,500	431	676	784	874	961	1,046
5674	2,501 - 2,600	443	700	811	904	995	1,082
5675	2,601 - 2,700	453	723	838	934	1,028	1,118
5676	2,701 - 2,800	464	747	865	964	1,060	1,154
5677	2,801 - 2,900	475	770	891	994	1,093	1,189
5678	2,901 - 3,000	485	794	918	1,024	1,126	1,225
5679	3,001 - 3,100	496	817	945	1,054	1,159	1,261
5680	3,101 - 3,200	508	838	970	1,081	1,189	1,294
5681	3,201 - 3,300	518	859	994	1,108	1,219	1,326
5682	3,301 - 3,400	529	881	1,018	1,135	1,248	1,358
5683	3,401 - 3,500	539	902	1,042	1,162	1,278	1,391
5684	3,501 - 3,600	548	923	1,066	1,189	1,308	1,423
5685	3,601 - 3,700	555	944	1,090	1,216	1,337	1,455
5686	3,701 - 3,800	564	965	1,115	1,243	1,367	1,487
5687	3,801 - 3,900	573	985	1,138	1,269	1,396	1,519
5688	3,901 - 4,000	581	1,004	1,160	1,294	1,423	1,548
5689	4,001 - 4,100	590	1,024	1,182	1,318	1,450	1,577



5690	4,101 - 4,200	599	1,043	1,204	1,342	1,477	1,607
5691	4,201 - 4,300	608	1,062	1,226	1,367	1,503	1,636
5692	4,301 - 4,400	616	1,081	1,248	1,391	1,530	1,665
5693	4,401 - 4,500	624	1,101	1,270	1,416	1,557	1,694
5694	4,501 - 4,600	633	1,119	1,291	1,439	1,583	1,722
5695	4,601 - 4,700	641	1,133	1,306	1,456	1,601	1,742
5696	4,701 - 4,800	650	1,147	1,321	1,473	1,620	1,762
5697	4,801 - 4,900	659	1,161	1,336	1,489	1,638	1,783
5698	4,901 - 5,000	668	1,175	1,351	1,506	1,657	1,803
5699	5,001 - 5,100	676	1,189	1,366	1,523	1,675	1,823
5700	5,101 - 5,200	684	1,203	1,381	1,540	1,694	1,843
5701	5,201 - 5,300	693	1,217	1,396	1,557	1,712	1,863
5702	5,301 - 5,400	701	1,227	1,408	1,570	1,726	1,878
5703	5,401 - 5,500	710	1,238	1,419	1,582	1,741	1,894
5704	5,501 - 5,600	719	1,248	1,431	1,595	1,755	1,909
5705	5,601 - 5,700	728	1,259	1,442	1,608	1,769	1,925
5706	5,701 - 5,800	733	1,269	1,454	1,621	1,783	1,940
5707	5,801 - 5,900	739	1,280	1,465	1,634	1,797	1,956
5708	5,901 - 6,000	745	1,290	1,477	1,647	1,812	1,971
5709	6,001 - 6,100	751	1,302	1,490	1,661	1,827	1,988
5710	6,101 - 6,200	756	1,313	1,503	1,676	1,843	2,005
5711	6,201 - 6,300	763	1,325	1,516	1,690	1,859	2,023
5712	6,301 - 6,400	769	1,336	1,528	1,704	1,874	2,039
5713	6,401 - 6,500	775	1,347	1,540	1,717	1,889	2,055
5714	6,501 - 6,600	780	1,358	1,553	1,731	1,904	2,072
5715	6,601 - 6,700	786	1,369	1,565	1,745	1,919	2,088
5716	6,701 - 6,800	786	1,380	1,577	1,759	1,934	2,105
5717	6,801 - 6,900	841	1,391	1,590	1,772	1,950	2,121

5718	6,901 - 7,000	850	1,402	1,602	1,786	1,965	2,138
5719	7,001 - 7,100	859	1,413	1,614	1,800	1,980	2,154
5720	7,101 - 7,200	868	1,417	1,618	1,804	1,985	2,159
5721	7,201 - 7,300	876	1,420	1,621	1,807	1,988	2,163
5722	7,301 - 7,400	883	1,423	1,624	1,811	1,992	2,167
5723	7,401 - 7,500	888	1,426	1,627	1,814	1,996	2,171
5724	7,501 - 7,600	894	1,429	1,630	1,818	1,999	2,175
5725	7,601 - 7,700	899	1,432	1,633	1,821	2,003	2,179
5726	7,701 - 7,800	904	1,436	1,636	1,824	2,007	2,184
5727	7,801 - 7,900	910	1,439	1,639	1,828	2,011	2,188
5728	7,901 - 8,000	915	1,442	1,642	1,831	2,014	2,192
5729	8,001 - 8,100	921	1,445	1,646	1,835	2,018	2,196
5730	8,101 - 8,200	926	1,448	1,649	1,838	2,022	2,200
5731	8,201 - 8,300	933	1,451	1,652	1,842	2,026	2,204
5732	8,301 - 8,400	938	1,454	1,655	1,845	2,029	2,208
5733	8,401 - 8,500	944	1,460	1,661	1,852	2,037	2,216
5734	8,501 - 8,600	949	1,475	1,678	1,871	2,058	2,240
5735	8,601 - 8,700	954	1,491	1,696	1,891	2,080	2,263
5736	8,701 - 8,800	960	1,506	1,714	1,911	2,102	2,287
5737	8,801 - 8,900	965	1,522	1,732	1,931	2,124	2,311
5738	8,901 - 9,000	971	1,537	1,749	1,951	2,146	2,334
5739	9,001 - 9,100	976	1,553	1,767	1,970	2,167	2,358
5740	9,101 - 9,200	983	1,568	1,785	1,990	2,189	2,382
5741	9,201 - 9,300	988	1,584	1,803	2,010	2,211	2,405
5742	9,301 - 9,400	994	1,599	1,820	2,030	2,233	2,429
5743	9,401 - 9,500	999	1,614	1,838	2,049	2,254	2,453
5744	9,501 - 9,600	1,004	1,630	1,856	2,069	2,276	2,477
5745	9,601 - 9,700	1,010	1,645	1,874	2,089	2,298	2,500

5746	9,701 - 9,800	1,015	1,661	1,891	2,109	2,320	2,524
5747	9,801 - 9,900	1,021	1,673	1,905	2,124	2,336	2,542
5748	9,901 - 10,000	1,026	1,683	1,917	2,137	2,351	2,557
5749	10,001 - 10,100	1,033	1,694	1,928	2,150	2,365	2,573
5750	10,101 - 10,200	1,039	1,704	1,940	2,163	2,379	2,589
5751	10,201 - 10,300	1,045	1,715	1,951	2,176	2,394	2,604
5752	10,301 - 10,400	1,051	1,725	1,963	2,189	2,408	2,620
5753	10,401 - 10,500	1,058	1,736	1,975	2,202	2,422	2,635
5754	10,501 - 10,600	1,064	1,746	1,986	2,215	2,436	2,651
5755	10,601 - 10,700	1,070	1,757	1,998	2,228	2,451	2,666
5756	10,701 - 10,800	1,077	1,767	2,010	2,241	2,465	2,682
5757	10,801 - 10,900	1,083	1,778	2,021	2,254	2,479	2,697
5758	10,901 - 11,000	1,090	1,788	2,033	2,267	2,494	2,713
5759	11,001 - 11,100	1,096	1,799	2,045	2,280	2,508	2,729
5760	11,101 - 11,200	1,103	1,809	2,056	2,293	2,522	2,744
5761	11,201 - 11,300	1,109	1,820	2,068	2,306	2,537	2,760
5762	11,301 - 11,400	1,116	1,830	2,080	2,319	2,551	2,775
5763	11,401 - 11,500	1,123	1,841	2,091	2,332	2,565	2,791
5764	11,501 - 11,600	1,129	1,851	2,103	2,345	2,579	2,806
5765	11,601 - 11,700	1,136	1,862	2,115	2,358	2,594	2,822
5766	11,701 - 11,800	1,143	1,872	2,126	2,371	2,608	2,838
5767	11,801 - 11,900	1,150	1,882	2,138	2,383	2,622	2,852
5768	11,901 - 12,000	1,157	1,892	2,148	2,395	2,635	2,867
5769	12,001 - 12,100	1,164	1,901	2,159	2,407	2,648	2,881
5770	12,101 - 12,200	1,171	1,910	2,170	2,419	2,661	2,895
5771	12,201 - 12,300	1,178	1,919	2,180	2,431	2,674	2,910
5772	12,301 - 12,400	1,185	1,929	2,191	2,443	2,687	2,924
5773	12,401 - 12,500	1,192	1,938	2,202	2,455	2,700	2,938

5774	12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
5775	12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
5776	12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
5777	12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
5778	12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
5779	13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
5780	13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
5781	13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
5782	13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
5783	13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
5784	13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
5785	13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
5786	13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
5787	13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
5788	13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
5789	14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
5790	14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
5791	14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
5792	14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
5793	14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
5794	14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
5795	14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
5796	14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
5797	14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
5798	14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
5799	15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
5800	15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
5801	15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304

5802	15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
5803	15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
5804	15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
5805	15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
5806	15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
5807	15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
5808	15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
5809	16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
5810	16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
5811	16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
5812	16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
5813	16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
5814	16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
5815	16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
5816	16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
5817	16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
5818	16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
5819	17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
5820	17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
5821	17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
5822	17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
5823	17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
5824	17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
5825	17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
5826	17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
5827	17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
5828	17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
5829	18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588

5830	18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
5831	18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
5832	18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
5833	18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
5834	18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
5835	18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
5836	18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
5837	18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
5838	18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
5839	19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
5840	19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
5841	19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
5842	19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
5843	19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
5844	19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
5845	19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
5846	19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
5847	19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
5848	19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
5849	20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
5850	22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
5851	24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
5852	26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
5853	28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
5854	30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
5855	32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
5856	34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
5857	36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792

5858	38,001 - 40,000	2,908	4,556	5,251	5,939	6,513	7,072
5859	40,001 - 42,000	3,008	4,716	5,451	6,179	6,773	7,352
5860	42,001 - 44,000	3,108	4,876	5,651	6,419	7,033	7,632
5861	44,001 - 46,000	3,208	5,036	5,851	6,659	7,293	7,912
5862	46,001 - 48,000	3,308	5,196	6,051	6,899	7,553	8,192
5863	48,001 - 50,000	3,408	5,356	6,251	7,139	7,813	8,472
5864	50,001 - 52,000	3,508	5,476	6,391	7,299	7,993	8,672
5865	52,001 - 54,000	3,608	5,596	6,531	7,459	8,173	8,872
5866	54,001 - 56,000	3,708	5,716	6,671	7,619	8,353	9,072
5867	56,001 - 58,000	3,808	5,836	6,811	7,779	8,533	9,272
5868	58,001 - 60,000	3,908	5,956	6,951	7,939	8,713	9,472
5869	60,001 - 62,000	4,008	6,076	7,091	8,099	8,893	9,672
5870	62,001 - 64,000	4,108	6,196	7,231	8,259	9,073	9,872
5871	64,001 - 66,000	4,208	6,316	7,371	8,419	9,253	10,072
5872	66,001 - 68,000	4,308	6,436	7,511	8,579	9,433	10,272
5873	68,001 - 70,000	4,408	6,556	7,651	8,739	9,613	10,472
5874	70,001 - 72,000	4,508	6,676	7,791	8,899	9,793	10,672
5875	72,001 - 74,000	4,608	6,796	7,931	9,059	9,973	10,872
5876	74,001 - 76,000	4,708	6,916	8,071	9,219	10,153	11,072
5877	76,001 - 78,000	4,808	7,036	8,211	9,379	10,333	11,272
5878	78,001 - 80,000	4,908	7,156	8,351	9,539	10,513	11,472
5879	80,001 - 82,000	5,008	7,276	8,491	9,699	10,693	11,672
5880	82,001 - 84,000	5,108	7,396	8,631	9,859	10,873	11,872
5881	84,001 - 86,000	5,208	7,516	8,771	10,019	11,053	12,072
5882	86,001 - 88,000	5,308	7,636	8,911	10,179	11,233	12,272
5883	88,001 - 90,000	5,408	7,756	9,051	10,339	11,413	12,472
5884	90,001 - 92,000	5,508	7,876	9,191	10,499	11,593	12,672
5885	92,001 - 94,000	5,608	7,996	9,331	10,659	11,773	12,872

5886	94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
5887	96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
5888	98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

5889 Section 164. Section **81-6-303**, which is renumbered from Section 78B-12-302 is  
 5890 renumbered and amended to read:

5891 ~~[78B-12-302]~~. **81-6-303. Low income table -- Obligor parent only -- Child**  
 5892 **support orders entered before January 1, 2023.**

5893 The table in this section [~~shall be~~] is used to:

5894 (1) establish a child support order entered for the first time on or after January 1, 2008,  
 5895 but before January 1, 2023;

5896 (2) modify a child support order entered for the first time on or after January 1, 2008,  
 5897 but before January 1, 2023;

5898 (3) modify a temporary judicial child support order established on or before December  
 5899 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

5900 (4) modify a final child support order entered on or before December 31, 2007, if the  
 5901 modification is made on or after January 1, 2010, but before January 1, 2025.

5902	Individual Monthly Adjusted Gross Income		Number of Children					
	From	To	1	2	3	4	5	6
5903								
5904	0 -	649	30	30	30	30	30	30
5905	650 -	675	30	30	30	30	31	31
5906	676 -	700	58	60	60	61	61	62
5907	701 -	725	88	88	90	91	92	92
5908	726 -	750	117	118	119	120	122	123
5909	751 -	775		148	149	151	153	155
5910	776 -	800		178	179	182	183	186
5911								



5912	801 -	825		207	209	212	214	216
5913	826 -	850		236	239	242	244	247
5914	851 -	875		266	269	272	275	278
5915	876 -	900			299	303	305	309
5916	901 -	925			329	333	337	339
5917	926 -	950				363	366	370
5918	951 -	975				393	398	402
5919	976 -	1,000					428	433
5920	1,001 -	1,050						494

5921 Section 165. Section **81-6-304**, which is renumbered from Section 78B-12-303 is  
 5922 renumbered and amended to read:

5923 ~~[78B-12-303]~~. **81-6-304. Based combined child support obligation table --**  
 5924 **Both parents -- Child support orders entered on or after January 1, 2023.**

5925 The following table ~~[shall be]~~ is used to:

- 5926 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 5927 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 5928 (3) modify a temporary judicial child support order established on or before December  
 5929 31, 2022, if the new order is entered on or after January 1, 2023; or
- 5930 (4) modify a final child support order entered on or before December 31, 2022, if the  
 5931 modification is made on or after January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
1,951 -	2,000	366					
2,001 -	2,100	385					
2,101 -	2,200	399					

5938	2,201 -	2,300	410	628	728			
5939	2,301 -	2,400	420	652	756	843	927	
5940	2,401 -	2,500	431	676	784	874	961	1,046
5941	2,501 -	2,600	443	700	811	904	995	1,082
5942	2,601 -	2,700	453	723	838	934	1,028	1,118
5943	2,701 -	2,800	464	747	865	964	1,060	1,154
5944	2,801 -	2,900	475	770	891	994	1,093	1,189
5945	2,901 -	3,000	485	794	918	1,024	1,126	1,225
5946	3,001 -	3,100	496	817	945	1,054	1,159	1,261
5947	3,101 -	3,200	508	838	970	1,081	1,189	1,294
5948	3,201 -	3,300	518	859	994	1,108	1,219	1,326
5949	3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
5950	3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
5951	3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
5952	3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
5953	3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
5954	3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
5955	3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
5956	4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
5957	4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
5958	4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
5959	4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665
5960	4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
5961	4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
5962	4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
5963	4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
5964	4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
5965	4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803

5966	5,001 - 5,100	676	1,189	1,366	1,523	1,675	1,823
5967	5,101 - 5,200	684	1,203	1,381	1,540	1,694	1,843
5968	5,201 - 5,300	693	1,217	1,396	1,557	1,712	1,863
5969	5,301 - 5,400	701	1,227	1,408	1,570	1,726	1,878
5970	5,401 - 5,500	710	1,238	1,419	1,582	1,741	1,894
5971	5,501 - 5,600	719	1,248	1,431	1,595	1,755	1,909
5972	5,601 - 5,700	728	1,259	1,442	1,608	1,769	1,925
5973	5,701 - 5,800	733	1,269	1,454	1,621	1,783	1,940
5974	5,801 - 5,900	739	1,280	1,465	1,634	1,797	1,956
5975	5,901 - 6,000	745	1,290	1,477	1,647	1,812	1,971
5976	6,001 - 6,100	751	1,302	1,490	1,661	1,827	1,988
5977	6,101 - 6,200	756	1,313	1,503	1,676	1,843	2,005
5978	6,201 - 6,300	763	1,325	1,516	1,690	1,859	2,023
5979	6,301 - 6,400	769	1,336	1,528	1,704	1,874	2,039
5980	6,401 - 6,500	775	1,347	1,540	1,717	1,889	2,055
5981	6,501 - 6,600	780	1,358	1,553	1,731	1,904	2,072
5982	6,601 - 6,700	786	1,369	1,565	1,745	1,919	2,088
5983	6,701 - 6,800	786	1,380	1,577	1,759	1,934	2,105
5984	6,801 - 6,900	841	1,391	1,590	1,772	1,950	2,121
5985	6,901 - 7,000	850	1,402	1,602	1,786	1,965	2,138
5986	7,001 - 7,100	859	1,413	1,614	1,800	1,980	2,154
5987	7,101 - 7,200	868	1,417	1,618	1,804	1,985	2,159
5988	7,201 - 7,300	876	1,420	1,621	1,807	1,988	2,163
5989	7,301 - 7,400	883	1,423	1,624	1,811	1,992	2,167
5990	7,401 - 7,500	888	1,426	1,627	1,814	1,996	2,171
5991	7,501 - 7,600	894	1,429	1,630	1,818	1,999	2,175
5992	7,601 - 7,700	899	1,432	1,633	1,821	2,003	2,179
5993	7,701 - 7,800	904	1,436	1,636	1,824	2,007	2,184

5994	7,801 - 7,900	910	1,439	1,639	1,828	2,011	2,188
5995	7,901 - 8,000	915	1,442	1,642	1,831	2,014	2,192
5996	8,001 - 8,100	921	1,445	1,646	1,835	2,018	2,196
5997	8,101 - 8,200	926	1,448	1,649	1,838	2,022	2,200
5998	8,201 - 8,300	933	1,451	1,652	1,842	2,026	2,204
5999	8,301 - 8,400	938	1,454	1,655	1,845	2,029	2,208
6000	8,401 - 8,500	944	1,460	1,661	1,852	2,037	2,216
6001	8,501 - 8,600	949	1,475	1,678	1,871	2,058	2,240
6002	8,601 - 8,700	954	1,491	1,696	1,891	2,080	2,263
6003	8,701 - 8,800	960	1,506	1,714	1,911	2,102	2,287
6004	8,801 - 8,900	965	1,522	1,732	1,931	2,124	2,311
6005	8,901 - 9,000	971	1,537	1,749	1,951	2,146	2,334
6006	9,001 - 9,100	976	1,553	1,767	1,970	2,167	2,358
6007	9,101 - 9,200	983	1,568	1,785	1,990	2,189	2,382
6008	9,201 - 9,300	988	1,584	1,803	2,010	2,211	2,405
6009	9,301 - 9,400	994	1,599	1,820	2,030	2,233	2,429
6010	9,401 - 9,500	999	1,614	1,838	2,049	2,254	2,453
6011	9,501 - 9,600	1,004	1,630	1,856	2,069	2,276	2,477
6012	9,601 - 9,700	1,010	1,645	1,874	2,089	2,298	2,500
6013	9,701 - 9,800	1,015	1,661	1,891	2,109	2,320	2,524
6014	9,801 - 9,900	1,021	1,673	1,905	2,124	2,336	2,542
6015	9,901 - 10,000	1,026	1,683	1,917	2,137	2,351	2,557
6016	10,001 - 10,100	1,033	1,694	1,928	2,150	2,365	2,573
6017	10,101 - 10,200	1,039	1,704	1,940	2,163	2,379	2,589
6018	10,201 - 10,300	1,045	1,715	1,951	2,176	2,394	2,604
6019	10,301 - 10,400	1,051	1,725	1,963	2,189	2,408	2,620
6020	10,401 - 10,500	1,058	1,736	1,975	2,202	2,422	2,635
6021	10,501 - 10,600	1,064	1,746	1,986	2,215	2,436	2,651

6022	10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
6023	10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
6024	10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
6025	10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
6026	11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
6027	11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
6028	11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
6029	11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
6030	11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
6031	11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
6032	11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
6033	11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
6034	11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
6035	11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
6036	12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
6037	12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
6038	12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
6039	12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
6040	12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
6041	12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
6042	12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
6043	12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
6044	12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
6045	12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
6046	13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
6047	13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
6048	13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
6049	13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062

6050	13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
6051	13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
6052	13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
6053	13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
6054	13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
6055	13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
6056	14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
6057	14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
6058	14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
6059	14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
6060	14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
6061	14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
6062	14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
6063	14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
6064	14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
6065	14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
6066	15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
6067	15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
6068	15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
6069	15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
6070	15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
6071	15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
6072	15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
6073	15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
6074	15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
6075	15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
6076	16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
6077	16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396

6078	16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
6079	16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
6080	16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
6081	16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
6082	16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
6083	16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
6084	16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
6085	16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
6086	17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
6087	17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
6088	17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
6089	17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
6090	17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
6091	17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
6092	17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
6093	17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
6094	17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
6095	17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
6096	18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
6097	18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
6098	18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
6099	18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
6100	18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
6101	18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
6102	18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
6103	18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
6104	18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
6105	18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680

6106	19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
6107	19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
6108	19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
6109	19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
6110	19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
6111	19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
6112	19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
6113	19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
6114	19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
6115	19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
6116	20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
6117	22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
6118	24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
6119	26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
6120	28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
6121	30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
6122	32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
6123	34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
6124	36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
6125	38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
6126	40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
6127	42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
6128	44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
6129	46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
6130	48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
6131	50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
6132	52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
6133	54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072



6134	56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
6135	58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
6136	60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
6137	62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
6138	64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
6139	66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
6140	68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
6141	70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
6142	72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
6143	74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
6144	76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
6145	78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
6146	80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
6147	82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
6148	84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
6149	86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
6150	88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
6151	90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
6152	92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
6153	94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
6154	96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
6155	98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

6156 Section 166. Section **81-6-305**, which is renumbered from Section 78B-12-304 is  
6157 renumbered and amended to read:

6158 ~~[78B-12-304]~~. **81-6-305**. **Low income table -- Obligor parent only -- Child**  
6159 **support orders entered on or after January 1, 2023.**

6160 The following table ~~[shall be]~~ is used to:

- 6161 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 6162 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 6163 (3) modify a temporary judicial child support order established on or before December
- 6164 31, 2022, if the new order is entered on or after January 1, 2023; or
- 6165 (4) modify a final child support order entered on or before December 31, 2022, if the
- 6166 modification is made on or after January 1, 2025.

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
1,311 -	1,320	79	144	197	236	262	275
1,321 -	1,330	79	145	198	238	264	277
1,331 -	1,340	80	146	200	240	266	280
1,341 -	1,350	80	148	201	241	268	282
1,351 -	1,360	95	162	216	257	284	297
1,361 -	1,370	95	163	218	259	286	299
1,371 -	1,380	96	165	219	260	288	302
1,381 -	1,390	97	166	221	262	290	304

6188	1,391 -	1,400	97	167	223	264	292	306
6189	1,401 -	1,410	98	168	224	266	294	308
6190	1,411 -	1,420	113	183	240	282	310	325
6191	1,421 -	1,430	114	185	242	284	313	327
6192	1,431 -	1,440	114	186	243	286	315	329
6193	1,441 -	1,450	115	187	245	288	317	331
6194	1,451 -	1,460	116	189	247	290	319	334
6195	1,461 -	1,470	131	205	263	307	336	351
6196	1,471 -	1,480	132	206	265	309	338	353
6197	1,481 -	1,490	133	207	267	311	341	355
6198	1,491 -	1,500	134	209	268	313	343	358
6199	1,501 -	1,510	135	210	270	315	345	360
6200	1,511 -	1,520	151	227	287	332	363	378
6201	1,521 -	1,530	152	228	289	335	365	380
6202	1,531 -	1,540	153	230	291	337	367	383
6203	1,541 -	1,550	154	231	293	339	370	385
6204	1,551 -	1,560	155	233	295	341	372	388
6205	1,561 -	1,570	172	250	312	359	390	406
6206	1,571 -	1,580	173	251	314	361	393	408
6207	1,581 -	1,590	174	253	316	364	395	411
6208	1,591 -	1,600	175	255	318	366	398	414
6209	1,601 -	1,610	176	256	320	368	400	416
6210	1,611 -	1,620	193	274	338	387	419	435
6211	1,621 -	1,630	195	276	340	389	421	438
6212	1,631 -	1,640	196	277	343	391	424	440
6213	1,641 -	1,650	197	279	345	394	427	443
6214	1,651 -	1,660	198	281	347	396	429	446
6215	1,661 -	1,670	216	299	365	415	448	465

6216	1,671 -	1,680	217	301	368	418	451	468
6217	1,681 -	1,690	219	303	370	420	454	471
6218	1,691 -	1,700	220	304	372	423	457	473
6219	1,701 -	1,710	221	306	374	425	459	476
6220	1,711 -	1,720	240	325	394	445	479	496
6221	1,721 -	1,730	241	327	396	447	482	499
6222	1,731 -	1,740	242	329	398	450	485	502
6223	1,741 -	1,750	244	331	400	453	487	505
6224	1,751 -	1,760	245	333	403	455	490	508
6225	1,761 -	1,770	264	352	423	475	511	528
6226	1,771 -	1,780	266	354	425	478	514	531
6227	1,781 -	1,790	267	356	427	481	516	534
6228	1,791 -	1,800	269	358	430	484	519	537
6229	1,801 -	1,810	270	360	432	486	522	540
6230	1,811 -	1,820	290	380	453	507	543	561
6231	1,821 -	1,830	291	382	455	510	546	565
6232	1,831 -	1,840	293	385	458	513	549	568
6233	1,841 -	1,850	295	387	460	515	552	571
6234	1,851 -	1,860	296	389	463	518	555	574
6235	1,861 -	1,870	316	409	484	540	577	596
6236	1,871 -	1,880	318	412	486	543	580	599
6237	1,881 -	1,890	320	414	489	545	583	602
6238	1,891 -	1,900	321	416	492	548	586	605
6239	1,901 -	1,910	323	418	494	551	589	608
6240	1,911 -	1,920	344	440	516	573	612	631
6241	1,921 -	1,930	346	442	519	576	615	634
6242	1,931 -	1,940	348	444	521	579	618	637
6243	1,941 -	1,950	349	446	524	582	621	641

6244	1,951 -	1,960	351	449	527	585	624	644
6245	1,961 -	1,970		471	549	608	647	667
6246	1,971 -	1,980		473	552	611	650	670
6247	1,981 -	1,990		475	555	614	654	674
6248	1,991 -	2,000		478	557	617	657	677
6249	2,001 -	2,050		480	560	620	660	680
6250	2,051 -	2,100		513	595	656	697	718
6251	2,101 -	2,150		546	630	693	735	756
6252	2,151 -	2,200		581	667	731	774	796
6253	2,201 -	2,250		616	704	770	814	836
6254	2,251 -	2,300				810	855	878
6255	2,301 -	2,350					897	920
6256	2,351 -	2,400						964
6257	2,401 -	2,450						1,008

6258 Section 167. Section **81-6-401** is enacted to read:

6259 **Part 4. Child Support Guidelines Advisory Committee**

6260 **81-6-401. Definitions for part.**

6261 As used in this part, "advisory committee" means the Child Support Guidelines Advisory  
 6262 Committee.

6263 Section 168. Section **81-6-402**, which is renumbered from Section 78B-12-401 is  
 6264 renumbered and amended to read:

6265 ~~[78B-12-401].~~ **81-6-402. Creation of advisory committee.**

6266 (1) (a) There is created the advisory committee known as the "Child Support  
 6267 Guidelines Advisory Committee."

6268 ~~[(b) As used in this part, "advisory committee" means the Child Support Guidelines~~  
 6269 ~~Advisory Committee.]~~

6270 ~~[(c)]~~ (b) The governor shall appoint the 11 members of the advisory committee as  
 6271 follows:

6272 (i) one representative recommended by the Office of Recovery Services;

- 6273 (ii) one representative recommended by the Judicial Council;
- 6274 (iii) two representatives recommended by the Utah State Bar Association;
- 6275 (iv) two representatives of noncustodial parents;
- 6276 (v) two representatives of custodial parents;
- 6277 (vi) one representative with expertise in economics; and
- 6278 (vii) two representatives from diverse interests related to child support issues and who
- 6279 are not members of the Utah State Bar Association, as the governor may consider appropriate.
- 6280 (2) (a) The term of a member of the advisory committee is four years.
- 6281 (b) When a vacancy occurs in the membership for any reason, the governor shall
- 6282 appoint a replacement for the unexpired term of the member.
- 6283 (c) The governor may appoint a member of the advisory committee to more than one
- 6284 term.
- 6285 (3) (a) Six members of the advisory committee constitute a quorum.
- 6286 (b) The vote of a majority of a quorum present is an action of the advisory committee.
- 6287 (4) The advisory committee shall elect two members to serve as cochairs of the
- 6288 advisory committee for a term of one year.
- 6289 (5) The advisory committee shall meet at the time and place designated by the cochairs.
- 6290 Section 169. Section **81-6-403**, which is renumbered from Section 78B-12-402 is
- 6291 renumbered and amended to read:
- 6292 ~~[78B-12-402]~~. **81-6-403. Duties -- Report -- Staff.**
- 6293 (1) The advisory committee shall review the child support guidelines to ensure the
- 6294 application of the guidelines results in the determination of appropriate child support award
- 6295 amounts.
- 6296 (2) The advisory committee shall submit, in accordance with Section [68-3-14](#), a written
- 6297 report to the [legislative] Judiciary Interim Committee on or before October 1, 2021, and then
- 6298 on or before October 1 of every fourth year subsequently.
- 6299 (3) The advisory committee's report shall include recommendations of the majority of
- 6300 the advisory committee, as well as specific recommendations of individual members of the
- 6301 advisory committee.
- 6302 (4) Staff for the advisory committee shall be provided from the existing budget of the
- 6303 Department of Health and Human Services.

6304 Section 170. Section **81-6-404**, which is renumbered from Section 78B-12-403 is  
6305 renumbered and amended to read:

6306 ~~[78B-12-403]~~. **81-6-404. Expenses for per diem and travel.**

6307 A member may not receive compensation or benefits for the member's service, but may  
6308 receive per diem and travel expenses in accordance with:

6309 (1) Section [63A-3-106](#);

6310 (2) Section [63A-3-107](#); and

6311 (3) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

6312 [63A-3-107](#).

6313 Section 171. Section **81-7-101** is enacted to read:

6314 **CHAPTER 7. PAYMENT AND ENFORCEMENT OF SPOUSAL AND CHILD**  
6315 **SUPPORT**

6316 **81-7-101. Definitions for chapter.**

6317 As used in this chapter:

6318 (1) "Alimony" means the same as that term is defined in Section [81-4-101](#).

6319 (2) "Child support" means the same as that term is defined in Section [81-6-101](#).

6320 (3) "Child support services" means the same as that term is defined in Section

6321 [26B-9-101](#).

6322 (4) "Obligee" means the same as that term is defined in Section [81-6-101](#).

6323 (5) "Obligor" means the same as that term is defined in Section [81-6-101](#).

6324 (6) "Support order" means the same as that term is defined in Section [81-6-101](#).

6325 (7) "Tribunal" means the same as that term is defined in Section [81-6-101](#).

6326 Section 172. Section **81-7-102**, which is renumbered from Section 78B-12-112 is  
6327 renumbered and amended to read:

6328 ~~[78B-12-112]~~. **81-7-102. Payment under child support or alimony order --**  
6329 **Judgment.**

6330 (1) All monthly payments of child support [~~shall be~~] and alimony are due on the 1st  
6331 day of each month [pursuant to Title 26B, Chapter 9, Part 2, Child Support Services, Title 26B,  
6332 Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income  
6333 Withholding in Non IV-D Cases] in accordance with Title 26B, Chapter 9, Recovery Services  
6334 and Administration of Child Support.

6335 (2) For purposes of child support services and income withholding ~~[pursuant to]~~  
6336 described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9,  
6337 Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the  
6338 1st day of the following month.

6339 (3) For purposes other than those specified in Subsection (1), ~~[support shall be]~~ child  
6340 support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month,  
6341 unless the order or decree provides for a different time for payment.

6342 ~~[(3)]~~ (4) Each payment or installment of ~~[child or spousal support]~~ child support or  
6343 alimony under any support order~~[-as defined by Section 78B-12-102;]~~ is, on and after the date  
6344 ~~[it]~~ the payment or installment is due:

6345 (a) a judgment with the same attributes and effect of any judgment of a district court,  
6346 except as provided in Subsection ~~[(4)]~~ (5);

6347 (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction;  
6348 and

6349 (c) not subject to retroactive modification by this or any other jurisdiction, except as  
6350 provided in Subsection ~~[(4)]~~ (5).

6351 ~~[(4)]~~ (5) (a) A ~~[child or spousal support]~~ child support or alimony payment under a  
6352 support order may be modified with respect to any period during which a modification is  
6353 pending, but only from the date of service of the pleading on:

6354 (i) the obligee~~[-]~~; if the obligor is the petitioner~~[-or on]~~; or

6355 (ii) the obligor~~[-]~~; if the obligee is the petitioner.

6356 (b) If the tribunal orders that the support order should be modified, the effective date of  
6357 the modification shall be the month following service on the ~~[parent]~~ party whose support is  
6358 affected.

6359 (c) Once the tribunal determines that a modification is appropriate, the tribunal shall  
6360 order a judgment to be entered for any difference in the original order and the modified amount  
6361 for the period from the service of the pleading until the final order of modification is entered.

6362 ~~[(5)]~~ (6) The judgment provided for in Subsection ~~[(3)(a)]~~ (4)(a), to be effective and  
6363 enforceable as a lien against the real property interest of any third party relying on the public  
6364 record, shall be docketed in the district court in accordance with Sections 78B-5-202 and  
6365 26B-9-214.



6366 Section 173. Section **81-7-103**, which is renumbered from Section 30-3-3.5 is  
6367 renumbered and amended to read:

6368 ~~[30-3-3.5]~~. **81-7-103. Collection fee for past due child support or alimony.**

6369 (1) As used in this section:

6370 (a) "Debtor" means a person obligated or allegedly obligated to pay a domestic  
6371 relations debt.

6372 (b) "Domestic relations debt" means an obligation or alleged obligation to pay past due  
6373 child support or alimony.

6374 (2) (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:

6375 (i) the court issues a judgment requiring the payment of a domestic relations debt by  
6376 the debtor;

6377 (ii) imposing a collection fee on the debtor or in relation to the domestic relations debt  
6378 is not prohibited or otherwise restricted by another federal or state law; and

6379 (iii) the person owed the domestic relations debt has a contingency arrangement with  
6380 an attorney to collect the domestic relations debt.

6381 (b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:

6382 (i) the principal amount due;

6383 (ii) applicable interest;

6384 (iii) a collection fee equal to the amount provided in the contingency agreement, except  
6385 that the collection fee may not exceed the lesser of:

6386 (A) the actual amount the person owed the domestic relations debt is required to pay  
6387 for collection costs, regardless of whether that amount is a specific dollar amount or a  
6388 percentage of the principal amount owed for the domestic relations debt; or

6389 (B) 40% of the principal amount owed to the person for the domestic relations debt;

6390 (iv) reasonable attorney fees; and

6391 (v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).

6392 (3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred  
6393 at the time the person owed a domestic relations debt enters into an agreement with an attorney  
6394 to collect the domestic relations debt.

6395 (4) An obligation to pay a collection fee imposed under this section is in addition to  
6396 any obligation to pay reasonable attorney fees that may exist.

6397 (5) The Office of Recovery Services may not collect an order issued pursuant to  
6398 Subsection (2).

6399 Section 174. Section **81-8-101** is enacted to read:

6400 **CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT**

6401 **81-8-101. Reserved.**

6402 Reserved.

6403 Section 175. Section **81-9-101**, which is renumbered from Section 30-3-10.1 is  
6404 renumbered and amended to read:

6405 **CHAPTER 9. CUSTODY, PARENT-TIME, AND VISITATION**

6406 **Part 1. General Provisions**

6407 ~~[30-3-10.1].~~ **81-9-101. Definitions for chapter.**

6408 As used in this chapter:

6409 (1) (a) "Custodial responsibility" [~~includes~~] means all powers and duties relating to  
6410 caretaking authority and decision-making authority for a minor child.

6411 (b) "Custodial responsibility" includes physical custody, legal custody, parenting time,  
6412 right to access, visitation, and authority to grant limited contact with a minor child.

6413 (2) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).

6414 [~~(2) "Joint legal custody":~~]

6415 [~~(a) means the sharing of the rights, privileges, duties, and powers of a parent by both~~  
6416 ~~parents, where specified;~~]

6417 [~~(b) may include an award of exclusive authority by the court to one parent to make~~  
6418 ~~specific decisions;~~]

6419 [~~(c) does not affect the physical custody of the child except as specified in the order of~~  
6420 ~~joint legal custody;~~]

6421 [~~(d) is not based on awarding equal or nearly equal periods of physical custody of and~~  
6422 ~~access to the child to each of the parents, as the best interest of the child often requires that a~~  
6423 ~~primary physical residence for the child be designated; and]~~

6424 [~~(e) does not prohibit the court from specifying one parent as the primary caretaker and~~  
6425 ~~one home as the primary residence of the child.]~~

6426 [~~(3) "Joint physical custody":~~]

6427 [~~(a) means the child stays with each parent overnight for more than 30% of the year;~~

6428 ~~and both parents contribute to the expenses of the child in addition to paying child support;]~~

6429 ~~[(b) can mean equal or nearly equal periods of physical custody of and access to the~~

6430 ~~child by each of the parents, as required to meet the best interest of the child;]~~

6431 ~~[(c) may require that a primary physical residence for the child be designated; and]~~

6432 ~~[(d) does not prohibit the court from specifying one parent as the primary caretaker and~~

6433 ~~one home as the primary residence of the child.]~~

6434 (3) "Joint legal custody" means the sharing of the rights, privileges, duties, and powers  
6435 of a parent by both parents, where specified.

6436 (4) "Joint physical custody" means the minor child stays with each parent overnight for  
6437 more than 30% of the year and both parents contribute to the expenses of the minor child in  
6438 addition to paying child support.

6439 (5) (a) "Parenting functions" means those aspects of the parent-child relationship in  
6440 which the parent makes decisions and performs functions necessary for the care and growth of  
6441 the minor child.

6442 (b) "Parenting functions" include:

6443 (i) maintaining a loving, stable, consistent, and nurturing relationship with the minor  
6444 child;

6445 (ii) attending to the daily needs of the minor child, such as feeding, clothing, physical  
6446 care, grooming, supervision, health care, day care, and engaging in other activities which are  
6447 appropriate to the developmental level of the minor child and that are within the social and  
6448 economic circumstances of the particular family;

6449 (iii) attending to adequate education for the minor child, including remedial or other  
6450 education essential to the best interest of the minor child;

6451 (iv) assisting the minor child in developing and maintaining appropriate interpersonal  
6452 relationships;

6453 (v) exercising appropriate judgment regarding the minor child's welfare, consistent  
6454 with the minor child's developmental level and family social and economic circumstances; and

6455 (vi) providing for the financial support of the minor child.

6456 (6) (a) "Parenting plan" means a plan for parenting a minor child.

6457 (b) "Parenting plan" includes the allocation of parenting functions that are incorporated  
6458 in any final decree or decree of modification including an action for dissolution of marriage,

6459 annulment, legal separation, or paternity.

6460 [(4)] (7) "Service member" means a member of a uniformed service.

6461 (8) "Supervised parent-time" means parent-time that requires the noncustodial parent to  
6462 be accompanied during parent-time by an individual approved by the court.

6463 (9) "Surrogate care" means care by any individual other than the parent of the minor  
6464 child.

6465 [(5)] (10) "Uniformed service" means:

6466 (a) active and reserve components of the United States Armed Forces;

6467 (b) the United States Merchant Marine;

6468 (c) the commissioned corps of the United States Public Health Service;

6469 (d) the commissioned corps of the National Oceanic and Atmospheric Administration  
6470 of the United States; or

6471 (e) the National Guard of a state.

6472 (11) "Uninterrupted time" means parent-time exercised by one parent without  
6473 interruption at any time by the presence of the other parent.

6474 (12) "Virtual parent-time" means parent-time facilitated by tools such as telephone,  
6475 email, instant messaging, video conferencing, and other wired or wireless technologies over the  
6476 Internet or other communication media, to supplement in-person visits between a noncustodial  
6477 parent and a minor child or between a minor child and the custodial parent when the minor  
6478 child is staying with the noncustodial parent.

6479 Section 176. Section **81-9-102**, which is renumbered from Section 30-3-38 is  
6480 renumbered and amended to read:

6481 **[30-3-38]. 81-9-102. Expedited Parent-time Enforcement Program.**

6482 [(1) There is established an Expedited Parent-time Enforcement Program in the third  
6483 judicial district to be administered by the Administrative Office of the Courts.]

6484 [(2)] (1) As used in this section:

6485 (a) "Mediator" means a person who:

6486 (i) is qualified to mediate parent-time disputes under criteria established by the  
6487 Administrative Office of the Courts; and

6488 (ii) agrees to follow billing guidelines established by the Administrative Office of the  
6489 Courts and this section.

6490 (b) "Services to facilitate parent-time" or "services" means services designed to assist  
6491 families in resolving parent-time problems through:

- 6492 (i) counseling;
- 6493 (ii) supervised parent-time;
- 6494 (iii) neutral drop-off and pick-up;
- 6495 (iv) educational classes; and
- 6496 (v) other related activities.

6497 (2) The Administrative Office of the Courts shall administer an Expedited Parent-time  
6498 Enforcement Program in the third judicial district.

6499 (3) (a) If a parent files a motion in the third district court alleging that court-ordered  
6500 parent-time rights are being violated, the clerk of the court, after assigning the case to a judge,  
6501 shall refer the case to the administrator of this program for assignment to a mediator, unless a  
6502 parent is incarcerated or otherwise unavailable.

6503 (b) Unless the court rules otherwise, a parent residing outside of the state is not  
6504 unavailable.

6505 (c) The director of the program for the courts, the court, or the mediator may excuse  
6506 either party from the requirement to mediate for good cause.

6507 ~~[(b)]~~ (d) Upon receipt of a case, the mediator shall:

6508 (i) meet with the parents to address parent-time issues within 15 days of the motion  
6509 being filed;

6510 (ii) assess the situation;

6511 (iii) facilitate an agreement on parent-time between the parents; and

6512 (iv) determine whether a referral to a service provider under Subsection ~~[(3)(c)]~~ (3)(e)  
6513 is warranted.

6514 ~~[(c)]~~ (e) While a case is in mediation, a mediator may refer the parents to a service  
6515 provider designated by the Department of Health and Human Services for services to facilitate  
6516 parent-time if:

6517 (i) the services may be of significant benefit to the parents; or

6518 (ii) (A) a mediated agreement between the parents is unlikely; and

6519 (B) the services may facilitate an agreement.

6520 ~~[(d)]~~ (f) At any time during mediation, a mediator shall terminate mediation and

6521 transfer the case to the administrator of the program for referral to the ~~[judge or court~~  
6522 ~~commissioner]~~ court to whom the case was assigned under Subsection (3)(a) if:

6523 (i) a written agreement between the parents is reached; or  
6524 (ii) the parents are unable to reach an agreement through mediation and:  
6525 (A) the parents have received services to facilitate parent-time;  
6526 (B) both parents object to receiving services to facilitate parent-time; or  
6527 (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.

6528 ~~[(e)]~~ (g) Upon receiving a case from the administrator of the program, a ~~[judge or court~~  
6529 ~~commissioner]~~ court may:

6530 (i) review the agreement of the parents and, if acceptable, sign it as an order;  
6531 (ii) order the parents to receive services to facilitate parent-time;  
6532 (iii) proceed with the case; or  
6533 (iv) take other appropriate action.

6534 (4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a  
6535 minor child who is the subject of a parent-time order against the other parent or a member of  
6536 the other parent's household to a mediator or service provider, the mediator or service provider  
6537 shall immediately report that information to:

6538 (i) the ~~[judge assigned to the case who]~~ court, which may immediately issue orders and  
6539 take other appropriate action to resolve the allegation and protect the minor child; and  
6540 (ii) the Division of Child and Family Services within the Department of Health and  
6541 Human Services in the manner required by Title 80, Chapter 2, Part 6, Child Abuse and  
6542 Neglect Reports.

6543 (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time  
6544 rights or a member of that parent's household, parent-time by that parent shall, pursuant to an  
6545 order of the court, be supervised until:

6546 (i) the allegation has been resolved; or  
6547 (ii) a court orders otherwise.

6548 (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to  
6549 mediate parent-time problems and a service provider may continue to provide services to  
6550 facilitate parent-time unless otherwise ordered by a court.

6551 (5) (a) The Department of Health and Human Services may contract with one or more

6552 entities in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to provide:

6553 (i) services to facilitate parent-time;

6554 (ii) case management services; and

6555 (iii) administrative services.

6556 (b) An entity who contracts with the Department of Health and Human Services under  
6557 Subsection (5)(a) shall:

6558 (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and

6559 (ii) agree to follow billing guidelines established by the Department of Health and  
6560 Human Services and this section.

6561 (6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:

6562 (i) reduced to a sum certain;

6563 (ii) divided equally between the parents; and

6564 (iii) charged against each parent taking into account the ability of that parent to pay  
6565 under billing guidelines adopted in accordance with this section.

6566 (b) A ~~[judge]~~ court may order a parent to pay an amount in excess of that provided for  
6567 in Subsection (6)(a) if the parent:

6568 (i) failed to participate in good faith in mediation or services to facilitate parent-time;

6569 or

6570 (ii) made an unfounded assertion or claim of physical or sexual abuse of a minor child.

6571 (c) (i) The cost of mediation and services to facilitate parent-time may be charged to  
6572 parents at periodic intervals.

6573 (ii) Mediation and services to facilitate parent-time may only be terminated on the  
6574 ground of nonpayment if both parents are delinquent.

6575 (7) (a) The Judicial Council may make rules to implement and administer the  
6576 provisions of this program related to mediation.

6577 (b) The Department of Health and Human Services may make rules to implement and  
6578 administer the provisions of this program related to services to facilitate parent-time.

6579 (8) (a) (i) The Administrative Office of the Courts shall adopt outcome measures to  
6580 evaluate the effectiveness of the mediation component of this program.

6581 (ii) ~~[Progress reports shall be provided]~~ The Administrative Office of the Courts shall  
6582 provide progress reports to the Judiciary Interim Committee as requested by the committee.

6583 (b) (i) The Department of Health and Human Services shall adopt outcome measures to  
6584 evaluate the effectiveness of the services component of this program.

6585 (ii) ~~[Progress reports shall be provided]~~ The Department of Health and Human  
6586 Services shall provide progress reports to the Judiciary Interim Committee as requested by the  
6587 committee.

6588 (c) The Administrative Office of the Courts and the Department of Health and Human  
6589 Services may adopt joint outcome measures and file joint reports to satisfy the requirements of  
6590 Subsections ~~[(7)(a)]~~ (8)(a) and (b).

6591 (9) The Department of Health and Human Services shall, by following the procedures  
6592 and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, apply for federal  
6593 funds as available.

6594 Section 177. Section **81-9-201** is enacted to read:

6595 **Part 2. Custody and Parent-time Between Parents**

6596 **81-9-201. Definitions for part.**

6597 Reserved.

6598 Section 178. Section **81-9-202**, which is renumbered from Section 30-3-33 is  
6599 renumbered and amended to read:

6600 ~~[30-3-33].~~ **81-9-202. Advisory guidelines for a custody and parent-time**  
6601 **arrangement.**

6602 (1) In addition to the parent-time schedules provided in Sections ~~[30-3-35 and~~  
6603 ~~30-3-35.5]~~ 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern  
6604 ~~[all parent-time arrangements]~~ a custody and parent-time arrangement between parents.

6605 ~~[(1)]~~ (2) ~~[Parent-time schedules]~~ A parent-time schedule mutually agreed upon by both  
6606 parents ~~[are]~~ is preferable to a court-imposed solution.

6607 ~~[(2)]~~ (3) ~~[The]~~ A parent-time schedule shall be used to maximize the continuity and  
6608 stability of the minor child's life.

6609 ~~[(3)]~~ (4) ~~[Special consideration shall be given by each parent]~~ Each parent shall give  
6610 special consideration to make the minor child available to attend family functions including  
6611 funerals, weddings, family reunions, religious holidays, important ceremonies, and other  
6612 significant events in the life of the minor child or in the life of either parent which may  
6613 inadvertently conflict with the parent-time schedule.



6614           ~~[(4)]~~ (5) (a) The court shall determine the responsibility for the pick up, delivery, and  
6615 return of the [child shall be determined by the court] minor child when the parent-time order is  
6616 entered~~[, and may be changed].~~

6617           (b) The court may change the responsibility described in Subsection (5)(a) at any time  
6618 a subsequent modification is made to the parent-time order.

6619           ~~[(5)]~~ (c) If the noncustodial parent will be providing transportation, the custodial parent  
6620 shall:

6621           (i) have the minor child ready for parent-time at the time the minor child is to be  
6622 picked up ~~[and shall]; and~~

6623           (ii) be present at the custodial home or ~~[shall]~~ make reasonable alternate arrangements  
6624 to receive the minor child at the time the minor child is returned.

6625           ~~[(6)]~~ (d) If the custodial parent will be transporting the minor child, the noncustodial  
6626 parent shall:

6627           (i) be at the appointed place at the time the noncustodial parent is to receive the minor  
6628 child~~[, and]; and~~

6629           (ii) have the minor child ready to be picked up at the appointed time and place~~;~~ or  
6630 have made reasonable alternate arrangements for the custodial parent to pick up the minor  
6631 child.

6632           ~~[(7)]~~ (6) ~~[Regular]~~ A parent may not interrupt regular school hours [may not be  
6633 interrupted] for a school-age minor child for the exercise of parent-time [by either parent].

6634           ~~[(8)]~~ (7) The court may:

6635           (a) make alterations in the parent-time schedule to reasonably accommodate the work  
6636 schedule of both parents ~~[and may]; and~~

6637           (b) increase the parent-time allowed to the noncustodial parent but may not diminish  
6638 the standardized parent-time provided in Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and  
6639 81-9-304.

6640           ~~[(9)]~~ (8) The court may make alterations in the parent-time schedule to reasonably  
6641 accommodate the distance between the parties and the expense of exercising parent-time.

6642           ~~[(10)]~~ (9) ~~[Neither parent-time nor child support is to be withheld due to either]~~ A  
6643 parent may not withhold parent-time or child support due to the other parent's failure to comply  
6644 with a court-ordered parent-time schedule.

6645           ~~[(11)]~~ (10) (a) The custodial parent shall notify the noncustodial parent within 24 hours  
6646 of receiving notice of all significant school, social, sports, and community functions in which  
6647 the minor child is participating or being honored~~[, and the]~~.

6648           (b) The noncustodial parent ~~[shall be]~~ is entitled to attend and participate fully in the  
6649 functions described in Subsection (10)(a).

6650           ~~[(12)]~~ (c) The noncustodial parent shall have access directly to all school reports  
6651 including preschool and daycare reports and medical records ~~[and shall be notified immediately~~  
6652 ~~by the custodial parent]~~.

6653           (d) A parent shall immediately notify the other parent in the event of a medical  
6654 emergency.

6655           ~~[(13)]~~ (11) Each parent shall provide the other with the parent's current address and  
6656 telephone number, email address, and other virtual parent-time access information within 24  
6657 hours of any change.

6658           ~~[(14)]~~ (12) (a) Each parent shall permit and encourage, during reasonable hours,  
6659 reasonable and uncensored communications with the minor child, in the form of mail privileges  
6660 and virtual parent-time if the equipment is reasonably available~~[, provided that if the parties]~~.

6661           (b) If the parents cannot agree on whether the equipment is reasonably available, the  
6662 court shall decide whether the equipment for virtual parent-time is reasonably available~~;~~ by  
6663 taking into consideration:

6664           ~~[(a)]~~ (i) the best interests of the minor child;

6665           ~~[(b)]~~ (ii) each parent's ability to handle any additional expenses for virtual parent-time;  
6666 and

6667           ~~[(c)]~~ (iii) any other factors the court considers material.

6668           ~~[(15)]~~ (13) (a) Parental care ~~[shall be]~~ is presumed to be better care for the minor child  
6669 than surrogate care ~~[and the]~~.

6670           (b) The court shall encourage the parties to cooperate in allowing the noncustodial  
6671 parent, if willing and able to transport the ~~[children]~~ minor child, to provide the child care.

6672           (c) Child care arrangements existing during the marriage are preferred as are child care  
6673 arrangements with nominal or no charge.

6674           ~~[(16)]~~ (14) Each parent shall:

6675           (a) provide all surrogate care providers with the name, current address, and telephone

6676 number of the other parent [~~and shall~~]; and

6677 (b) provide the noncustodial parent with the name, current address, and telephone  
6678 number of all surrogate care providers unless the court for good cause orders otherwise.

6679 [~~(17)~~] (15) (a) Each parent [~~shall be~~] is entitled to an equal division of major religious  
6680 holidays celebrated by the parents[~~, and the~~].

6681 (b) The parent who celebrates a religious holiday that the other parent does not  
6682 celebrate shall have the right to be together with the minor child on the religious holiday.

6683 [~~(18)~~] (16) If the minor child is on a different parent-time schedule than a sibling,  
6684 based on Sections [~~30-3-35 and 30-3-35.5~~] 81-9-302 and 81-9-304, the parents should consider  
6685 if an upward deviation for parent-time with all the minor children so that parent-time is  
6686 uniform between school aged and nonschool aged children, is appropriate.

6687 [~~(19)~~] (17) (a) When one or both parents are servicemembers or contemplating joining  
6688 a uniformed service, the parents should resolve issues of custodial responsibility in the event of  
6689 deployment as soon as practicable through reaching a voluntary agreement pursuant to Section  
6690 78B-20-201 or through court order obtained pursuant to [~~Section 30-3-10~~] this part.

6691 (b) Servicemembers shall ensure their family care plan reflects orders and agreements  
6692 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents Custody,  
6693 Parent-time, and Visitation Act.

6694 (18) (a) For emergency purposes, whenever the minor child travels with a parent, the  
6695 parent shall provide the following information to the other parent:

6696 (i) an itinerary of travel dates;

6697 (ii) destinations;

6698 (iii) places where the minor child or traveling parent can be reached; and

6699 (iv) the name and telephone number of an available third person who would be  
6700 knowledgeable of the minor child's location.

6701 (b) Unchaperoned travel of a minor child under the age of five years is not  
6702 recommended.

6703 Section 179. Section **81-9-203**, which is renumbered from Section 30-3-10.9 is  
6704 renumbered and amended to read:

6705 [~~30-3-10.9~~]. **81-9-203. Custody and parent-time proceedings -- Requirements for**  
6706 **parenting plan.**

6707 (1) In a custody or parent-time proceeding that is not a divorce action, the court may  
6708 require the parents to attend the mandatory educational course described in Section [81-4-106](#).

6709 (2) (a) In a proceeding between parents regarding the custody or parent-time for a  
6710 minor child, the parent shall file and serve a proposed parenting plan at the time of the filing of  
6711 the parent's original petition or at the time of filing the parent's answer or counterclaim.

6712 (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting  
6713 plan, the parent shall file the proposed parenting plan with the petition to modify or the answer  
6714 or counterclaim to the petition to modify.

6715 (c) A parent who desires joint legal custody shall file a proposed parenting plan in  
6716 accordance with this section.

6717 (3) If a parent files a proposed parenting plan in compliance with this section, the  
6718 parent may move the court for an order of default to adopt the plan if the other parent fails to  
6719 file a proposed parenting plan as required by this section.

6720 (4) A parent may file and serve an amended proposed parenting plan according to the  
6721 Utah Rules of Civil Procedure.

6722 (5) The parent submitting a proposed parenting plan shall attach a verified statement  
6723 that the plan is proposed by that parent in good faith.

6724 (6) (a) Both parents may submit a parenting plan which has been agreed upon.

6725 (b) The parents shall attach a verified statement to the parenting plan that is signed by  
6726 both parents.

6727 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad  
6728 litem to represent the best interests of the minor child, who may, if necessary, file a separate  
6729 parenting plan reflecting the best interests of the minor child.

6730 (8) (a) If a parent is a service member, the parenting plan shall be consistent with  
6731 Subsection (16).

6732 (b) If a parent becomes a service member after a parenting plan is adopted, the parents  
6733 shall amend the existing parenting plan as soon as practical to comply with Subsection (16).

6734 [(+)] (9) The objectives of a parenting plan are to:

6735 (a) provide for the minor child's physical care;

6736 (b) maintain the minor child's emotional stability;

6737 (c) provide for the minor child's changing needs as the minor child grows and matures

6738 in a way that minimizes the need for future modifications to the parenting plan;

6739 (d) set forth the authority and responsibilities of each parent with respect to the minor

6740 child consistent with the definitions outlined in this chapter;

6741 (e) minimize the minor child's exposure to harmful parental conflict;

6742 (f) encourage the parents, where appropriate, to meet the responsibilities to their

6743 ~~[minor children]~~ minor child through agreements in the parenting plan rather than relying on

6744 judicial intervention; and

6745 (g) protect the best interests of the minor child.

6746 ~~[(2)]~~ (10) (a) The parenting plan shall contain:

6747 (i) provisions for resolution of future disputes between the parents, allocation of

6748 decision-making authority, and residential provisions for the minor child~~[-and provisions];~~

6749 (ii) provisions addressing notice and parent-time responsibilities in the event of the

6750 relocation of ~~[either party. It may contain other provisions comparable to those in Sections~~

6751 ~~30-3-5 and 30-3-10.3 regarding the welfare of the child.]~~ a party; and

6752 (iii) a process for resolving disputes, unless precluded or limited by statute.

6753 ~~[(3) A process for resolving disputes shall be provided unless precluded or limited by~~

6754 ~~statute.]~~

6755 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:

6756 ~~[(a)]~~ (i) counseling;

6757 ~~[(b)]~~ (ii) mediation or arbitration by a specified individual or agency; or

6758 ~~[(c)]~~ (iii) court action.

6759 ~~[(4)]~~ (c) In the dispute resolution process under Subsection (10)(b):

6760 ~~[(a)]~~ (i) preference shall be given to the provisions in the parenting plan;

6761 ~~[(b)]~~ (ii) parents shall use the designated process to resolve disputes relating to

6762 implementation of the plan, except those related to financial support, unless an emergency

6763 exists;

6764 ~~[(c)]~~ (iii) a written record shall be prepared of any agreement reached in counseling or

6765 mediation and provided to each party;

6766 ~~[(d)]~~ (iv) if arbitration becomes necessary, a written record shall be prepared and a

6767 copy of the arbitration award shall be provided to each party;

6768 ~~[(e)]~~ (v) if the court finds that a parent has used or frustrated the dispute resolution

6769 process without good reason, the court may award attorney fees and financial sanctions to the  
6770 prevailing parent;

6771 ~~[(f)]~~ (vi) the district court has the right of review from the dispute resolution process;  
6772 and

6773 ~~[(g)]~~ (vii) the provisions of this Subsection ~~[(4)]~~ (10)(c) shall be set forth in any final  
6774 decree or order.

6775 ~~[(5)]~~ (11) (a) Subject to the other provisions of this Subsection ~~[(5)]~~ (11), the parenting  
6776 plan shall allocate decision-making authority to one or both parties regarding the minor child's  
6777 education, healthcare, and religious upbringing.

6778 (b) The parties may incorporate an agreement related to the care and growth of the  
6779 minor child in these specified areas or in other areas into the plan~~[, consistent with]~~ that are  
6780 consistent with parenting functions and the criteria outlined in Subsection ~~[30-3-10.7(2)]~~ and  
6781 Subsection ~~(1)~~ (9).

6782 (c) Regardless of the allocation of decision-making in the parenting plan, ~~[either]~~ a  
6783 parent may make emergency decisions affecting the health or safety of the minor child.

6784 ~~[(b)]~~ (d) A minor child's education plan shall designate the following:

6785 (i) the home residence for purposes of identifying the appropriate school or another  
6786 specific plan that provides for where the minor child will attend school;

6787 (ii) which parent has authority to make education decisions for the minor child if the  
6788 parents cannot agree; and

6789 (iii) whether one or both parents have access to the minor child during school and  
6790 authority to check the minor child out of school.

6791 ~~[(e)]~~ (e) ~~[If no education provision is included in the parent plan]~~ If an education  
6792 provision is not included in the parenting plan:

6793 (i) a parent with sole physical custody shall make the decisions listed in Subsection  
6794 ~~[(5)(b)]~~ (11)(d);

6795 (ii) in the event of joint physical custody when one parent has custody a majority of the  
6796 time~~[, pursuant to Subsection 30-3-10.3(4):]~~ as described in Subsection 81-9-205(10):

6797 (A) the parent having the minor child the majority of the time shall make the decisions  
6798 listed in Subsections ~~[(5)(b)(i)]~~ (11)(d)(i) and (ii); and

6799 (B) both parents with joint physical custody shall have access to the minor child during

6800 school and authority to check the child out of school; or

6801 (iii) in the event of joint physical custody when the parents have custody an equal  
6802 amount of time:

6803 (A) the court shall determine how the decisions listed in Subsections ~~[(5)(b)(i)]~~

6804 ~~(11)(d)(i)~~ and (ii) are made; and

6805 (B) both parents with joint physical custody shall have access to the minor child during  
6806 school and authority to check the minor child out of school.

6807 ~~[(6)]~~ (12) Each parent may make decisions regarding the day-to-day care and control of  
6808 the minor child while the minor child is residing with that parent.

6809 ~~[(7)]~~ (13) When mutual decision-making is designated but cannot be achieved, the  
6810 parties shall make a good faith effort to resolve the issue through the dispute resolution  
6811 process.

6812 ~~[(8)]~~ (14) The parenting plan shall include a residential schedule that designates in  
6813 which parent's home ~~[each]~~ a minor child shall reside on given days of the year, including  
6814 provisions for holidays, birthdays of family members, vacations, and other special occasions.

6815 ~~[(9)]~~ (15) (a) If a parent fails to comply with a provision of the parenting plan or a child  
6816 support order, the other parent's obligations under the parenting plan or the child support order  
6817 are not affected.

6818 (b) Failure to comply with a provision of the parenting plan or a child support order  
6819 may result in a finding of contempt of court.

6820 ~~[(10)]~~ (16) (a) ~~[When one or both parents are servicemembers]~~ If a parent is a service  
6821 member, the parenting plan shall contain provisions that address the foreseeable parenting and  
6822 custodial issues likely to arise in the event of notification of deployment or other contingency,  
6823 including long-term deployments, short-term deployments, death, incapacity, and  
6824 noncombatant evacuation operations.

6825 (b) The provisions in the parenting plan described in Subsection ~~[(10)(a)]~~ (16)(a) shall  
6826 comport substantially with the requirements of an agreement made pursuant to Section  
6827 78B-20-201.

6828 Section 180. Section **81-9-204**, which is renumbered from Section 30-3-10 is  
6829 renumbered and amended to read:

6830 ~~[30-3-10]~~. **81-9-204. Custody and parent-time of a minor child -- Custody**

6831 **factors -- Preferences.**

6832 ~~[(1) If a married couple having one or more minor children are separated, or the~~  
6833 ~~married couple's marriage is declared void or dissolved, the court shall enter, and has~~  
6834 ~~continuing jurisdiction to modify, an order of custody and parent-time.]~~

6835 (1) In a proceeding between parents in which the custody and parent-time of a minor  
6836 child is at issue, the court shall consider the best interests of the minor child.

6837 (2) The court shall determine whether an order for custody or parent-time is in the best  
6838 interests of the minor child by a preponderance of the evidence.

6839 ~~[(2)] (3) [In determining any form of custody and parent-time under Subsection (1), the~~  
6840 ~~court shall consider the best interest of the child and may consider among other factors the~~  
6841 ~~court finds relevant, the following]~~ In determining the form of custody or parent-time that is in  
6842 the best interests of the minor child, the court may consider the following factors for each  
6843 parent:

6844 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
6845 abuse, involving the minor child, the parent, or a household member of the parent;

6846 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet  
6847 the developmental needs of the minor child, including the minor child's:

6848 (i) physical needs;

6849 (ii) emotional needs;

6850 (iii) educational needs;

6851 (iv) medical needs; and

6852 (v) any special needs;

6853 (c) the parent's capacity and willingness to function as a parent, including:

6854 (i) parenting skills;

6855 (ii) co-parenting skills, including:

6856 (A) ability to appropriately communicate with the other parent;

6857 (B) ability to encourage the sharing of love and affection; and

6858 (C) willingness to allow frequent and continuous contact between the minor child and  
6859 the other parent, except that, if the court determines that the parent is acting to protect the  
6860 minor child from domestic violence, neglect, or abuse, the parent's protective actions may be  
6861 taken into consideration; and



- 6862 (iii) ability to provide personal care rather than surrogate care;
- 6863 (d) ~~[in accordance with Subsection (10);]~~ the past conduct and demonstrated moral  
6864 character of the parent as described in Subsection (8);
- 6865 (e) the emotional stability of the parent;
- 6866 (f) the parent's inability to function as a parent because of drug abuse, excessive  
6867 drinking, or other causes;
- 6868 (g) whether the parent has intentionally exposed the minor child to pornography or  
6869 ~~[material harmful to minors, as "material" and "harmful to minors" are]~~ material that is harmful  
6870 to minors, as those terms are defined in Section 76-10-1201;
- 6871 (h) the parent's reasons for having relinquished custody or parent-time in the past;
- 6872 (i) duration and depth of desire for custody or parent-time;
- 6873 (j) the parent's religious compatibility with the minor child;
- 6874 (k) the parent's financial responsibility;
- 6875 (l) the minor child's interaction and relationship with step-parents, extended family  
6876 members of other individuals who may significantly affect the minor child's best interests;
- 6877 (m) who has been the primary caretaker of the minor child;
- 6878 (n) previous parenting arrangements in which the minor child has been happy and  
6879 well-adjusted in the home, school, and community;
- 6880 (o) the relative benefit of keeping siblings together;
- 6881 (p) the stated wishes and concerns of the minor child, taking into consideration the  
6882 minor child's cognitive ability and emotional maturity;
- 6883 (q) the relative strength of the minor child's bond with the parent, meaning the depth,  
6884 quality, and nature of the relationship between the parent and the minor child; and
- 6885 (r) any other factor the court finds relevant.
- 6886 ~~[(3) There is a rebuttable presumption that joint legal custody, as defined in Section~~  
6887 30-3-10.1, is in the best interest of the child, except in cases when there is:]
- 6888 ~~[(a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional~~  
6889 ~~abuse involving the child, a parent, or a household member of the parent;]~~
- 6890 ~~[(b) special physical or mental needs of a parent or child, making joint legal custody~~  
6891 ~~unreasonable;]~~
- 6892 ~~[(c) physical distance between the residences of the parents, making joint decision~~

6893 making impractical in certain circumstances; or]

6894 [~~(d) any other factor the court considers relevant including those listed in this section~~  
6895 ~~and Section 30-3-10.2.]~~

6896 [~~(4) (a) The person who desires joint legal custody shall file a proposed parenting plan~~  
6897 ~~in accordance with Sections 30-3-10.8 and 30-3-10.9.]~~

6898 [~~(b) A presumption for joint legal custody may be rebutted by a showing by a~~  
6899 ~~preponderance of the evidence that it is not in the best interest of the child.]~~

6900 [~~(5)] (4) (a) A minor child may not be required by either party to testify unless the trier  
6901 of fact determines that extenuating circumstances exist that would necessitate the testimony of  
6902 the minor child be heard and there is no other reasonable method to present the minor child's  
6903 testimony.~~

6904 (b) (i) The court may inquire [~~of the child's~~] and take into consideration the minor  
6905 child's desires regarding future custody or parent-time schedules, but the expressed desires are  
6906 not controlling and the court may determine the minor child's custody or parent-time otherwise.

6907 (ii) The desires of a minor child who is 14 years old or older shall be given added  
6908 weight, but is not the single controlling factor.

6909 (c) (i) If an interview with a minor child is conducted by the court [~~pursuant to~~] in  
6910 accordance with Subsection [~~(5)(b)] (4)(b)~~, the interview shall be conducted by the [~~judge~~]  
6911 court in camera.

6912 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
6913 finds that an interview with a minor child is the only method to ascertain the minor child's  
6914 desires regarding custody.

6915 [~~(6)] (5) (a) Except as provided in Subsection [~~(6)(b)] (5)(b)~~, a court may not  
6916 discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding  
6917 custody or determining whether a substantial change has occurred for the purpose of modifying  
6918 an award of custody.~~

6919 (b) The court may not consider the disability of a parent as a factor in awarding custody  
6920 or modifying an award of custody based on a determination of a substantial change in  
6921 circumstances, unless the court makes specific findings that:

6922 (i) the disability significantly or substantially inhibits the parent's ability to provide for  
6923 the physical and emotional needs of the minor child at issue; and

6924 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
 6925 available to supplement the parent's ability to provide for the physical and emotional needs of  
 6926 the minor child at issue.

6927 (c) Nothing in this section may be construed to apply to adoption proceedings under  
 6928 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

6929 ~~[(7)]~~ (6) This section does not establish:

6930 (a) a preference for either parent solely because of the gender of the parent[-]; or

6931 ~~[(8)]~~ (b) ~~[This section establishes neither a preference nor a presumption]~~ a preference  
 6932 for or against joint physical custody or sole physical custody, but allows the court and the  
 6933 family the widest discretion to choose a parenting plan that is in the best interest of the minor  
 6934 child.

6935 ~~[(9)]~~ (7) When an issue before the court involves custodial responsibility in the event  
 6936 of a deployment of ~~[one or both parents who are service members]~~ a parent who is a service  
 6937 member and the service member has not yet been notified of deployment, the court shall  
 6938 resolve the issue based on the standards in Sections [78B-20-306](#) through [78B-20-309](#).

6939 ~~[(10)]~~ (8) In considering the past conduct and demonstrated moral standards of each  
 6940 party under Subsection ~~[(2)(d)]~~ (3)(d) or any other factor a court finds relevant, the court may  
 6941 not:

6942 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
 6943 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in  
 6944 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies,  
 6945 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection  
 6946 [58-37-3.7](#)(2) or (3) any differently than the court would consider or treat the lawful possession  
 6947 or use of any prescribed controlled substance; or

6948 (b) discriminate against a parent because of the parent's status as a:

6949 (i) cannabis production establishment agent, as that term is defined in Section  
 6950 [4-41a-102](#);

6951 (ii) medical cannabis pharmacy agent, as that term is defined in Section [26B-4-201](#);

6952 (iii) medical cannabis courier agent, as that term is defined in Section [26B-4-201](#); or

6953 (iv) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,  
 6954 Cannabinoid Research and Medical Cannabis.

6955 (9) (a) The court shall consider evidence of domestic violence if evidence of domestic  
6956 violence is presented.

6957 (b) The court shall consider as primary, the safety and well-being of the minor child  
6958 and the parent who experiences domestic violence.

6959 (c) A court shall consider an order issued by a court in accordance with Title 78B,  
6960 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or  
6961 substantiated potential harm to the minor child.

6962 (d) If a parent relocates because of an act of domestic violence or family violence by  
6963 the other parent, the court shall make specific findings and orders with regards to the  
6964 application of Section 81-9-209.

6965 (10) Absent a showing by a preponderance of evidence of real harm or substantiated  
6966 potential harm to the minor child:

6967 (a) it is in the best interest of the minor child to have frequent, meaningful, and  
6968 continuing access to each parent following separation or divorce;

6969 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing  
6970 access with the parent's minor child consistent with the minor child's best interests; and

6971 (c) it is in the best interest of the minor child to have both parents actively involved in  
6972 parenting the minor child.

6973 Section 181. Section **81-9-205**, which is renumbered from Section 30-3-10.2 is  
6974 renumbered and amended to read:

6975 **~~[30-3-10.2].~~ 81-9-205. Presumption of joint legal custody -- Joint custody factors**  
6976 **-- Order for joint custody.**

6977 ~~[(1) The court may order joint legal custody or joint physical custody or both if one or~~  
6978 ~~both parents have filed a parenting plan in accordance with Section 30-3-10.8 and the court~~  
6979 ~~determines that joint legal custody or joint physical custody or both is in the best interest of the~~  
6980 ~~child.]~~

6981 ~~[(2) In determining whether the best interest of a child will be served by ordering joint~~  
6982 ~~legal custody or joint physical custody or both, the court shall consider the custody factors in~~  
6983 ~~Section 30-3-10 and the following factors:]~~

6984 (1) The court may order joint legal custody or joint physical custody or both joint legal  
6985 custody and joint physical custody if:

6986 (a) one or both parents have filed a parenting plan as described in Section 81-9-203;  
6987 and

6988 (b) the court determines that, by a preponderance of the evidence, joint legal custody or  
6989 joint physical custody or both joint legal custody and joint physical custody is in the best  
6990 interest of the minor child in accordance with Subsection (5) and Section 81-9-204.

6991 (2) (a) There is a rebuttable presumption that joint legal custody is in the best interest  
6992 of the minor child, except in cases when there is:

6993 (i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
6994 abuse involving the minor child, a parent, or a household member of the parent;

6995 (ii) special physical or mental needs of a parent or minor child, making joint legal  
6996 custody unreasonable;

6997 (iii) physical distance between the residences of the parents, making joint decision  
6998 making impractical in certain circumstances; or

6999 (iv) any other factor the court considers relevant, including the factors described in  
7000 Subsection (5) and Section 81-9-204.

7001 (b) A presumption for joint legal custody may be rebutted by showing by a  
7002 preponderance of the evidence that it is not in the best interest of the minor child.

7003 (3) (a) Joint legal custody does not affect the physical custody of the minor child  
7004 except as specified in the order of joint legal custody.

7005 (b) Joint legal custody is not based on awarding equal or nearly equal periods of  
7006 physical custody of and access to the minor child to each of the parents because the best  
7007 interest of the minor child often requires that a primary physical residence for the minor child  
7008 be designated.

7009 (c) In ordering joint legal custody, the court:

7010 (i) may include an award of exclusive authority by the court to one parent to make  
7011 specific decisions regarding the minor child; and

7012 (ii) is not prohibited from specifying one parent as the primary caretaker and one home  
7013 as the primary residence of the minor child.

7014 (4) (a) Joint physical custody may result in equal or nearly equal periods of physical  
7015 custody of and access to the minor child by each of the parents to meet the best interest of the  
7016 minor child.

7017            (b) Joint physical custody may require that a physical residence for the minor child be  
7018 designated.

7019            (c) In ordering joint physical custody, the court is not prohibited from specifying one  
7020 parent as the primary caretaker and one home as the primary residence of the minor child.

7021            (5) In addition to the factors described in Section 81-9-204, the court shall consider the  
7022 following factors in determining whether joint legal custody, joint physical custody, or both  
7023 joint legal custody and joint physical custody, is in the best interest of the minor child:

7024            (a) whether the physical, psychological, and emotional needs and development of the  
7025 minor child will benefit from joint legal custody or joint physical custody or both joint legal  
7026 custody and joint physical custody;

7027            (b) the ability of the parents to give first priority to the welfare of the minor child and  
7028 reach shared decisions in the minor child's best interest;

7029            (c) co-parenting skills, including:

7030            (i) ability to appropriately communicate with the other parent;

7031            (ii) ability to encourage the sharing of love and affection; and

7032            (iii) willingness to allow frequent and continuous contact between the minor child and  
7033 the other parent, except that, if the court determines that the parent is acting to protect the  
7034 minor child from domestic violence, neglect, or abuse, the parent's protective actions may be  
7035 taken into consideration; ~~and~~

7036            (d) whether both parents participated in raising the minor child before the divorce;

7037            (e) the geographical proximity of the homes of the parents;

7038            (f) the preference of the minor child if the minor child is of sufficient age and capacity  
7039 to reason so as to form an intelligent preference as to joint legal custody or joint physical  
7040 custody or both joint legal custody and joint physical custody;

7041            (g) the maturity of the parents and their willingness and ability to protect the minor  
7042 child from conflict that may arise between the parents;

7043            (h) the past and present ability of the parents to cooperate with each other and make  
7044 decisions jointly; and

7045            (i) any other factor the court finds relevant.

7046            ~~[(3) The determination of the best interest of the child shall be by a preponderance of~~  
7047 ~~the evidence.]~~

7048            ~~[(4)]~~ (6) The court shall inform both parties that an order for joint physical custody  
7049 may preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment  
7050 Support Act.

7051            (7) An order of joint legal custody or joint physical custody shall provide terms the  
7052 court determines appropriate, which may include specifying:

7053            (a) the county of residence of the minor child, until altered by further order of the court,  
7054 or the custodian who has the sole legal right to determine the residence of the minor child;

7055            (b) that the parents shall exchange information concerning the health, education, and  
7056 welfare of the minor child, and where possible, confer before making decisions concerning any  
7057 of these areas;

7058            (c) the rights and duties of each parent regarding the minor child's present and future  
7059 physical care, support, and education;

7060            (d) provisions to minimize disruption of the minor child's attendance at school and  
7061 other activities, the minor child's daily routine, and the minor child's association with friends;  
7062 and

7063            (e) as necessary, the remaining parental rights, privileges, duties, and powers to be  
7064 exercised by the parents solely, concurrently, or jointly.

7065            (8) An order of joint legal custody or joint physical custody shall require the parenting  
7066 plan contain a dispute resolution procedure that the parties agree to use:

7067            (a) in accordance with Subsection [81-9-203](#)(10); and

7068            (b) before seeking enforcement or modification of the terms and conditions of the order  
7069 of joint legal custody or joint physical custody through litigation, except in emergency  
7070 situations requiring ex parte orders to protect the minor child.

7071            (9) The court shall, where possible, include in the order the terms of the parenting plan  
7072 provided in accordance with Section [81-9-203](#).

7073            (10) Any parental rights not specifically addressed by the court order may be exercised  
7074 by the parent having physical custody of the minor child the majority of the time.

7075            (11) The appointment of joint legal or physical custodians does not impair or limit the  
7076 authority of the court to order support of the child, as defined in Section [81-6-101](#), including  
7077 payments by one custodian to the other.

7078            (12) An order of joint legal custody, in itself, is not grounds for modifying a support

7079 order.

7080 [~~(5)~~] (13) The court may order that when possible the parties attempt to settle future  
7081 disputes by a dispute resolution method before seeking enforcement or modification of the  
7082 terms and conditions of the order of joint legal custody or joint physical custody through  
7083 litigation, except in emergency situations requiring ex parte orders to protect the minor child.

7084 Section 182. Section **81-9-206**, which is renumbered from Section 30-3-34 is  
7085 renumbered and amended to read:

7086 ~~[30-3-34].~~ **81-9-206. Determination of parent-time schedule -- Parent-time**  
7087 **factors.**

7088 (1) If the parties are unable to agree on a parent-time schedule, the court may:

7089 (a) establish a parent-time schedule; or

7090 (b) order a parent-time schedule described in [~~Section 30-3-35, 30-3-35.1, 30-3-35.2,~~  
7091 ~~or 30-3-35.5~~] Part 3, Parent-time Schedules.

7092 (2) [~~The advisory guidelines as provided in Section 30-3-33 and the parent-time~~  
7093 ~~schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be considered~~] There is a  
7094 presumption that the advisory guidelines described in Section 81-9-202 and the parent-time  
7095 schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which  
7096 the noncustodial parent and the minor child [~~shall be~~] are entitled.

7097 (3) A court may consider the following when ordering a parent-time schedule:

7098 (a) whether parent-time would endanger the minor child's physical health or mental  
7099 health, or significantly impair the minor child's emotional development;

7100 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
7101 abuse, involving the minor child, a parent, or a household member of the parent as described  
7102 Subsection (4) and Section 81-9-204;

7103 (c) the distance between the residency of the minor child and the noncustodial parent;

7104 (d) a credible allegation of child abuse has been made;

7105 (e) the lack of demonstrated parenting skills without safeguards to ensure the minor  
7106 child's well-being during parent-time;

7107 (f) the financial inability of the noncustodial parent to provide adequate food and  
7108 shelter for the minor child during periods of parent-time;

7109 (g) the preference of the minor child if the court determines the minor child is of



7110 sufficient maturity;

7111 (h) the incarceration of the noncustodial parent in a county jail, secure youth

7112 corrections facility, or an adult corrections facility;

7113 (i) shared interests between the minor child and the noncustodial parent;

7114 (j) the involvement or lack of involvement of the noncustodial parent in the school,  
7115 community, religious, or other related activities of the minor child;

7116 (k) the availability of the noncustodial parent to care for the minor child when the  
7117 custodial parent is unavailable to do so because of work or other circumstances;

7118 (l) a substantial and chronic pattern of missing, canceling, or denying regularly  
7119 scheduled parent-time;

7120 (m) the minimal duration of and lack of significant bonding in the parents' relationship  
7121 before the conception of the minor child;

7122 (n) the parent-time schedule of siblings;

7123 (o) the lack of reasonable alternatives to the needs of a nursing minor child; and

7124 (p) any other criteria the court determines relevant to the best interests of the minor  
7125 child.

7126 (4) The court shall enter the reasons underlying the court's order for parent-time that:

7127 (a) incorporates a parent-time schedule [~~provided in Section 30-3-35 or 30-3-35.5~~]  
7128 described in Section 81-9-302 or 81-9-304; or

7129 (b) provides more or less parent-time than a parent-time schedule [~~provided in Section~~  
7130 30-3-35 or 30-3-35.5] described in Section 81-9-302 or 81-9-304.

7131 (5) A court may not order a parent-time schedule unless the court determines by a  
7132 preponderance of the evidence that the parent-time schedule is in the best interest of the minor  
7133 child.

7134 (6) Once the parent-time schedule has been established, the parties may not alter the  
7135 parent-time schedule except by mutual consent of the parties or a court order.

7136 (7) (a) If the court orders parent-time and a protective order or stalking injunction is  
7137 still in place, the court shall consider whether to order the parents to conduct parent-time  
7138 pick-up and transfer through a third party.

7139 (b) The parent who is the stated victim in the protective order or stalking injunction  
7140 may submit to the court, and the court shall consider, the name of a person considered suitable

7141 to act as the third party.

7142 (c) If the court orders the parents to conduct parent-time through a third party, the  
7143 parenting plan shall specify the time, day, place, manner, and the third party to be used to  
7144 implement the exchange.

7145 (8) If there is a protective order, stalking injunction, or the court finds that a parent has  
7146 committed domestic violence, the court shall:

7147 (a) consider the impact of domestic violence in awarding parent-time; and

7148 (b) make specific findings regarding the award of parent-time.

7149 (9) Upon a specific finding by the court of the need for peace officer enforcement, the  
7150 court may include a provision in an order for parent-time that authorizes a peace officer to  
7151 enforce the order for parent-time.

7152 (10) When parent-time has not taken place for an extended period of time and the  
7153 minor child lacks an appropriate bond with the noncustodial parent, both parents shall consider  
7154 the possible adverse effects upon the minor child and gradually reintroduce an appropriate  
7155 parent-time plan for the noncustodial parent.

7156 Section 183. Section **81-9-207**, which is renumbered from Section 30-3-34.5 is  
7157 renumbered and amended to read:

7158 **[30-3-34.5]. 81-9-207. Supervised parent-time.**

7159 ~~[(1) Considering the fundamental liberty interests of parents and children, it is the~~  
7160 ~~policy of this state that divorcing parents have unrestricted and unsupervised access to their~~  
7161 ~~children. When necessary to protect a child and no less restrictive means is reasonably~~  
7162 ~~available however, a court may order supervised parent-time if the court finds evidence that the~~  
7163 ~~child would be subject to physical or emotional harm or child abuse, as described in Sections~~  
7164 ~~76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the noncustodial parent if left~~  
7165 ~~unsupervised with the noncustodial parent.]~~

7166 (1) If it is necessary to protect a minor child and there is no less restrictive means  
7167 reasonably available, a court may order supervised parent-time if the court finds evidence that  
7168 the minor child would be subject to physical or emotional harm or child abuse, as described in  
7169 Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the noncustodial parent if left  
7170 unsupervised with the noncustodial parent.

7171 (2) (a) A court that orders supervised parent-time shall give preference to persons

7172 suggested by the parties to supervise, including relatives.

7173 (b) If the court finds that the persons suggested by the parties are willing to supervise,  
7174 and are capable of protecting the [~~children~~] minor child from physical or emotional harm, or  
7175 child abuse, the court shall authorize the persons to supervise parent-time.

7176 [~~(3)~~] (c) If the court is unable to authorize any persons to supervise parent-time  
7177 [~~pursuant to Subsection (2)~~], the court may require that the noncustodial parent seek the  
7178 services of a professional individual or agency to exercise their supervised parent-time.

7179 [~~(4)~~] (3) At the time supervised parent-time is imposed, the court shall consider:

7180 (a) whether the cost of professional or agency services is likely to prevent the  
7181 noncustodial parent from exercising parent-time; and

7182 (b) whether the requirement for supervised parent-time should expire after a set period  
7183 of time.

7184 [~~(5)~~] (4) (a) The court shall, in its order for supervised parent-time, provide specific  
7185 goals and expectations for the noncustodial parent to accomplish before unsupervised  
7186 parent-time may be granted.

7187 (b) The court shall schedule one or more follow-up hearings to revisit the issue of  
7188 supervised parent-time.

7189 [~~(6)~~] (5) A noncustodial parent may, at any time, petition the court to modify the order  
7190 for supervised parent-time if the noncustodial parent can demonstrate that the specific goals  
7191 and expectations set by the court [~~in Subsection (5)~~] as described in Subsection (4) have been  
7192 accomplished.

7193 Section 184. Section **81-9-208**, which is renumbered from Section 30-3-10.4 is  
7194 renumbered and amended to read:

7195 [~~30-3-10.4~~]. **81-9-208. Modification or termination of a custody or parent-time**  
7196 **order -- Noncompliance with a parent-time order.**

7197 (1) The court has continuing jurisdiction to make subsequent changes to modify:

7198 (a) custody of a minor child if there is a showing of a substantial and material change  
7199 in circumstances since the entry of the order; and

7200 (b) parent-time for a minor child if there is a showing that there is a change in  
7201 circumstances since the entry of the order.

7202 [~~(1)~~] (2) On the petition of one or both of the parents, or the joint legal or physical

7203 custodians if they are not the parents, the court may, after a hearing, modify or terminate an  
7204 order that established joint legal custody or joint physical custody if:

7205 (a) the verified petition or accompanying affidavit initially alleges that admissible  
7206 evidence will show that there has been a substantial and material change in the circumstances  
7207 of the minor child or one or both parents or joint legal or physical custodians [~~have materially~~  
7208 ~~and substantially changed~~] since the entry of the order to be modified;

7209 (b) a modification of the terms and conditions of the order would be an improvement  
7210 for and in the best interest of the minor child; and

7211 (c) (i) both parents have complied in good faith with the dispute resolution procedure  
7212 in accordance with Subsection [~~30-3-10.3(7)~~] 81-9-205(8); or

7213 (ii) if no dispute resolution procedure is contained in the order that established joint  
7214 legal custody or joint physical custody, the court orders the parents to participate in a dispute  
7215 resolution procedure in accordance with Subsection [~~30-3-10.2(5)~~] 81-9-205(13) unless the  
7216 parents certify that, in good faith, they have used a dispute resolution procedure to resolve their  
7217 dispute.

7218 [~~(2)~~] (3) (a) In determining whether the best interest of a minor child will be served by  
7219 either modifying or terminating the joint legal custody or joint physical custody order, the court  
7220 shall, in addition to other factors the court considers relevant, consider the factors [~~outlined in~~  
7221 ~~Section 30-3-10 and Subsection 30-3-10.2(2)~~] described in Sections 81-9-204 and 81-9-205.

7222 (b) A court order modifying or terminating an existing joint legal custody or joint  
7223 physical custody order shall contain written findings that:

7224 (i) a [~~material and substantial~~] substantial and material change of circumstance has  
7225 occurred; and

7226 (ii) a modification of the terms and conditions of the order would be an improvement  
7227 for and in the best interest of the minor child.

7228 (c) The court shall give substantial weight to the existing joint legal custody or joint  
7229 physical custody order when the minor child is thriving, happy, and well-adjusted.

7230 [~~(3)~~] (4) The court shall, in every case regarding a petition for termination of a joint  
7231 legal custody or joint physical custody order, consider reasonable alternatives to preserve the  
7232 existing order in accordance with [~~Subsection 30-3-10(3)~~] Section 81-9-204.

7233 (5) The court may modify the terms and conditions of the existing order in accordance

7234 with ~~[Subsection 30-3-10(8)]~~ this chapter and may order the parents to file a parenting plan in  
7235 accordance with ~~[this chapter]~~ Section 81-9-203.

7236 ~~[(4)]~~ (6) A parent requesting a modification from sole custody to joint legal custody or  
7237 joint physical custody or both, or any other type of shared parenting arrangement, shall file and  
7238 serve a proposed parenting plan with the petition to modify in accordance with Section  
7239 ~~[30-3-10.8]~~ 81-9-203.

7240 ~~[(5) If the court finds that an action under this section is filed or answered frivolously  
7241 and in a manner designed to harass the other party, the court shall assess attorney fees as costs  
7242 against the offending party.]~~

7243 ~~[(6)]~~ (7) If an issue before the court involves custodial responsibility in the event of  
7244 deployment of one or both parents who are service members, and the service member has not  
7245 yet been notified of deployment, the court shall resolve the issue based on the standards in  
7246 Sections ~~78B-20-306~~ through ~~78B-20-309~~.

7247 (8) If the court finds that an action to modify custody or parent-time is filed or  
7248 answered frivolously and, in a manner, designed to harass the other party, the court shall assess  
7249 attorney fees as costs against the offending party.

7250 (9) If a petition to modify custody or parent-time provisions of a court order is made  
7251 and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by  
7252 the prevailing party in that action if the court determines that the petition was without merit and  
7253 not asserted or defended against in good faith.

7254 (10) If a motion or petition alleges noncompliance with a parent-time order by a parent,  
7255 or a visitation order by a grandparent or other member of the immediate family where a  
7256 visitation or parent-time right has been previously granted by the court, the court:

7257 (a) may award to the prevailing party:

7258 (i) actual attorney fees incurred;

7259 (ii) the costs incurred by the prevailing party because of the other party's failure to  
7260 provide or exercise court-ordered visitation or parent-time, including:

7261 (A) court costs;

7262 (B) child care expenses;

7263 (C) transportation expenses actually incurred;

7264 (D) lost wages, if ascertainable; or

7265 (E) counseling for a parent or a minor child if ordered or approved by the court; or  
7266 (iii) any other appropriate equitable remedy; and  
7267 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up  
7268 parent-time is not in the best interest of the minor child.

7269 Section 185. Section **81-9-209**, which is renumbered from Section 30-3-37 is  
7270 renumbered and amended to read:

7271 **[30-3-37]. 81-9-209. Notice of relocation -- Effect of relocation on parent-time**  
7272 **schedule.**

7273 (1) ~~[For purposes of this section]~~ As used in this section, "relocation" means moving  
7274 150 miles or more from the residence of the other parent.

7275 (2) The relocating parent shall provide ~~[60 days advance]~~ written notice ~~[of the~~  
7276 ~~intended relocation]~~ to the other parent at least 60 days before the day on which the relocating  
7277 parent intends to relocate.

7278 (3) The written notice of relocation under Subsection (2) shall contain statements  
7279 affirming ~~[the following]:~~

7280 (a) the parent-time provisions in Subsection ~~[(6)]~~ (9) or a parent-time schedule  
7281 approved by both parties will be followed; and

7282 (b) ~~[neither parent will]~~ that a parent will not interfere with the other's parental rights  
7283 pursuant to court ordered parent-time arrangements[;] or the parent-time schedule approved by  
7284 both parties.

7285 ~~[(3)]~~ (4) The court shall, upon motion of any party or upon the court's own motion,  
7286 schedule a hearing with notice to:

7287 (a) review the notice of relocation and ~~[parent-time schedule as provided in Section~~  
7288 ~~30-3-35]~~ the relevant parent-time schedule under Section 81-8-302 or 81-8-304; and

7289 (b) make appropriate orders regarding the parent-time schedule and costs for  
7290 parent-time transportation.

7291 ~~[(4)]~~ (5) In a hearing to review the notice of relocation, the court shall, in determining  
7292 if the relocation of a custodial parent is in the best interest of the minor child, consider any  
7293 other factors that the court considers relevant to the determination.

7294 (6) If the court determines that relocation is not in the best interest of the minor child,  
7295 and the custodial parent relocates, the court may order a change of custody.

7296            ~~[(5)]~~ (7) (a) If the court finds that the relocation is in the best interest of the minor  
7297 child, the court shall determine the parent-time schedule and allocate the transportation costs  
7298 that will be incurred for the minor child to visit the noncustodial parent.

7299            (b) In making ~~[its determination]~~ a determination under Subsection (7)(a), the court  
7300 shall consider:

7301            ~~[(a)]~~ (i) the reason for the parent's relocation;

7302            ~~[(b)]~~ (ii) the additional costs or difficulty to both parents in exercising parent-time;

7303            ~~[(c)]~~ (iii) the economic resources of both parents; and

7304            ~~[(d)]~~ (iv) other factors the court considers necessary and relevant.

7305            (8) If a parent relocates because of an act of domestic violence or family violence by  
7306 the other parent, the court shall make specific findings and orders with regard to the application  
7307 of this section.

7308            ~~[(6)]~~ (9) Unless otherwise ordered by the court, upon the relocation~~[, as defined in~~  
7309 ~~Subsection (1);]~~ of one of the parties, the following schedule ~~[shall be the minimum~~  
7310 ~~requirements for parent-time for children 5 to 18 years of age]~~ is the minimum parent-time the  
7311 noncustodial parent is entitled to a minor child who is five to 18 years old:

7312            (a) in years ending in an odd number, the minor child shall spend the following  
7313 holidays with the noncustodial parent:

7314            (i) Thanksgiving holiday beginning Wednesday until Sunday; and

7315            (ii) Spring break, if applicable, beginning the last day of school before the holiday until  
7316 the day before school resumes;

7317            (b) in years ending in an even number, the minor child shall spend the following  
7318 holidays with the noncustodial parent:

7319            (i) the entire winter school break period; and

7320            (ii) the Fall school break beginning the last day of school before the holiday until the  
7321 day before school resumes;

7322            (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive  
7323 weeks~~[-The children should be returned to the custodial home no later than seven days before~~  
7324 ~~school begins; however, this week shall be counted when determining the amount of~~  
7325 ~~parent-time to be divided between the parents for the summer or off-track period]; and~~

7326            (d) one weekend per month, at the option and expense of the noncustodial parent.

7327 (10) For extended parent-time under Subsection (9)(c), the minor child should be  
7328 returned to the custodial home no later than seven days before school begins, except that this  
7329 week is counted when determining the amount of parent-time to be divided between the parents  
7330 for the summer or off-track period.

7331 [~~(7)~~] (11) (a) The court may also set a parent-time schedule for [children under the age  
7332 of five] a minor child who is younger than five years old.

7333 (b) The schedule shall take into consideration the following:

7334 [~~(a)~~] (i) the age of the minor child;

7335 [~~(b)~~] (ii) the developmental needs of the minor child;

7336 [~~(c)~~] (iii) the distance between the parents' homes;

7337 [~~(d)~~] (iv) the travel arrangements and cost;

7338 [~~(e)~~] (v) the level of attachment between the minor child and the noncustodial parent;

7339 and

7340 [~~(f)~~] (vi) any other factors relevant to the best interest of the minor child.

7341 [~~(8)~~] (12) The noncustodial parent's monthly weekend entitlement is subject to the  
7342 following restrictions.

7343 (a) (i) If the noncustodial parent has not designated a specific weekend for parent-time,  
7344 the noncustodial parent shall receive the last weekend of each month unless a holiday assigned  
7345 to the custodial parent falls on that particular weekend.

7346 (ii) If a holiday assigned to the custodial parent falls on the last weekend of the month,  
7347 the noncustodial parent [~~shall be~~] is entitled to the next to the last weekend of the month.

7348 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday  
7349 extends into or through the first weekend of the next month, that weekend shall be considered  
7350 the noncustodial parent's monthly weekend entitlement for that month.

7351 (c) If a minor child is out of school for teacher development days or snow days after  
7352 the [~~children begin~~] minor child begins the school year, or other days not included in the list of  
7353 holidays in Subsection [~~(6)~~] (9) and those days are contiguous with the noncustodial parent's  
7354 monthly weekend parent-time, those days shall be included in the weekend parent-time.

7355 [~~(9)~~] (13) The custodial parent is entitled to all parent-time not specifically allocated to  
7356 the noncustodial parent.

7357 [~~(10)~~] (14) In the event finances and distance preclude the exercise of minimum



7358 parent-time for the noncustodial parent during the school year, the court should consider  
 7359 awarding more time for the noncustodial parent during the summer time if it is in the best  
 7360 interests of the ~~[children]~~ the minor child.

7361 ~~[(11)]~~ (15) (a) Upon the motion of any party, the court may order uninterrupted  
 7362 parent-time with the noncustodial parent for a minimum of 30 days during extended  
 7363 parent-time, unless the court finds it is not in the best ~~[interests]~~ interest of the minor child.

7364 (b) If the court orders uninterrupted parent-time during a period not covered by this  
 7365 section, ~~[it]~~ the court shall specify in its order which parent is responsible for the minor child's  
 7366 travel expenses.

7367 ~~[(12)]~~ (16) (a) Unless otherwise ordered by the court the relocating party shall be  
 7368 responsible for all the minor child's travel expenses relating to Subsections ~~[(6)(a)]~~ (9)(a) and  
 7369 (b) and 1/2 of the minor child's travel expenses relating to Subsection ~~[(6)(c)]~~ (9)(c), provided  
 7370 the noncustodial parent is current on all support obligations.

7371 (b) If the noncustodial parent has been found in contempt for not being current on all  
 7372 support obligations, the noncustodial parent ~~[shall be]~~ is responsible for all of the minor child's  
 7373 travel expenses under Subsection ~~[(6)]~~ (9), unless the court rules otherwise.

7374 (c) ~~[Reimbursement by either]~~ A responsible party shall make a reimbursement to the  
 7375 other for the minor child's travel expenses ~~[shall be made]~~ within 30 days of receipt of  
 7376 documents detailing those expenses.

7377 ~~[(13)]~~ (17) The court may apply this provision to any preexisting decree of divorce.

7378 ~~[(14)]~~ (18) Any action under this section may be set for an expedited hearing.

7379 ~~[(15)]~~ (19) A parent who fails to comply with the notice of relocation in Subsection (2)  
 7380 ~~[shall be]~~ is in contempt of the court's order.

7381 Section 186. Section **81-9-301** is enacted to read:

7382 **Part 3. Parent-time Schedules**

7383 **81-9-301. Definitions for part.**

7384 As used in this part:

7385 (1) "Juneteenth National Freedom Day" means the day on which the Juneteenth  
 7386 National Freedom Day holiday is celebrated in this state in accordance with Section  
 7387 [63G-1-301](#).

7388 (2) "Weekends" include, for a parent-time schedule under Sections [81-9-302](#) and

7389 81-9-303, any snow days, teacher development days, or other days when school is not  
7390 scheduled and that are contiguous to the weekend period.

7391 Section 187. Section **81-9-302**, which is renumbered from Section 30-3-35 is  
7392 renumbered and amended to read:

7393 ~~[30-3-35].~~ **81-9-302. Minimum schedule for parent-time for a minor child five**  
7394 **to 18 years old.**

7395 ~~[(1) As used in this section:]~~

7396 ~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth~~  
7397 ~~National Freedom Day holiday is celebrated in this state in accordance with Section~~  
7398 ~~63G-1-301.]~~

7399 ~~[(b) "Weekends" include any snow days, teacher development days, or other days when~~  
7400 ~~school is not scheduled and that are contiguous to the weekend period.]~~

7401 ~~[(2)]~~ (1) The parent-time schedule in this section applies to a minor child who is five to  
7402 18 years old.

7403 ~~[(3)]~~ (2) If the parties do not agree to a parent-time schedule for a minor child  
7404 described in Subsection ~~[(2)]~~ (1), the following schedule is considered the minimum  
7405 parent-time to which the noncustodial parent is entitled to the minor child:

7406 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or  
7407 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7408 (ii) at the election of the noncustodial parent, one weekday to be specified by the  
7409 noncustodial parent or the court:

7410 (A) beginning at the time that the minor child's school is regularly dismissed and  
7411 ending at 8:30 p.m.; or

7412 (B) if school is not in session, the noncustodial parent is available to be with the minor  
7413 child, and in accommodation with the custodial parent's work schedule, beginning at 9 a.m. and  
7414 ending at 8:30 p.m.;

7415 (b) (i) beginning on the first weekend after entry of the decree, alternating weekends  
7416 beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or

7417 (ii) at the election of the noncustodial parent and beginning on the first weekend after  
7418 the entry of the decree, alternating weekends:

7419 (A) beginning at the time that the minor child's school is regularly dismissed on Friday

7420 and ending on Sunday at 7 p.m.; or

7421 (B) if school is not in session, the noncustodial parent is available to be with the minor  
7422 child, and in accommodation with the custodial parent's work schedule, beginning on Friday at  
7423 9 a.m. and ending on Sunday at 7 p.m.;

7424 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7425 schedule described in Subsection [~~(13)~~] (12); and

7426 (d) extended parent-time with the minor child when school is not in session for  
7427 summer break in accordance with Subsection [~~(4)~~] (3).

7428 [~~(4)~~] (3) (a) For extended parent-time with the minor child under Subsection [~~(3)~~]  
7429 (2)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to  
7430 four weeks of parent-time with the minor child, which may be consecutive, when school is not  
7431 in session for summer break.

7432 (b) For the four weeks of extended parent-time for a noncustodial parent under  
7433 Subsection [~~(4)~~](a) (3)(a):

7434 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the  
7435 noncustodial parent; and

7436 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent  
7437 for a weekday visit on the same day on which the noncustodial parent is granted weekday  
7438 parent-time.

7439 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
7440 two weeks, which may be consecutive, when school is not in session for summer break.

7441 [~~(5)~~] (4) (a) Each parent shall provide notification to the other parent of the parent's  
7442 plans for the exercise of extended parent-time for summer break under Subsection [~~(4)~~] (3).

7443 (b) For the notification requirement under Subsection [~~(5)~~](a) (4)(a):

7444 (i) in odd-numbered years:

7445 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

7446 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

7447 (ii) in even-numbered years:

7448 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

7449 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

7450 (c) (i) If a parent fails to provide a notification within the time periods described in

7451 Subsection [~~(5)(b)~~] (4)(b), the complying parent may determine the schedule for summer break  
7452 for the noncomplying parent.

7453 (ii) If both parents fail to provide notice within the time periods described in  
7454 Subsection [~~(5)(b)~~] (4)(b), the first parent to provide notice may determine the schedule for  
7455 summer break for the other parent.

7456 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under  
7457 Subsection [~~(4)(b)(ii)~~] (3)(b)(ii), the custodial parent shall provide notification to the  
7458 noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which  
7459 the custodial parent receives notification of the noncustodial parent's plans for the exercise of  
7460 interrupted extended parent-time.

7461 [~~(6)~~] (5) (a) An election should be made by the noncustodial parent at the time of entry  
7462 of the divorce decree or court order, except that the election may be changed by mutual  
7463 agreement, court order, or by the noncustodial parent in the event of a change in the minor  
7464 child's schedule.

7465 (b) An election by either parent concerning parent-time shall be made a part of the  
7466 decree and made a part of the parent-time order.

7467 [~~(7)~~] (6) (a) Changes may not be made to the parent-time schedule under this section,  
7468 except that if a conflict arises in the parent-time schedule, the following order of precedence  
7469 shall be applied when determining which parent is entitled to parent-time:

7470 (i) the holiday schedule for Mother's Day or Father's Day under Subsection [~~(13)~~] (12);

7471 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising  
7472 uninterrupted extended parent-time under Subsection [~~(4)~~] (3) and takes the minor child away  
7473 from that parent's residence during the uninterrupted extended parent-time;

7474 (iii) the holiday schedule for any holiday under Subsection [~~(13)~~] (12) that is not  
7475 Father's Day, Mother's Day, or the minor child's birthday;

7476 (iv) extended parent-time under Subsection [~~(4)~~] (3); and

7477 (v) the schedule for weekday or weekend parent-time.

7478 (b) A parent exercising parent-time for the minor child's birthday may bring other  
7479 siblings along for the minor child's birthday.

7480 [~~(8)~~] (7) A stepparent, grandparent, or other responsible adult designated by the  
7481 noncustodial parent, may pick up the minor child for parent-time if the custodial parent is

7482 aware of the identity of the individual and the noncustodial parent will be with the minor child  
7483 by 7 p.m.

7484 [(9)] (8) If a holiday falls on a regularly scheduled school day, the parent exercising  
7485 parent-time shall be responsible for the minor child's attendance at school for that school day.

7486 [(10)] (9) If there is more than one minor child and the minor children's school  
7487 schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the  
7488 parent's half of the holiday, the minor children may remain together for the holiday period  
7489 beginning the first evening that all minor children's schools are dismissed for the holiday and  
7490 ending the evening before any minor child returns to school.

7491 [(11)] (10) (a) Telephone contact shall be at reasonable hours and for a reasonable  
7492 duration.

7493 (b) (i) Virtual parent-time, if the equipment is reasonably available and the parents  
7494 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.

7495 (ii) If the parties cannot agree on whether the equipment is reasonably available, the  
7496 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
7497 into consideration:

- 7498 (A) the best interests of the minor child;
  - 7499 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
  - 7500 (C) any other factors the court considers material.
- 7501 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

7502 [(12)] (11) If there is a minor child five to 18 years old and a minor child under five  
7503 years old and both minor children are the [~~natural or adopted~~] children of the parties, the  
7504 parents and the court should consider an upward deviation for parent-time with all the minor  
7505 children so that parent-time is uniform based on a schedule under this section.

7506 [(13)] (12) The following table is the holiday schedule for parent-time under this  
7507 section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday

7508

7509	Dr. Martin Luther King Jr. Day	<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;</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 Dr. Martin Luther King Jr. Day.</p>	Odd years	Even years
7510	President's Day	<p>(1) Holiday begins 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 the day before school resumes.</p>	Even years	Odd years
7511	Spring Break	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.</p> <p>(2) Holiday ends at 7 p.m. on the day before school resumes.</p>	Odd years	Even years

7512

<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 at 7 p.m. on Memorial Day.</p>	<p>Even years</p>	<p>Odd years</p>
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7513

<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 granted the holiday in the order.</p>	<p>All years if custodial parent is the mother or other parent granted the holiday in the order.</p>
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7514

<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 granted the holiday in the order.</p>	<p>All years if custodial parent is the father or other parent granted the holiday in the order.</p>
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7515

<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>
<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>
<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>

7516

7517



7518	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
7519	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
7520	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
7521	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

7522	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
7523	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
7524	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
7525	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
7526	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

7527 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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7528 Section 188. Section **81-9-303**, which is renumbered from Section 30-3-35.1 is  
 7529 renumbered and amended to read:

7530 ~~[30-3-35.1].~~ **81-9-303. Optional schedule for parent-time for a minor child five**  
 7531 **to 18 years old.**

7532 ~~[(1) As used in this section:]~~

7533 ~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth~~  
 7534 ~~National Freedom Day holiday is celebrated in this state in accordance with Section~~  
 7535 ~~63G-1-301.]~~

7536 ~~[(b) "Weekends" include any snow days, teacher development days, or other days when~~  
 7537 ~~school is not scheduled and that are contiguous to the weekend period.]~~

7538 ~~[(2)]~~ (1) (a) The optional parent-time schedule in this section applies to a minor child  
 7539 who is five to 18 years old.

7540 (b) For purposes of calculating child support, the optional parent-time schedule in this  
 7541 section is 145 overnights.

7542 (c) Any impact on child support shall be consistent with joint physical custody~~[, as~~  
 7543 ~~defined in Section 78B-12-102].~~

7544 ~~[(3)]~~ (2) The parents and the court may consider the increased parent-time schedule in  
 7545 this section as a minimum parent-time schedule when the parties agree or the noncustodial  
 7546 parent can demonstrate:

7547 (a) the noncustodial parent has been actively involved in the minor child's life;

7548 (b) the parties can communicate effectively regarding the minor child or the  
 7549 noncustodial parent has a plan to accomplish effective communications regarding the minor  
 7550 child;

7551 (c) the noncustodial parent has the ability to facilitate the increased parent-time;

7552 (d) the increased parent-time would be in the best interest of the minor child; and

7553 (e) any other factor the court considers relevant.

7554 ~~[(4)]~~ (3) In determining whether a noncustodial parent has been actively involved in the

7555 minor child's life, the court shall consider:

- 7556 (a) demonstrated responsibility in caring for the minor child;
- 7557 (b) involvement in childcare;
- 7558 (c) presence or volunteer efforts in the minor child's school and at extracurricular
- 7559 activities;
- 7560 (d) assistance with the minor child's homework;
- 7561 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- 7562 (f) bonding with the minor child; and
- 7563 (g) any other factor the court considers relevant.

7564 [(5)] (4) In determining whether a noncustodial parent has the ability to facilitate the

7565 increased parent-time, the court shall consider:

- 7566 (a) the geographic distance between the residences of the parents and the distance
- 7567 between the parents' residences and the minor child's school;
- 7568 (b) the noncustodial parent's ability to assist with after school care;
- 7569 (c) the health of the minor child and the noncustodial parent in accordance with
- 7570 Subsection [~~30-3-10(6)~~] 81-9-204(5);
- 7571 (d) flexibility of employment or another schedule of the noncustodial parent;
- 7572 (e) ability to provide appropriate playtime with the minor child;
- 7573 (f) history and ability of the noncustodial parent to implement a flexible schedule for
- 7574 the minor child;
- 7575 (g) physical facilities of the noncustodial parent's residence; and
- 7576 (h) any other factor the court considers relevant.

7577 [(6)] (5) If the parties agree or the court enters an order for the optional parent-time

7578 schedule under this section, a parenting plan in compliance with [~~Sections 30-3-10.7 through~~

7579 ~~30-3-10.10~~] Section 81-9-203 shall be filed with any order incorporating the optional

7580 parent-time schedule described in Subsection [(7)] (6).

7581 [(7)] (6) The following schedule is considered the optional parent-time to which the

7582 noncustodial parent is entitled to the minor child:

- 7583 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or
- 7584 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon
- 7585 delivering the minor child to school or at 8 a.m. if there is no school; or

7586 (ii) at the election of the noncustodial parent, one weekday specified by the  
7587 noncustodial parent or the court:

7588 (A) beginning at the time the minor child's school is regularly dismissed until the  
7589 following day upon delivering the minor child to school or at 8 a.m. if there is no school; or

7590 (B) if there is no school, the noncustodial parent is available to be with the minor child,  
7591 and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and  
7592 ending on the following day upon delivering the minor child to school or at 8 a.m. if there is no  
7593 school;

7594 (b) (i) beginning the first weekend after the entry of the decree, alternating weekends  
7595 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor child to school  
7596 or at 8 a.m. if there is no school; or

7597 (ii) at the election of the noncustodial parent, beginning the first weekend after the  
7598 entry of the decree, alternating weekends:

7599 (A) beginning at the time the minor child's school is regularly dismissed on Friday and  
7600 ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;  
7601 or

7602 (B) if there is no school, the noncustodial parent is available to be with the minor child,  
7603 and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m.  
7604 and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no  
7605 school;

7606 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7607 schedule described in Subsection [~~(16)~~] (15); and

7608 (d) extended parent-time with the minor child when school is not in session for  
7609 summer break in accordance with Subsection [~~(8)~~] (7).

7610 [~~(8)~~] (7) (a) For extended parent-time with the minor child under Subsection [~~(7)(d)~~]  
7611 (6)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to  
7612 four weeks of parent-time with the minor child, which may be consecutive, when school is not  
7613 in session for summer break.

7614 (b) For the four weeks of extended parent-time for a noncustodial parent under  
7615 Subsection [~~(8)(a)~~] (7)(a):

7616 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the

7617 noncustodial parent; and

7618 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent  
7619 for a weekday visit on the same day on which the noncustodial parent is granted weekday day  
7620 parent-time.

7621 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
7622 two weeks, which may be consecutive, when school is not in session for summer break.

7623 ~~[(9)]~~ (8) (a) Each parent shall provide notification to the other parent of the parent's  
7624 plans for the exercise of parent-time for summer break under Subsection ~~[(8)]~~ (7).

7625 (b) For the notification requirement under Subsection ~~[(9)(a)]~~ (8)(a):

7626 (i) in odd-numbered years:

7627 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

7628 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

7629 (ii) in even-numbered years:

7630 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

7631 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

7632 (c) (i) If a parent fails to provide a notification within the time periods described in  
7633 Subsection ~~[(9)(b)]~~ (8)(b), the complying parent may determine the schedule for summer break  
7634 for the noncomplying parent.

7635 (ii) If both parents fail to provide notice within the time periods described in  
7636 Subsection ~~[(9)(b)]~~ (8)(b), the first parent to provide notice may determine the schedule for  
7637 summer break for the other parent.

7638 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under  
7639 Subsection ~~[(8)(b)(ii)]~~ (7)(b)(ii), the custodial parent shall provide notification to the  
7640 noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which  
7641 the custodial parent receives notification of the noncustodial parent's plans for the exercise of  
7642 interrupted extended parent-time.

7643 ~~[(10)]~~ (9) (a) An election should be made by the noncustodial parent at the time of  
7644 entry of the divorce decree or court order, except that the election may be changed by mutual  
7645 agreement, court order, or by the noncustodial parent in the event of a change in the minor  
7646 child's schedule.

7647 (b) An election by either parent concerning parent-time shall be made a part of the

7648 decree and made a part of the parent-time order.

7649           ~~[(11)]~~ (10) (a) Changes may not be made to the parent-time schedule under this  
7650 section, except that if a conflict arises in the parent-time schedule, the following order of  
7651 precedence shall be applied when determining which parent is entitled to parent-time:

7652           (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);

7653           (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising  
7654 uninterrupted extended parent-time under Subsection ~~[(8)]~~ (7) and takes the minor child away  
7655 from that parent's residence during the uninterrupted extended parent-time;

7656           (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not  
7657 Father's Day, Mother's Day, or the minor child's birthday;

7658           (iv) extended parent-time under Subsection ~~[(8)]~~ (7); and

7659           (v) the schedule for weekday or weekend parent-time.

7660           (b) A parent exercising parent-time for the minor child's birthday may bring other  
7661 siblings along for the minor child's birthday.

7662           ~~[(12)]~~ (11) A stepparent, grandparent, or other responsible adult designated by the  
7663 noncustodial parent, may pick up the minor child for parent-time if the custodial parent is  
7664 aware of the identity of the individual and the noncustodial parent will be with the minor child  
7665 by 7 p.m.

7666           ~~[(13)]~~ (12) If a holiday falls on a regularly scheduled school day, the parent exercising  
7667 parent-time shall be responsible for the minor child's attendance at school for that school day.

7668           ~~[(14)]~~ (13) If there is more than one minor child and the minor children's school  
7669 schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the  
7670 parent's half of the holiday, the minor children may remain together for the holiday period  
7671 beginning the first evening that all minor children's schools are dismissed for the holiday and  
7672 ending the evening before any minor child returns to school.

7673           ~~[(15)]~~ (14) If there is a minor child five to 18 years old and a minor child under five  
7674 years old and both minor children are the ~~[natural or adopted]~~ children of the parties, the  
7675 parents and the court should consider an upward deviation for parent-time with all the minor  
7676 children so that parent-time is uniform based on a schedule under this section.

7677           ~~[(16)]~~ (15) The following table is the holiday schedule for parent-time under this  
7678 section.

7679

7680

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



7681

<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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7682

<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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7683

<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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7684

<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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7685

<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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7686

<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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7687

<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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7688

<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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7689

<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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7690

<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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7691

<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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7692

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
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7693

Veterans Day	<p>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</p> <p>(2) Holiday ends at 7 p.m. on Veterans Day.</p>	Odd years	Even years
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7694

Thanksgiving	<p>(1) Holiday begins on Wednesday at:</p> <p>(a) 6 p.m.; or</p> <p>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the Monday following Thanksgiving; or</p> <p>(b) at 8 a.m. on the Monday following Thanksgiving if there is no school.</p>	Even years	Odd years
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7695	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
7696	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
7697	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
7698	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

7699 Section 189. Section **81-9-304**, which is renumbered from Section 30-3-35.5 is  
 7700 renumbered and amended to read:

7701 **[30-3-35.5]. 81-9-304. Minimum schedule for parent-time for a minor child**  
 7702 **under five years old.**

7703 ~~[(1) As used in this section, "Juneteenth National Freedom Day" means the day on~~  
 7704 ~~which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance~~

7705 with Section ~~63G-1-301~~.]

7706           [(2)] (1) The parent-time schedule in this section applies to a minor child who is  
7707 younger than five years old.

7708           [(3)] (2) If the parties do not agree to a parent-time schedule, the schedules in  
7709 Subsections [~~(4) through (9)~~] (3) through (8) are considered the minimum parent-time to which  
7710 the noncustodial parent is entitled to the minor child.

7711           [(4)] (3) For a minor child who is younger than five months old, the noncustodial  
7712 parent is entitled to:

7713           (a) three two-hour visits every week; and

7714           (b) two hours for each holiday granted to the noncustodial parent in the holiday  
7715 schedule under Subsection [~~(16)~~] (15).

7716           [(5)] (4) For a minor child who is at least five months old but younger than nine  
7717 months old, the noncustodial parent is entitled to:

7718           (a) three three-hour visits every week; and

7719           (b) two hours for each holiday granted to the noncustodial parent in the holiday  
7720 schedule under Subsection [~~(16)~~] (15).

7721           [(6)] (5) For a minor child who is at least nine months old but younger than 12 months  
7722 old, the noncustodial parent is entitled to [~~the child~~]:

7723           (a) one eight-hour visit every week;

7724           (b) one three-hour visit every week; and

7725           (c) eight hours for each holiday granted to the noncustodial parent in accordance with  
7726 the holiday schedule under Subsection [~~(16)~~] (15).

7727           [(7)] (6) For a minor child who is at least 12 months old but younger than 18 months  
7728 old, the noncustodial parent is entitled to:

7729           (a) one three-hour visit every week;

7730           (b) one eight-hour visit on alternating weekends to be specified by the noncustodial  
7731 parent or court;

7732           (c) an overnight visit on opposite weekends from Subsection [~~(7)(b)~~] (6)(b) beginning  
7733 at 6 p.m. on Friday and ending at noon on Saturday; and

7734           (d) eight hours for each holiday granted to the noncustodial parent in the holiday  
7735 schedule under Subsection [~~(16)~~] (15).

7736            [~~(8)~~] (7) For a minor child who is at least 18 months old but younger than three years  
7737 old, the noncustodial parent is entitled to:

7738            (a) one weekday evening to be specified by the noncustodial parent or the court:

7739            (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7740            (ii) if the minor child is being cared for during the day outside the minor child's regular  
7741 place of residence and with advance notice to the custodial parent, beginning at the time that  
7742 the minor child is picked up from the caregiver and ending at 8:30 p.m.;

7743            (b) beginning on the first weekend after the entry of the decree, alternating weekends  
7744 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

7745            (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7746 schedule described in Subsection [~~(16)~~] (15); and

7747            (d) extended parent-time for two one-week periods, separated by at least four weeks, at  
7748 the option of the noncustodial parent, as follows:

7749            (i) one week of uninterrupted parent-time for the noncustodial parent; and

7750            (ii) one week of interrupted parent-time where the custodial parent may have an equal  
7751 amount of weekday parent-time as the noncustodial parent on the same day on which the  
7752 noncustodial parent is granted weekday parent-time under Subsection [~~(8)(a)~~] (7)(a).

7753            [~~(9)~~] (8) For a minor child who is at least three years old but younger than five years  
7754 old, the noncustodial parent is entitled to:

7755            (a) one weekday evening to be specified by the noncustodial parent or the court:

7756            (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7757            (ii) if the minor child is being cared for during the day outside the minor child's regular  
7758 place of residence and with advance notice to the custodial parent, beginning at the time that  
7759 the minor child is picked up from the caregiver and ending at 8:30 p.m.;

7760            (b) beginning on the first weekend after the entry of the decree, alternating weekends  
7761 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

7762            (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7763 schedule described in Subsection [~~(16)~~] (15); and

7764            (d) extended parent-time for two two-week periods, separated by at least four weeks, at  
7765 the option of the noncustodial parent, as follows:

7766            (i) two weeks of uninterrupted parent-time, which may be consecutive, for the



7767 noncustodial parent; and

7768 (ii) two weeks of interrupted parent-time, which may be consecutive, where the  
7769 custodial parent may have an equal amount of weekday parent-time as the noncustodial parent  
7770 on the same day on which the noncustodial parent is granted weekday parent-time under  
7771 Subsection ~~[(9)(a)]~~ (8)(a).

7772 ~~[(10)]~~ (9) For a minor child who is at least 18 months old but younger than five years  
7773 old, the custodial parent is entitled to one week of uninterrupted extended parent-time.

7774 ~~[(11)]~~ (10) (a) For a minor child who is nine months old or older, the noncustodial  
7775 parent shall have at least two times a week:

7776 (i) brief telephone contact at reasonable hours and for a reasonable duration; and

7777 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside  
7778 at least 100 miles apart, at reasonable hours and for reasonable duration.

7779 (b) If the parties cannot agree on whether the equipment is reasonably available, the  
7780 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
7781 into consideration:

7782 (i) the best interests of the minor child;

7783 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

7784 (iii) any other factors the court considers material.

7785 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

7786 ~~[(12)]~~ (11) For a minor child who is younger than nine months old, unless the parents  
7787 agree otherwise, parent-time should take place in the home of the custodial parent, an  
7788 established child-care setting, or other environment familiar to the minor child.

7789 ~~[(13)]~~ (12) (a) Changes may not be made to the parent-time schedule under this  
7790 section, except that if a conflict arises in the parent-time schedule, the following order of  
7791 precedence shall be applied when determining which parent is entitled to parent-time:

7792 (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);

7793 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising  
7794 uninterrupted extended parent-time under Subsection ~~[(8)(d), (9)(d), or (10)]~~ (7)(d), (8)(d), or  
7795 (9) and takes the minor child away from that parent's residence during the uninterrupted  
7796 extended parent-time;

7797 (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not

7798 Father's Day, Mother's Day, or the minor child's birthday;  
 7799 (iv) extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~] (7)(d), (8)(d), or  
 7800 (9); and  
 7801 (v) the schedule for weekday or weekend parent-time.  
 7802 (b) A parent exercising parent-time for the minor child's birthday may bring other  
 7803 siblings along for the minor child's birthday.  
 7804 [~~(14)~~] (13) If a holiday falls on a regularly scheduled school day, the parent exercising  
 7805 parent-time shall be responsible for the minor child's attendance at school for that school day.  
 7806 [~~(15)~~] (14) A parent shall notify the other parent at least 30 days in advance of the  
 7807 parent's plans for the exercise of extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~]  
 7808 (7)(d), (8)(d), or (9).  
 7809 [~~(16)~~] (15) The following table is the holiday schedule for parent-time under this  
 7810 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

7813	President's 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 President's Day.	Even years	Odd years
7814	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
7815	Memorial 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 Memorial Day.	Even years	Odd years
7816	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 designated in the order.	All years if custodial parent is the mother or other parent designated in the order.

7817	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.
7818	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
7819	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
7820	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

7821	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
7822	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
7823	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
7824	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
7825	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

7826	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
7827	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
7828	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
7829	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
7830	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

7831 Section 190. Section **81-9-305**, which is renumbered from Section 30-3-35.2 is  
 7832 renumbered and amended to read:  
 7833 **[30-3-35.2]. 81-9-305. Equal parent-time schedule.**  
 7834 (1) (a) A court may order the equal parent-time schedule described in this section if the court  
 7835 determines that:  
 7836 (i) the equal parent-time schedule is in the minor child's best interest;  
 7837 (ii) each parent has been actively involved in the minor child's life; and  
 7838 (iii) each parent can effectively facilitate the equal parent-time schedule.

7839 (b) To determine whether each parent has been actively involved in the minor child's  
7840 life, the court shall consider:

7841 (i) each parent's demonstrated responsibility in caring for the minor child;

7842 (ii) each parent's involvement in child care;

7843 (iii) each parent's presence or volunteer efforts in the minor child's school and at  
7844 extracurricular activities;

7845 (iv) each parent's assistance with the minor child's homework;

7846 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the  
7847 minor child;

7848 (vi) each parent's bond with the minor child; and

7849 (vii) any other factor the court considers relevant.

7850 (c) To determine whether each parent can effectively facilitate the equal parent-time  
7851 schedule, the court shall consider:

7852 (i) the geographic distance between the residence of each parent and the distance  
7853 between each residence and the minor child's school;

7854 (ii) each parent's ability to assist with the minor child's after school care;

7855 (iii) the health of the minor child and each parent, consistent with Subsection  
7856 ~~[30-3-10(6)]~~ 81-9-204(5);

7857 (iv) the flexibility of each parent's employment or other schedule;

7858 (v) each parent's ability to provide appropriate playtime with the minor child;

7859 (vi) each parent's history and ability to implement a flexible schedule for the minor  
7860 child;

7861 (vii) physical facilities of each parent's residence; and

7862 (viii) any other factor the court considers relevant.

7863 (2) (a) If the parties agree to or the court orders the equal parent-time schedule  
7864 described in this section, a parenting plan in accordance with ~~[Sections 30-3-10.7 through~~  
7865 ~~30-3-10.10]~~ Section 81-9-203 shall be filed with an order incorporating the equal parent-time  
7866 schedule.

7867 (b) An order under this section shall result in 182 overnights per year for one parent,  
7868 and 183 overnights per year for the other parent.

7869 (c) Under the equal parent-time schedule, ~~[neither parent is]~~ a parent is not considered

7870 to have the minor child the majority of the time for the purposes of Subsection [~~30-3-10.3(4) or~~  
7871 ~~30-3-10.9(5)(c)(ii)~~ 81-9-203(11)(e)(ii) or 81-9-205(10).

7872 (d) Child support for the equal parent-time schedule shall be consistent with Section  
7873 [~~78B-12-208~~] 81-6-206.

7874 (e) [(†)] A court shall determine which parent receives 182 overnights and which parent  
7875 receives 183 overnights for parent-time.

7876 [~~(ii) For the purpose of calculating child support under Section 78B-12-208, the~~  
7877 ~~amount of time to be spent with the parent who has the lower gross monthly income is~~  
7878 ~~considered 183 overnights, regardless of whether the parent receives 182 overnights or 183~~  
7879 ~~overnights under Subsection (2)(c)(i).~~]

7880 (3) (a) Unless the parents agree otherwise and subject to a holiday, the equal  
7881 parent-time schedule is as follows:

7882 (i) one parent shall exercise parent-time starting Monday morning and ending [  
7883 ]Wednesday morning;

7884 (ii) the other parent shall exercise parent-time starting Wednesday morning and ending  
7885 Friday morning; and

7886 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning  
7887 and ending Monday morning.

7888 (b) The child exchange shall take place:

7889 (i) at the time the minor child's school begins; or

7890 (ii) if school is not in session, at 9 a.m.

7891 (4) (a) The parents may create a holiday schedule.

7892 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the  
7893 court shall:

7894 (i) order the holiday schedule described in Section [~~30-3-35~~] 81-9-302 or 81-9-304;  
7895 and

7896 (ii) designate which parent shall exercise parent-time for each holiday described in  
7897 Section [~~30-3-35~~] 81-9-302 or 81-9-304.

7898 (5) (a) Each year, a parent may designate two consecutive weeks to exercise  
7899 uninterrupted parent-time during the summer when school is not in session.

7900 (b) (i) One parent may make a designation at any time and the other parent may make a



7901 designation after May 1.

7902 (ii) A parent shall make a designation at least 30 days before the day on which the  
7903 designated two-week period begins.

7904 (c) The court shall designate which parent may make the earlier designation described  
7905 in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the  
7906 earlier designation in an odd numbered year.

7907 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all  
7908 holidays except for Mother's Day and Father's Day.

7909 Section 191. Section **81-9-401**, which is renumbered from Section 30-5-1 is  
7910 renumbered and amended to read:

7911 **Part 4. Custody and Visitation by Individual Other than a Parent**

7912 ~~[30-5-1]~~. **81-9-401**. **Definitions for part.**

7913 As used in this ~~[act]~~ part:

7914 (1) "District court" means the district court with proper jurisdiction over the  
7915 ~~[grandchild]~~ minor child.

7916 (2) "Grandchild" means the minor child with respect to whom a grandparent is seeking  
7917 visitation rights under this ~~[chapter]~~ part.

7918 (3) "Grandparent" means an individual whose child, either by blood, marriage, or  
7919 adoption, is the parent of the grandchild.

7920 (4) "Individual other than a parent" means an individual who is not a parent and is  
7921 related to the minor child by marriage or blood, including:

7922 (a) siblings;

7923 (b) aunts;

7924 (c) uncles;

7925 (d) grandparents;

7926 (e) current or former step-parents; or

7927 (f) any of the individuals described in Subsections (4)(a) through (d) in a step  
7928 relationship to the minor child.

7929 Section 192. Section **81-9-402**, which is renumbered from Section 30-5a-103 is  
7930 renumbered and amended to read:

7931 ~~[30-5a-103]~~. **81-9-402**. **Custody and visitation for individuals other than a**

7932 **parent -- Venue.**

7933 (1) (a) In accordance with Section [80-2a-201](#), it is the public policy of this state that a  
7934 parent retain the fundamental right and duty to exercise primary control over the care,  
7935 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

7936 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's  
7937 best interests.

7938 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or  
7939 visitation rights to an individual other than a parent who, by clear and convincing evidence,  
7940 establishes that:

7941 (a) the individual has intentionally assumed the role and obligations of a parent;

7942 (b) the individual and the minor child have formed a substantial emotional bond and  
7943 created a parent-child type relationship;

7944 (c) the individual substantially contributed emotionally or financially to the minor  
7945 child's well being;

7946 (d) the assumption of the parental role is not the result of a financially compensated  
7947 surrogate care arrangement;

7948 (e) the continuation of the relationship between the individual and the minor child is in  
7949 the minor child's best interest;

7950 (f) the loss or cessation of the relationship between the individual and the minor child  
7951 would substantially harm the minor child; and

7952 (g) the parent:

7953 (i) is absent; or

7954 (ii) is found by a court to have abused or neglected the minor child.

7955 (3) ~~[A proceeding under this chapter may be commenced by filing a verified petition,  
7956 or petition supported by an affidavit,]~~ Notwithstanding Title 78B, Chapter 3a, Venue for Civil  
7957 Actions, or Section [78A-6-350](#), an individual shall file a verified petition, or a petition  
7958 supported by an affidavit, for custodial or visitation rights to the minor child in the juvenile  
7959 court if a matter is pending in the juvenile court, or in the district court in the county where the  
7960 minor child:

7961 (a) currently resides; or

7962 (b) lived with a parent or an individual other than a parent who acted as a parent within

7963 six months before the commencement of the action.

7964 (4) ~~[A proceeding under this chapter may be filed]~~ An individual may file a petition  
7965 under this section in a pending divorce, parentage action, or other proceeding, including a  
7966 proceeding in the juvenile court involving custody of or visitation with a minor child.

7967 (5) The petition shall include detailed facts supporting the petitioner's right to file the  
7968 petition including the criteria set forth in Subsection (2) and residency information ~~[as set~~  
7969 ~~forth]~~ described in Section 78B-13-209.

7970 (6) ~~[A proceeding under this chapter may not be filed]~~ An individual may not file a  
7971 petition under this section against a parent who is actively serving outside the state in any  
7972 branch of the military.

7973 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with  
7974 the ~~[rules of civil procedure]~~ Utah Rules of Civil Procedure on all of the following:

7975 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;

7976 (b) any individual who has court-ordered custody or visitation rights;

7977 (c) the minor child's guardian;

7978 (d) the guardian ad litem, if one has been appointed;

7979 (e) an individual or agency that has physical custody of the minor child or that claims  
7980 to have custody or visitation rights; and

7981 (f) any other individual or agency that has previously appeared in any action regarding  
7982 custody of or visitation with the minor child.

7983 (8) The court may order a custody evaluation to be conducted in any ~~[action brought~~  
7984 ~~under this chapter]~~ proceeding brought under this section.

7985 (9) The court may enter temporary orders in ~~[an action brought under this chapter]~~ a  
7986 proceeding brought under this section pending the entry of final orders.

7987 (10) Except as provided in Subsection (11), a court may not grant custody of a minor  
7988 child under this section to an individual:

7989 (a) who is not the parent of the ~~[child and]~~ minor child; and

7990 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no  
7991 contest to a felony or attempted felony involving conduct that constitutes any of the following:

7992 ~~[(a)]~~ (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and  
7993 76-5-114;

7994           ~~[(b)]~~ (ii) child abuse homicide, as described in Section 76-5-208;

7995           ~~[(c)]~~ (iii) child kidnapping, as described in Section 76-5-301.1;

7996           ~~[(d)]~~ (iv) human trafficking of a child, as described in Section 76-5-308.5;

7997           ~~[(e)]~~ (v) sexual abuse of a minor, as described in Section 76-5-401.1;

7998           ~~[(f)]~~ (vi) rape of a child, as described in Section 76-5-402.1;

7999           ~~[(g)]~~ (vii) object rape of a child, as described in Section 76-5-402.3;

8000           ~~[(h)]~~ (viii) sodomy on a child, as described in Section 76-5-403.1;

8001           ~~[(i)]~~ (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated

8002 sexual abuse of a child, as described in Section 76-5-404.3;

8003           ~~[(j)]~~ (x) sexual exploitation of a minor, as described in Section 76-5b-201;

8004           ~~[(k)]~~ (xi) aggravated sexual exploitation of a minor, as described in Section

8005 76-5b-201.1; or

8006           ~~[(l)]~~ (xii) an offense in another state that, if committed in this state, would constitute an

8007 offense described in this Subsection (10).

8008           (11) (a) As used in this Subsection (11), "disqualifying offense" means an offense

8009 listed in Subsection (10) that prevents a court from granting custody except as provided in this

8010 Subsection (11).

8011           (b) An individual described in Subsection (10) may only be considered for custody of a

8012 minor child if the following criteria are met by clear and convincing evidence:

8013           (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;

8014           (ii) at least 10 years have elapsed from the day on which the individual is successfully

8015 released from prison, jail, parole, or probation related to a disqualifying offense;

8016           (iii) during the 10 years before the day on which the individual files a petition with the

8017 court seeking custody the individual has not been convicted, plead guilty, or plead no contest to

8018 an offense greater than an infraction or traffic violation that would likely impact the health,

8019 safety, or well-being of the minor child;

8020           (iv) the individual can provide evidence of successful treatment or rehabilitation

8021 directly related to the disqualifying offense;

8022           (v) the court determines that the risk related to the disqualifying offense is unlikely to

8023 cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at

8024 any time in the future when considering all of the following:

- 8025 (A) the minor child's age;
- 8026 (B) the minor child's gender;
- 8027 (C) the minor child's development;
- 8028 (D) the nature and seriousness of the disqualifying offense;
- 8029 (E) the preferences of a minor child who is 12 years old or older;
- 8030 (F) any available assessments, including custody evaluations, parenting assessments,
- 8031 psychological or mental health assessments, and bonding assessments; and
- 8032 (G) any other relevant information;
- 8033 (vi) the individual can provide evidence of the following:
- 8034 (A) the relationship with the minor child is of long duration;
- 8035 (B) that an emotional bond exists with the minor child; and
- 8036 (C) that custody by the individual who has committed the disqualifying offense ensures
- 8037 the best interests of the minor child are met;
- 8038 (vii) (A) there is no other responsible relative known to the court who has or likely
- 8039 could develop an emotional bond with the minor child and does not have a disqualifying
- 8040 offense; or
- 8041 (B) if there is a responsible relative known to the court that does not have a
- 8042 disqualifying offense, Subsection (11)(d) applies; and
- 8043 (viii) that the continuation of the relationship between the individual with the
- 8044 disqualifying offense and the minor child could not be sufficiently maintained through any type
- 8045 of visitation if custody were given to the relative with no disqualifying offense described in
- 8046 Subsection (11)(d).
- 8047 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 8048 why placement with that individual is in the best interest of the minor child over another
- 8049 responsible relative or equally situated individual who does not have a disqualifying offense.
- 8050 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known
- 8051 to the court who does not have a disqualifying offense:
- 8052 (i) preference for custody is given to a relative who does not have a disqualifying
- 8053 offense; and
- 8054 (ii) before the court may place custody with the individual who has the disqualifying
- 8055 offense over another responsible, willing, and able relative:

8056 (A) an impartial custody evaluation shall be completed; and

8057 (B) a guardian ad litem shall be assigned.

8058 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a  
8059 final decision on custody has not been made and to a case filed on or after March 25, 2017.

8060 Section 193. Section **81-9-403**, which is renumbered from Section 30-5-2 is  
8061 renumbered and amended to read:

8062 ~~[30-5-2]~~. **81-9-403. Visitation rights of grandparents.**

8063 (1) In accordance with the provisions and requirements of this section:

8064 (a) a grandparent has standing to bring an action requesting visitation in district court  
8065 by petition; and

8066 (b) a grandparent may file a petition for visitation rights in the juvenile court or district  
8067 court where a divorce proceeding or other proceeding involving custody and visitation issues is  
8068 pending.

8069 (2) (a) In accordance with Section ~~80-2a-201~~, it is the public policy of this state that a  
8070 parent retains the fundamental right and duty to exercise primary control over the care,  
8071 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

8072 (b) A court shall presume that a parent's decision in regard to grandparent visitation is  
8073 in the best interest of the parent's minor child.

8074 (3) A court may find the presumption in Subsection (2)(b) rebutted if the grandparent,  
8075 by clear and convincing evidence, establishes that:

8076 (a) the grandparent has filled the role of custodian or caregiver to the grandchild that:

8077 (i) is in a manner akin to a parent; and

8078 (ii) the loss of the relationship between the grandparent and the grandchild would cause  
8079 substantial harm to the grandchild; or

8080 (b) both parents are unfit or incompetent in a manner that causes potential harm to the  
8081 grandchild.

8082 (4) (a) If the court finds the presumption in Subsection (2)(b) is rebutted, the court may  
8083 consider whether grandparent visitation is in the best interest of the grandchild.

8084 (b) If the court considers whether grandparent visitation is in the best interest of the  
8085 child, the court shall take into account the totality of the circumstances, including:

8086 (i) the reasonableness of the parent's decision to deny grandparent visitation;

8087 (ii) the age of the grandchild;  
8088 (iii) the death or unavailability of a parent; and  
8089 (iv) if the grandchild is 14 years old or older, the grandchild's desires regarding  
8090 visitation after the court inquires of the grandchild.

8091 (5) If the court finds the presumption in Subsection (2)(b) is rebutted and grandparent  
8092 visitation is in the best interest of the grandchild, the court may issue an order for grandparent  
8093 visitation.

8094 (6) [The] Notwithstanding Section 81-9-404, the adoption of a grandchild by the  
8095 grandchild's stepparent does not diminish or alter visitation rights previously ordered under this  
8096 section.

8097 (7) On the petition of a grandparent or the legal custodian of a grandchild the court  
8098 may, after a hearing, modify an order regarding grandparent visitation if:

8099 (a) the circumstances of the grandchild, the grandparent, or the custodian have  
8100 materially and substantially changed since the entry of the order to be modified, or the order  
8101 has become unworkable or inappropriate under existing circumstances; and

8102 (b) the court determines that a modification is appropriate based upon the factors set  
8103 forth in Subsections (3) and (4).

8104 (8) A grandparent may petition the court to remedy a parent's wrongful noncompliance  
8105 with a visitation order.

8106 Section 194. Section **81-9-404**, which is renumbered from Section 30-5a-104 is  
8107 renumbered and amended to read:

8108 ~~[30-5a-104].~~ **81-9-404. Exceptions to visitation by nonparent.**

8109 This ~~[chapter]~~ part may not be used to seek, obtain, maintain or continue custody of, or  
8110 visitation with, a minor child who has been relinquished for adoption, or adopted ~~[pursuant to~~  
8111 ~~an order of a court of competent jurisdiction]~~ in accordance with a court order.

8112 Section 195. **Repealer.**

8113 This bill repeals:

8114 Section **26B-9-227, Determination of parental liability.**

8115 Section **30-1-5, Marriage solemnization -- Before unauthorized person -- Validity.**

8116 Section **30-1-9.1, Parental consent to prohibited marriage of minor -- Penalty.**

8117 Section **30-1-10, Affidavit before the clerk -- Penalty.**

- 8118 Section **30-1-11**, Return of license after ceremony -- Failure -- Penalty.
- 8119 Section **30-1-13**, Solemnization without license -- Penalty.
- 8120 Section **30-1-14**, Acting without authority -- Penalty.
- 8121 Section **30-1-15**, Solemnization of prohibited marriage -- Penalty.
- 8122 Section **30-1-16**, Misconduct of county clerk -- Penalty.
- 8123 Section **30-1-17.2**, Action to determine validity of marriage -- Orders relating to
- 8124 **parties, property, and children -- Presumption of paternity in marriage.**
- 8125 Section **30-1-17.3**, Age as basis of action to determine validity of marriage --
- 8126 **Refusal to grant annulment.**
- 8127 Section **30-3-2**, Right of husband to divorce.
- 8128 Section **30-3-4**, Pleadings -- Decree -- Use of affidavit -- Private records.
- 8129 Section **30-3-5**, Disposition of property -- Maintenance and health care of parties
- 8130 **and children -- Division of debts -- Court to have continuing jurisdiction -- Custody and**
- 8131 **parent-time -- Alimony -- Nonmeritorious petition for modification.**
- 8132 Section **30-3-5.1**, Provision for income withholding in child support order.
- 8133 Section **30-3-5.4**, Designation of primary and secondary health, dental, or hospital
- 8134 **insurance coverage.**
- 8135 Section **30-3-7**, When decree becomes absolute.
- 8136 Section **30-3-8**, Remarriage -- When unlawful.
- 8137 Section **30-3-10.3**, Terms of joint legal or physical custody order.
- 8138 Section **30-3-10.5**, Payments of support, maintenance, and alimony.
- 8139 Section **30-3-10.7**, Parenting plan -- Definitions.
- 8140 Section **30-3-10.8**, Parenting plan -- Filing -- Modifications.
- 8141 Section **30-3-10.10**, Parenting plan -- Domestic violence.
- 8142 Section **30-3-10.17**, Social security number in court records.
- 8143 Section **30-3-11.1**, Family Court Act -- Purpose.
- 8144 Section **30-3-11.2**, Appointment of counsel for child.
- 8145 Section **30-3-18**, Waiting period for hearing after filing for divorce -- Exemption --
- 8146 **Use of counseling and education services not to be construed as condonation or**
- 8147 **promotion.**
- 8148 Section **30-3-32**, Parent-time -- Definitions -- Considerations for parent-time --



- 8149 **Relocation.**
- 8150 Section **30-3-36, Special circumstances.**
- 8151 Section **30-5a-101, Title.**
- 8152 Section **30-5a-102, Definitions.**
- 8153 Section **30-8-1, Title.**
- 8154 Section **63I-1-230, Repeal dates: Title 30.**
- 8155 Section **75-2b-101, Title.**
- 8156 Section **78B-12-101, Title.**
- 8157 Section **78B-12-104, Continuing jurisdiction.**
- 8158 Section **78B-12-106, Ward of state -- Natural or adoptive parent has primary**
- 8159 **obligation to support -- Right of third party to recover support.**
- 8160 Section **78B-12-107, Duty of obligor regardless of presence or residence of obligee.**
- 8161 Section **78B-12-108, Support follows the child.**
- 8162 Section **78B-12-110, Appeals.**
- 8163 Section **78B-12-111, Court order -- Medical expenses of dependent children --**
- 8164 **Assigning responsibility for payment -- Insurance coverage -- Income withholding.**
- 8165 Section **78B-12-116, Social Security number in court records.**
- 8166 Section **78B-12-117, Rights are in addition to those presently existing.**
- 8167 Section **78B-12-202, Determination of amount of support -- Rebuttable guidelines.**
- 8168 Section **78B-12-204, Adjusted gross income.**
- 8169 Section **78B-12-205, Calculation of obligations.**
- 8170 Section **78B-12-206, Income in excess of tables.**
- 8171 Section **78B-12-207, Obligation -- Adjusted gross income used.**
- 8172 Section **78B-12-208, Joint physical custody -- Obligation calculations.**
- 8173 Section **78B-12-209, Split custody -- Obligation calculations.**
- 8174 Section **78B-12-211, Limitation on amount of support ordered.**
- 8175 Section **78B-12-212.1, Pregnancy expenses.**
- 8176 Section **78B-12-213, Determination of parental liability.**
- 8177 Section **78B-12-215, Child care costs.**
- 8178 Section **78B-12-219, Adjustment when child becomes emancipated.**
- 8179 Section 196. **Effective date.**

8180 (1) Except as provided in Subsection (2), this bill takes effect on September 1, 2024.

8181 (2) The actions affecting Section 78A-5a-103 (Effective 10/01/24) take effect on  
8182 October 1, 2024.

8183 Section 197. **Coordinating S.B. 95 with H.B. 134.**

8184 If S.B. 95, Domestic Relations Recodification, and H.B. 134, Marriage Modifications,  
8185 both pass and become law, the Legislature intends that, on September 1, 2024:

8186 (1) Section 30-1-2.2 be repealed; and

8187 (2) Section 30-1-2.4 enacted in H.B.134 be renumbered to Section 81-2-405.

8188 Section 198. **Coordinating S.B. 95 with H.B. 140.**

8189 If S.B. 95, Domestic Relations Recodification, and H.B. 140, Amendments to Custody  
8190 and Parent-time, both pass and become law, the Legislature intends that, on September 1, 2024:

8191 (1) all references to the term "child" in Subsection 30-3-33(18) in H.B. 140 change to  
8192 "minor child"; and

8193 (2) Subsections 30-3-10.4(1) and (2) in H.B. 140 be amended to read:

8194 "(1) The court has continuing jurisdiction to make subsequent changes to modify:

8195 (a) custody of a minor child if there is a showing of a substantial and material change  
8196 in circumstances since the entry of the order; and

8197 (b) parent-time for a minor child if there is a showing that there is a change in  
8198 circumstances since the entry of the order.

8199 (2) A substantial and material change in circumstances under Subsection (1)(a)  
8200 includes a showing by a parent that the other parent:

8201 (a) resides with an individual or provides an individual with access to the minor child;  
8202 and

8203 (b) knows that the individual:

8204 (i) is required to register as a sex offender or a kidnap offender for an offense against a  
8205 minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;

8206 (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child  
8207 Abuse Offender Registry; or

8208 (iii) has been convicted of:

8209 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114,  
8210 or 76-5-208;

8211 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual  
8212 Offenses;

8213 (C) an offense for kidnapping or human trafficking of a minor child under Title 76,  
8214 Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

8215 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,  
8216 Sexual Exploitation Act; or

8217 (E) an offense that is substantially similar to an offense under Subsections  
8218 (2)(b)(iii)(A) through (D)."

8219 Section 199. **Coordinating S.B. 95 with H.B. 157.**

8220 If S.B. 95, Domestic Relations Recodification, and H.B. 157, Child Custody Factor  
8221 Amendments, both pass and become law, the Legislature intends that, on September 1, 2024,  
8222 all references to "child" in Subsection 30-3-10(10)(b) in H.B. 157 change to "minor child."

8223 Section 200. **Coordinating S.B. 95 with H.B. 328.**

8224 If S.B. 95, Domestic Relations Recodification, and H.B. 328, Victims of Sexual  
8225 Offenses Amendments, both pass and become law, the Legislature intends that, on September  
8226 1, 2024, all references to "child" in Subsections 30-3-10(11) and 30-3-10(12) in H.B. 328  
8227 change to "minor child."

8228 Section 201. **Coordinating S.B. 95 with H.B. 337.**

8229 If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to  
8230 Mandatory Courses for Family Law Actions, both pass and become law, the Legislature intends  
8231 that, on September 1, 2024:

8232 (1) the changes to Subsection 81-9-208(2)(c)(i) in S.B. 95 supersede the changes to  
8233 Subsection 30-3-10.4(1)(c)(i) in H.B. 337;

8234 (2) Section 30-3-11.3 be renumbered to Section 81-9-103 and be amended to read:

8235 "[30-3-11.3.] 81-9-103. **Mandatory parenting course for parties in a divorce**  
8236 **or parentage action.**

8237 (1) The Judicial Council shall approve and implement:

8238 (a) a mandatory parenting course [for divorcing parents] in all judicial districts[. The  
8239 mandatory course is designed to educate and sensitize divorcing parties to their children's needs  
8240 both during and after the divorce process:] for married parties in a divorce action determining  
8241 issues of child custody and parent-time; and

8242 (b) a mandatory parenting course in all judicial districts for unmarried parties in a  
8243 parentage action determining issues of child custody and parent-time.

8244 (2) The Judicial Council shall adopt rules to implement and administer [~~this program.~~]  
8245 the mandatory parenting courses described in Subsection (1).

8246 [~~(3)(a) As a prerequisite to receiving a divorce decree, both parties are required to~~  
8247 ~~attend a mandatory course on their children's needs after filing a complaint for divorce and~~  
8248 ~~receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived,~~  
8249 ~~the court may permit the divorce action to proceed.]~~

8250 [~~(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~  
8251 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~  
8252 ~~related to the divorce until the moving party completes the mandatory educational course for~~  
8253 ~~divorcing parents required by this section.]~~

8254 [~~(4) The court may require unmarried parents to attend this educational course when~~  
8255 ~~those parents are involved in a visitation or custody proceeding before the court.]~~

8256 [~~(5)~~] (3) [~~The mandatory course shall instruct both parties:~~] The mandatory parenting  
8257 courses shall educate and sensitize parties to the needs of the parties' minor child during and  
8258 after the court process, including instructing the parties:

8259 (a) about [~~divorce and its impacts~~] the impact of the court process, and its outcome,  
8260 on:

8261 (i) [~~their child or children~~] the minor child;

8262 (ii) [~~their~~] the family relationship; and

8263 (iii) [~~their financial responsibilities for their child or children~~] the financial  
8264 responsibilities of the parties to the minor child; and

8265 (b) that domestic violence has a harmful effect on [~~children~~] a minor child and family  
8266 relationships.

8267 [~~(6)~~] (4) (a) [~~The course~~] The mandatory parenting course may be provided through  
8268 live instruction, video instruction, or an online provider.

8269 (b) The online and video options under Subsection (4)(a) must be formatted as  
8270 interactive presentations that ensure active participation and learning by the [~~parent~~] party.

8271 [~~(7)~~] (5) (a) The Administrative Office of the Courts shall administer [~~the course~~  
8272 ~~pursuant to~~] the mandatory parenting courses, in accordance with Title 63G, Chapter 6a, Utah

8273 Procurement Code, through private or public contracts and organize the program in each of  
8274 Utah's judicial districts.

8275 (b) The contracts shall provide for the recoupment of administrative expenses through  
8276 the costs charged to individual parties[~~, pursuant to Subsection (9)~~] as described in Subsection  
8277 (7).

8278 ~~[(8)]~~ (6) A certificate of completion constitutes evidence to the court of ~~[course]~~  
8279 completion of a parenting course under this section by the parties.

8280 ~~[(9)]~~ (7) (a) Each party shall pay the ~~[costs of the]~~ cost of the parenting course to the  
8281 independent contractor providing the course at the time and place of the course.

8282 (b) A fee of \$8 shall be collected, as part of ~~[the course]~~ a parenting course fee paid by  
8283 each participant, and deposited in the Children's Legal Defense Account, described in Section  
8284 51-9-408.

8285 ~~[(b)]~~ (c) Each party who is unable to pay the ~~[costs of the]~~ cost of a parenting course  
8286 may attend the parenting course, without payment, upon a prima facie showing of indigency as  
8287 evidenced by an affidavit of indigency filed in the ~~[district]~~ court in accordance with Section  
8288 78A-2-302. ~~[In those situations, the independent contractor shall be reimbursed for the~~  
8289 ~~independent contractor's costs from the appropriation to the Administrative Office of the~~  
8290 ~~Courts for "Mandatory Educational Course for Divorcing Parents Program." Before a decree of~~  
8291 ~~divorce may be entered, the court shall make a final review and determination of indigency and~~  
8292 ~~may order the payment of the costs if so determined.]~~

8293 (d) The Administrative Office of the Courts shall use appropriations from the  
8294 Children's Legal Defense Account to reimburse an independent contractor for the costs of a  
8295 party who is unable to pay for a parenting course under Subsection (7)(c).

8296 ~~[(10)]~~ ~~Appropriations from the General Fund to the Administrative Office of the Courts~~  
8297 ~~for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to pay~~  
8298 ~~the costs of an indigent parent who makes a showing as provided in Subsection (9)(b).]~~

8299 ~~[(H)]~~ (8) The Administrative Office of the Courts shall:

8300 (a) adopt a program to evaluate the effectiveness of ~~[the mandatory educational course.~~  
8301 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.]~~ the  
8302 mandatory parenting courses; and

8303 (b) provide progress reports to the Judiciary Interim Committee if requested.";

8304 (3) Section 30-3-11.4 be renumbered to Section 81-4-105, except the changes within  
8305 Section 30-3-11.4 in H.B. 337 supersede the changes within Section 30-3-11.4 in S.B. 95;

8306 (4) Subsection 81-4-401(2) enacted in S.B. 95 be amended to read:

8307 "(2) "Mandatory courses" means:

8308 (a) the mandatory divorce orientation course described in Section 81-4-105; and

8309 (b) the mandatory parenting course described in Section 81-9-103.";

8310 (5) Subsection 51-9-408(3)(a)(i) be amended to read:

8311 "(i) implementing the mandatory courses described in Sections 81-4-105 and 81-9-103

8312 and the mediation program for child custody or parent-time;" and

8313 (6) the reference in Subsection 78B-15-610(4)(a) in H.B. 337 to "Subsection

8314 30-3-11.3(1)(b)" be changed to "Subsection 81-9-103(1)(b)."

8315 **Section 202. Coordinating S.B. 95 with S.B. 81.**

8316 If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk

8317 Amendments, both pass and become law, the Legislature intends that, on September 1, 2024:

8318 (1) Subsection 81-2-303(3)(b) in S.B. 95 be amended to read:

8319 "(b) The Department of Health[~~Bureau of Vital Records and Health~~] and Human  
8320 Services, Office of Vital Records and Statistics shall, upon request, supply the social security  
8321 numbers to the Department of Health and Human Services, Office of Recovery Services  
8322 [~~within the Department of Human Services~~].";

8323 (2) Subsection 81-2-303(4) in S.B. 95 be amended to read:

8324 "(4) (a) A county clerk may not issue a marriage license until the county clerk receives:

8325 (i) an affidavit from at least one party applying for the marriage license, showing that  
8326 there is no lawful reason preventing the marriage; and

8327 (ii) if neither party to the marriage will be physically present in the state at the time of  
8328 solemnization of the marriage, an affidavit from each party to the marriage stating that party  
8329 consents to personal jurisdiction of the state, and of the county issuing the marriage license, for  
8330 the purposes of filing a divorce or annulment of the marriage.

8331 (b) A county clerk shall file and preserve each affidavit provided under this section.

8332 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing  
8333 witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be  
8334 prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official

8335 Matters.";

8336 (3) Subsection [81-2-305\(5\)](#) in S.B. 95 be amended to read:

8337 "(5) (a) Within 30 days after the day on which a marriage is solemnized, the individual  
 8338 solemnizing the marriage shall return the marriage license to the county clerk that issued the  
 8339 marriage license with a certificate of the marriage over the individual's signature stating the  
 8340 date and place of solemnization and the names of two or more witnesses present at the  
 8341 marriage.

8342 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty  
 8343 of an infraction.

8344 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes  
 8345 a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and  
 8346 punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters."; and

8347 (4) Subsection [81-2-408\(3\)\(b\)](#) in S.B. 95 be amended to read:

8348 "(b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be  
 8349 construed to validate a marriage that:

8350 (i) is prohibited or void under Section [81-2-403](#); or

8351 (ii) fails to meet the requirements of Section [81-2-302](#), as validated by a court with  
 8352 jurisdiction."

8353 Section 203. **Coordinating S.B. 95 with S.B. 81 and H.B. 337 if all pass and**  
 8354 **become law.**

8355 If S.B. 95, Domestic Relations Recodification, S.B. 81, County Clerk Amendments,  
 8356 and H.B. 337, Amendments to Mandatory Courses for Family Law Actions, all pass and  
 8357 become law, the Legislature intends that, on September 1, 2024:

8358 (1) Section [81-4-104](#) (renumbered from Section [30-3-4.5](#)) in S.B. 95 be amended to  
 8359 read:

8360 "~~[30-3-4.5]~~ **[81-4-104](#). Temporary separation order.**

8361 ~~[(1) A petitioner may file an action for a temporary separation order without filing a~~  
 8362 ~~petition for divorce by filing a petition for temporary separation and motion for temporary~~  
 8363 ~~orders if:]~~

8364 ~~[(a) the petitioner is lawfully married to the respondent; and]~~

8365 ~~[(b) both parties are residents of the state for at least 90 days prior to the date of filing.]~~

8366 (1) An individual may file an action for a temporary separation order, without filing a  
8367 petition for divorce, by filing a petition for temporary separation and motion for temporary  
8368 orders if:

8369 (a) the individual is lawfully married to the individual from whom the separation is  
8370 sought; and

8371 (b) (i) both parties are residents of the state for at least 90 days before the day on which  
8372 the action is filed; or

8373 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or  
8374 annulment under Subsection [81-2-303\(4\)\(a\)\(ii\)](#).

8375 (2) The temporary orders are valid for one year [~~from the date of the hearing;~~ after the  
8376 day on which the hearing for the order is held or until one of the following occurs:

8377 (a) a petition for divorce is filed and consolidated with the petition for temporary  
8378 separation; or

8379 (b) the case is dismissed.

8380 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
8381 separation, orders entered in the temporary separation shall continue in the consolidated case.

8382 [~~(4) Both parties shall attend the divorce orientation course described in Section~~  
8383 ~~[30-3-11.4](#) within 60 days of the filing of the petition, for petitioner, and within 45 days of being~~  
8384 ~~served, for respondent.]~~

8385 [~~(5) Service shall be made upon respondent, together with a 20-day summons, in~~  
8386 ~~accordance with the rules of civil procedure.]~~

8387 [~~(6) The fee for filing the petition for temporary separation orders is \$35. If either~~  
8388 ~~party files a petition for divorce within one year from the date of filing the petition for~~  
8389 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~  
8390 ~~divorce.]~~

8391 (4) (a) If the parties to the temporary separation action have a minor child, the parties  
8392 shall attend the divorce orientation course described in Section [81-4-105](#):

8393 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8394 (ii) for the respondent, within 30 days after the day on which the respondent is served.

8395 (b) If the parties to the temporary separation action do not have a minor child, the  
8396 parties may choose to attend the divorce orientation course described in Section [81-4-105](#).



8397 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation  
8398 course requirement.

8399 (d) A petition shall include information regarding the divorce orientation course  
8400 requirement when the petition is served on the respondent.

8401 (5) For a party that is unable to pay the costs of the divorce orientation course, and  
8402 before the court enters a decree of divorce in the action, the court shall:

8403 (a) make a final determination of indigency; and

8404 (b) order the party to pay the costs of the divorce orientation course if the court  
8405 determines the party is not indigent.

8406 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8407 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8408 the temporary separation petition until the moving party completes the divorce orientation  
8409 course.

8410 (b) It is an affirmative defense in a temporary separation action that a party has not  
8411 completed the divorce orientation course and the action may not continue until a party has  
8412 complied with the divorce orientation course.

8413 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8414 requirement that the parties attend the divorce orientation course, on the court's own motion or  
8415 on the motion of one of the parties, if the court determines course attendance and completion  
8416 are not necessary, appropriate, feasible, or in the best interest of the parties.

8417 (b) If the requirement is waived, the court may permit the temporary separation action  
8418 to proceed.

8419 (8) The petitioner shall serve the petition for a temporary separation order in  
8420 accordance with the Utah Rules of Civil Procedure.

8421 (9) If a party files for divorce within one year after the day on which the petition for  
8422 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
8423 credited towards the filing fee for a divorce."; and

8424 (2) Section [81-4-402](#) enacted in S.B. 95 be amended to read:

8425 **"81-4-402. Petition for divorce -- Divorce proceeding -- Temporary orders.**

8426 **(1) An individual may bring a petition for divorce if:**

8427 **(a) the individual or the individual's spouse is an actual and bona fide resident of the**

8428 county where the petition is filed for at least 90 days before the day on which the petition is  
8429 filed;

8430 (b) the individual is a member of the armed forces of the United States and the  
8431 individual is stationed under military orders in this state for at least 90 days before the day on  
8432 which the petition is filed; or

8433 (c) both parties to the marriage have consented to personal jurisdiction for divorce or  
8434 annulment under Subsection [81-2-303\(4\)\(a\)\(ii\)](#).

8435 (2) A divorce action shall be commenced and conducted in accordance with this  
8436 chapter and the Utah Rules of Civil Procedure.

8437 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
8438 the petition is filed, unless the court finds that extraordinary circumstances exist.

8439 (b) The court may make interim orders as the court considers just and equitable before  
8440 the expiration of the 30-day period described in Subsection (3)(a).

8441 (4) (a) If the parties to the divorce action have a minor child, the parties shall attend the  
8442 mandatory courses:

8443 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8444 (ii) for the respondent, within 30 days after the day on which the respondent is served.

8445 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
8446 to attend the divorce orientation course described in Section [81-4-105](#).

8447 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
8448 mandatory courses.

8449 (d) A petition shall include information regarding the mandatory courses when the  
8450 petition is served on the respondent.

8451 (5) For a party that is unable to pay the costs of the mandatory courses, and before the  
8452 court enters a decree of divorce in the action, the court shall:

8453 (a) make a final determination of indigency; and

8454 (b) order the party to pay the costs of the mandatory courses if the court determines the  
8455 party is not indigent.

8456 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8457 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8458 the divorce until the moving party completes the mandatory courses.

8459 (b) It is an affirmative defense in a divorce action that a party has not completed the  
8460 mandatory courses and the action may not continue until a party has complied with the  
8461 mandatory courses.

8462 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8463 requirement that the parties attend the mandatory courses, on the court's own motion or on the  
8464 motion of one of the parties, if the court determines course attendance and completion are not  
8465 necessary, appropriate, or feasible, or in the best interest of the parties.

8466 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8467 (8) The use of counseling, mediation, and education services provided under this part  
8468 may not be construed as condoning or promoting divorce."

8469 **Section 204. Coordinating S.B. 95 with S.B. 81 if H.B. 337 does not pass and**  
8470 **become law.**

8471 If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk  
8472 Amendments, both pass and become law, and H.B. 337, Amendments to Mandatory Courses  
8473 for Family Law Actions, does not pass and become law, the Legislature intends that, on  
8474 September 1, 2024:

8475 (1) Section [81-4-104](#) (renumbered from Section [30-3-4.5](#)) in S.B. 95 be amended to  
8476 read:

8477 ~~“(1) A petitioner may file an action for a temporary separation order without filing a~~  
8478 ~~petition for divorce by filing a petition for temporary separation and motion for temporary~~  
8479 ~~orders if:]~~

8480 ~~[(a) the petitioner is lawfully married to the respondent; and]~~

8481 ~~[(b) both parties are residents of the state for at least 90 days prior to the date of filing.]~~

8482 (1) An individual may file an action for a temporary separation order, without filing a  
8483 petition for divorce, by filing a petition for temporary separation and motion for temporary  
8484 orders if:

8485 (a) the individual is lawfully married to the individual from whom the separation is  
8486 sought; and

8487 (b) (i) both parties are residents of the state for at least 90 days before the day on which  
8488 the action is filed; or

8489 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or

8490 annulment under Subsection [81-2-303](#)(4)(a)(ii).

8491 (2) The temporary orders are valid for one year [~~from the date of the hearing~~] after the  
8492 day on which the hearing for the order is held, or until one of the following occurs:

8493 (a) a petition for divorce is filed and consolidated with the petition for temporary  
8494 separation; or

8495 (b) the case is dismissed.

8496 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
8497 separation, orders entered in the temporary separation shall continue in the consolidated case.

8498 (4) (a) [~~Both~~] If the parties have a minor child, the parties shall attend the divorce  
8499 orientation course described in Section [~~30-3-11.4~~] [81-4-105](#) within:

8500 (i) 60 days of the filing of the petition, for the petitioner[~~, and within~~]; and

8501 (ii) 45 days of being served, for the respondent.

8502 (b) The clerk of the court shall provide notice to the petitioner of the requirement for  
8503 the divorce orientation course.

8504 (c) The petition shall include information regarding the divorce orientation course  
8505 when the petition is served on the respondent.

8506 (d) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
8507 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
8508 petition for temporary separation, until the moving party completes the divorce orientation  
8509 course.

8510 (e) The court may waive the requirement for the parties to attend the mandatory  
8511 courses under this Subsection (4), on the court's own motion or on the motion of one of the  
8512 parties, if the court determines course attendance and completion are not necessary,  
8513 appropriate, feasible, or in the best interest of the parties.

8514 (5) The petitioner shall serve the petition for a temporary separation order in  
8515 accordance with the Utah Rules of Civil Procedure.

8516 (6) If a party files for divorce within one year after the day on which the petition for  
8517 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
8518 credited towards the filing fee for a divorce.

8519 [~~(5) Service shall be made upon respondent, together with a 20-day summons, in~~  
8520 ~~accordance with the rules of civil procedure.]~~

8521 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either~~  
8522 ~~party files a petition for divorce within one year from the date of filing the petition for~~  
8523 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~  
8524 ~~divorce.] "; and~~

8525 (2) Section [81-4-402](#) enacted in S.B. 95 be amended to read:

8526 **"81-4-402. Petition for Divorce -- Divorce proceedings -- Temporary orders.**

8527 (1) An individual may bring a petition for divorce if:

8528 (a) the individual or the individual's spouse is an actual and bona fide resident of the  
8529 county where the petition is filed for at least 90 days before the day on which the petition is  
8530 filed;

8531 (b) the individual is a member of the armed forces of the United States and the  
8532 individual is stationed under military orders in this state for at least 90 days before the day on  
8533 which the petition is filed; or

8534 (c) both parties to the marriage have consented to personal jurisdiction for divorce or  
8535 annulment under Subsection [81-2-303](#)(4)(a)(ii).

8536 (2) A divorce action shall be commenced and conducted in accordance with this  
8537 chapter and the Utah Rules of Civil Procedure.

8538 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
8539 the petition is filed, unless the court finds that extraordinary circumstances exist.

8540 (b) The court may make interim orders as the court considers just and equitable before  
8541 the expiration of the 30-day period described in Subsection (3)(a).

8542 (4) (a) Except as provided in Subsection (5), if the parties to the divorce action have a  
8543 minor child, the parties shall attend the mandatory courses described in Sections [81-4-105](#) and  
8544 [81-4-106](#) within:

8545 (i) for the petitioner, 60 days after the day on which the petition is filed; and

8546 (ii) for the respondent, 30 days after the day on which the respondent is served.

8547 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
8548 to attend the mandatory divorce orientation course described in Section [81-4-105](#).

8549 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
8550 mandatory courses.

8551 (d) A petition shall include information regarding the mandatory courses when the

8552 petition is served on the respondent.

8553 (e) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
8554 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
8555 divorce until the moving party completes the mandatory courses.

8556 (5) (a) The court may waive the requirement for the parties to attend the mandatory  
8557 courses under Subsection (4), on the court's own motion or on the motion of one of the parties,  
8558 if the court determines course attendance and completion are not necessary, appropriate,  
8559 feasible, or in the best interest of the parties.

8560 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8561 (6) The use of counseling, mediation, and education services provided under this part  
8562 may not be construed as condoning or promoting divorce."

8563 Section 205. **Coordinating S.B. 95 with H.B. 337 if S.B. 81 does not pass and**  
8564 **become law.**

8565 If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to  
8566 Mandatory Courses for Family Law Actions, both pass and become law, and S.B. 81, County  
8567 Clerk Amendments, does not pass and become law, the Legislature intends that, on September  
8568 1, 2024:

8569 (1) Section [81-4-104](#) (renumbered from Section [30-3-4.5](#)) in S.B. 95 be amended to  
8570 read:

8571 "~~[30-3-4.5]~~. **81-4-104. Temporary separation order.**

8572 (1) [~~A petitioner~~] An individual may file an action for a temporary separation order,  
8573 without filing a petition for divorce, by filing a petition for temporary separation and motion  
8574 for temporary orders if:

8575 (a) the [~~petitioner~~] individual is lawfully married to the [~~respondent~~] individual from  
8576 whom the separation is sought; and

8577 (b) both parties are residents of the state for at least 90 days [~~prior to the date of filing~~]  
8578 before the day on which the action is filed.

8579 (2) The temporary orders are valid for one year [~~from the date of the hearing,~~] after the  
8580 day on which the hearing for the order is held or until one of the following occurs:

8581 (a) a petition for divorce is filed and consolidated with the petition for temporary  
8582 separation; or

8583 (b) the case is dismissed.

8584 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
8585 separation, orders entered in the temporary separation shall continue in the consolidated case.

8586 ~~[(4) Both parties shall attend the divorce orientation course described in Section  
8587 [30-3-11.4](#) within 60 days of the filing of the petition, for petitioner, and within 45 days of being  
8588 served, for respondent.]~~

8589 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in  
8590 accordance with the rules of civil procedure.]~~

8591 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either  
8592 party files a petition for divorce within one year from the date of filing the petition for  
8593 temporary separation, the separation filing fee shall be credited towards the filing fee for the  
8594 divorce.]~~

8595 (4) (a) If the parties to the temporary separation action have a minor child, the parties  
8596 shall attend the divorce orientation course described in Section [81-4-105](#):

8597 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8598 (ii) for the respondent, within 30 days after the day on which the respondent is served.

8599 (b) If the parties to the temporary separation action do not have a minor child, the  
8600 parties may choose to attend the divorce orientation course described in Section [81-4-105](#).

8601 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation  
8602 course requirement.

8603 (d) A petition shall include information regarding the divorce orientation course  
8604 requirement when the petition is served on the respondent.

8605 (5) For a party that is unable to pay the costs of the divorce orientation course, and  
8606 before the court enters a decree of divorce in the action, the court shall:

8607 (a) make a final determination of indigency; and

8608 (b) order the party to pay the costs of the divorce orientation course if the court  
8609 determines the party is not indigent.

8610 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8611 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8612 the temporary separation petition until the moving party completes the divorce orientation  
8613 course.

8614 (b) It is an affirmative defense in a temporary separation action that a party has not  
8615 completed the divorce orientation course and the action may not continue until a party has  
8616 complied with the divorce orientation course.

8617 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8618 requirement that the parties attend the divorce orientation course, on the court's own motion or  
8619 on the motion of one of the parties, if the court determines course attendance and completion  
8620 are not necessary, appropriate, or feasible, or in the best interest of the parties.

8621 (b) If the requirement is waived, the court may permit the temporary separation action  
8622 to proceed.

8623 (8) The petitioner shall serve the petition for a temporary separation order in  
8624 accordance with the Utah Rules of Civil Procedure.

8625 (9) If a party files for divorce within one year after the day on which the petition for  
8626 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
8627 credited towards the filing fee for a divorce."; and

8628 (2) Section [81-4-402](#) enacted in S.B. 95 be amended to read:

8629 **"81-4-402. Petition for divorce -- Divorce proceeding -- Temporary orders.**

8630 (1) An individual may bring a petition for divorce if:

8631 (a) the individual or the individual's spouse is an actual and bona fide resident of the  
8632 county where the petition is filed for at least 90 days before the day on which the petition is  
8633 filed; or

8634 (b) the individual is a member of the armed forces of the United States and the  
8635 individual is stationed under military orders in this state for at least 90 days before the day on  
8636 which the petition is filed.

8637 (2) A divorce action shall be commenced and conducted in accordance with this  
8638 chapter and the Utah Rules of Civil Procedure.

8639 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
8640 the petition is filed, unless the court finds that extraordinary circumstances exist.

8641 (b) The court may make interim orders as the court considers just and equitable before  
8642 the expiration of the 30-day period described in Subsection (3)(a).

8643 (4) (a) If the parties to the divorce action have a minor child, the parties shall attend the  
8644 mandatory courses:



- 8645 (i) for the petitioner, within 60 days after the day on which the petition is filed; and  
8646 (ii) for the respondent, within 30 days after the day on which the respondent is served.
- 8647 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
8648 to attend the divorce orientation course described in Section [81-4-105](#).
- 8649 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
8650 mandatory courses.
- 8651 (d) A petition shall include information regarding the mandatory courses when the  
8652 petition is served on the respondent.
- 8653 (5) For a party that is unable to pay the costs of the mandatory courses, and before the  
8654 court enters a decree of divorce in the action, the court shall:
- 8655 (a) make a final determination of indigency; and  
8656 (b) order the party to pay the costs of the mandatory courses if the court determines the  
8657 party is not indigent.
- 8658 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8659 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8660 the divorce until the moving party completes the mandatory courses.
- 8661 (b) It is an affirmative defense in a divorce action that a party has not completed the  
8662 mandatory courses and the action may not continue until a party has complied with the  
8663 mandatory courses.
- 8664 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8665 requirement that the parties attend the mandatory courses, on the court's own motion or on the  
8666 motion of one of the parties, if the court determines course attendance and completion are not  
8667 necessary, appropriate, or feasible, or in the best interest of the parties.
- 8668 (b) If the requirement is waived, the court may permit the divorce action to proceed.
- 8669 (8) The use of counseling, mediation, and education services provided under this part  
8670 may not be construed as condoning or promoting divorce."