

SB0095S02 compared with SB0095

~~text~~ shows text that was in SB0095 but was deleted in SB0095S02.

text shows text that was not in SB0095 but was inserted into SB0095S02.

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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

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;

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- ▶ clarifies the validation of an interracial marriage;
- ▶ clarifies the validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease;
- ▶ clarifies provisions regarding the rights and obligations during a marriage;
- ▶ clarifies provisions regarding the dissolution of a marriage, including:
 - an order for separate maintenance;
 - an annulment; and
 - a divorce;
- ▶ provides that a provision regarding a party's retirement being a substantial material change in circumstances for purposes of modifying alimony applies to a divorce decree regardless of the date which the divorce decree was entered;
- ▶ clarifies provisions regarding child support, including:
 - the requirements for a child support order;
 - the general requirements for calculating child support; and
 - the requirements for calculating child support for a sole physical custody case, a joint physical custody case, and a split physical custody case;
- ▶ clarifies provisions regarding custody, parent-time, and visitation;
- ▶ repeals statutes related to domestic relations, including a statute on the appointment of counsel for a child; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

[This bill provides coordination clauses.](#)

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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23A-4-1102, as last amended by Laws of Utah 2023, Chapter 327 and renumbered and amended by Laws of Utah 2023, Chapter 103

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

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

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

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

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

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

26B-9-201, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-202, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-210, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-211, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-212, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-213, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-214, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-217, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-220, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-221, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-224, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-225, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-226, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-230, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-301, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-303, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-304, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-403, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-405, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-9-501, as renumbered and amended by Laws of Utah 2023, Chapter 305

31A-22-610.5, as last amended by Laws of Utah 2023, Chapter 327

35A-3-307, as last amended by Laws of Utah 2015, Chapter 221

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51-9-408, as last amended by Laws of Utah 2021, Chapter 262
58-60-112, as last amended by Laws of Utah 2023, Chapter 139
63G-20-201, as enacted by Laws of Utah 2015, Chapter 46
63I-1-278, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423
63I-2-278, as last amended by Laws of Utah 2023, Chapters 33 and 250
63M-15-204, as enacted by Laws of Utah 2021, Chapter 91
76-8-1201, as last amended by Laws of Utah 2015, Chapter 221
77-36-1, as last amended by Laws of Utah 2022, Chapters 185 and 430
77-38-615, as last amended by Laws of Utah 2023, Chapter 237
78A-2-301, as last amended by Laws of Utah 2023, Chapter 330
78A-5a-103 (Effective 10/01/24), as enacted by Laws of Utah 2023, Chapter 394
78A-6-103, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330
78A-6-104, as last amended by Laws of Utah 2022, Chapter 335
78A-6-356, as last amended by Laws of Utah 2023, Chapter 330
78B-3-416, as last amended by Laws of Utah 2023, Chapter 139
78B-3-426, as last amended by Laws of Utah 2018, Chapter 440
78B-6-316, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-7-204, as last amended by Laws of Utah 2021, Chapter 262
78B-15-102, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-15-113, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-15-603, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-15-610, as last amended by Laws of Utah 2019, Chapter 188
78B-15-623, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-20-403, as last amended by Laws of Utah 2017, Chapter 224
78B-20-404, as last amended by Laws of Utah 2017, Chapter 224
80-2-906, as renumbered and amended by Laws of Utah 2022, Chapter 334

ENACTS:

63I-1-281, Utah Code Annotated 1953
63I-2-281, Utah Code Annotated 1953
81-1-101, Utah Code Annotated 1953
81-1-201, Utah Code Annotated 1953

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81-1-202, Utah Code Annotated 1953
81-1-204, Utah Code Annotated 1953
81-2-101, Utah Code Annotated 1953
81-2-301, Utah Code Annotated 1953
81-2-401, Utah Code Annotated 1953
81-3-101, Utah Code Annotated 1953
81-4-101, Utah Code Annotated 1953
81-4-201, Utah Code Annotated 1953
81-4-301, Utah Code Annotated 1953
81-4-401, Utah Code Annotated 1953
81-4-402, Utah Code Annotated 1953
81-4-406, Utah Code Annotated 1953
81-4-501, Utah Code Annotated 1953
81-4-502, Utah Code Annotated 1953
81-4-503, Utah Code Annotated 1953
81-4-504, Utah Code Annotated 1953
81-5-101, Utah Code Annotated 1953
81-6-102, Utah Code Annotated 1953
81-6-201, Utah Code Annotated 1953
81-6-204, Utah Code Annotated 1953
81-6-205, Utah Code Annotated 1953
81-6-206, Utah Code Annotated 1953
81-6-207, Utah Code Annotated 1953
81-6-212, Utah Code Annotated 1953
81-6-213, Utah Code Annotated 1953
81-6-301, Utah Code Annotated 1953
81-6-401, Utah Code Annotated 1953
81-7-101, Utah Code Annotated 1953
81-8-101, Utah Code Annotated 1953
81-9-201, Utah Code Annotated 1953
81-9-301, Utah Code Annotated 1953

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RENUMBERS AND AMENDS:

- 81-1-203**, (Renumbered from 30-3-3, as last amended by Laws of Utah 2020, Chapter 142)
- 81-2-102**, (Renumbered from 30-1-4.1, as enacted by Laws of Utah 2004, Chapter 261)
- 81-2-201**, (Renumbered from 30-1-36, as last amended by Laws of Utah 2018, Chapter 347)
- 81-2-202**, (Renumbered from 30-1-30, as last amended by Laws of Utah 2018, Chapter 347)
- 81-2-203**, (Renumbered from 30-1-31, as enacted by Laws of Utah 1971, Chapter 64)
- 81-2-204**, (Renumbered from 30-1-32, as last amended by Laws of Utah 2011, Chapter 297)
- 81-2-205**, (Renumbered from 30-1-33, as last amended by Laws of Utah 2011, Chapter 297)
- 81-2-206**, (Renumbered from 30-1-34, as last amended by Laws of Utah 2021, Chapter 91)
- 81-2-207**, (Renumbered from 30-1-35, as last amended by Laws of Utah 2011, Chapter 297)
- 81-2-208**, (Renumbered from 30-1-37, as last amended by Laws of Utah 2011, Chapter 297)
- 81-2-209**, (Renumbered from 30-1-38, as enacted by Laws of Utah 1971, Chapter 64)
- 81-2-302**, (Renumbered from 30-1-7, as last amended by Laws of Utah 2021, Chapter 305)
- 81-2-303**, (Renumbered from 30-1-8, as last amended by Laws of Utah 2021, Chapter 305)
- 81-2-304**, (Renumbered from 30-1-9, as last amended by Laws of Utah 2021, Chapter 305)
- 81-2-305**, (Renumbered from 30-1-6, as last amended by Laws of Utah 2022, Chapter 444)
- 81-2-306**, (Renumbered from 30-1-12, as last amended by Laws of Utah 2023, Chapter 327)
- 81-2-402**, (Renumbered from 30-1-1, as last amended by Laws of Utah 2022, Chapter

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81-2-403, (Renumbered from 30-1-2, as last amended by Laws of Utah 2019, Chapters 300 and 317)

81-2-404, (Renumbered from 30-1-2.1, as enacted by Laws of Utah 1963, Chapter 41)

81-2-405, (Renumbered from 30-1-2.2, as last amended by Laws of Utah 1995, Chapter 20)

81-2-406, (Renumbered from 30-1-2.3, as last amended by Laws of Utah 1995, Chapter 20)

81-2-407, (Renumbered from 30-1-4, as last amended by Laws of Utah 2019, Chapter 300)

81-2-408, (Renumbered from 30-1-4.5, as last amended by Laws of Utah 2021, Chapter 186)

81-2-409, (Renumbered from 30-1-3, as repealed and reenacted by Laws of Utah 2022, Chapter 217)

81-3-102, (Renumbered from 30-2-2, Utah Code Annotated 1953)

81-3-103, (Renumbered from 30-2-3, Utah Code Annotated 1953)

81-3-104, (Renumbered from 30-2-4, Utah Code Annotated 1953)

81-3-105, (Renumbered from 30-2-5, as last amended by Laws of Utah 2023, Chapter 327)

81-3-106, (Renumbered from 30-2-6, Utah Code Annotated 1953)

81-3-107, (Renumbered from 30-2-7, as last amended by Laws of Utah 2011, Chapter 297)

81-3-108, (Renumbered from 30-2-8, Utah Code Annotated 1953)

81-3-109, (Renumbered from 30-2-9, as last amended by Laws of Utah 2015, Chapter 457)

81-3-110, (Renumbered from 30-2-10, as last amended by Laws of Utah 1977, Chapter 122)

81-3-111, (Renumbered from 30-2-11, as last amended by Laws of Utah 2008, Chapters 3 and 382)

81-3-201, (Renumbered from 30-8-2, as enacted by Laws of Utah 1994, Chapter 105)

81-3-202, (Renumbered from 30-8-3, as last amended by Laws of Utah 2011, Chapter

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81-3-203, (Renumbered from 30-8-4, as enacted by Laws of Utah 1994, Chapter 105)

81-3-204, (Renumbered from 30-8-5, as enacted by Laws of Utah 1994, Chapter 105)

81-3-205, (Renumbered from 30-8-6, as enacted by Laws of Utah 1994, Chapter 105)

81-3-206, (Renumbered from 30-8-7, as enacted by Laws of Utah 1994, Chapter 105)

81-3-207, (Renumbered from 30-8-8, as enacted by Laws of Utah 1994, Chapter 105)

81-3-208, (Renumbered from 30-8-9, as enacted by Laws of Utah 1994, Chapter 105)

81-4-102, (Renumbered from 30-1-17.4, as enacted by Laws of Utah 1971, Chapter 65)

81-4-103, (Renumbered from 30-4a-1, as enacted by Laws of Utah 1983, Chapter 118)

81-4-104, (Renumbered from 30-3-4.5, as last amended by Laws of Utah 2010, Chapter 34)

81-4-105, (Renumbered from 30-3-11.4, as last amended by Laws of Utah 2022, Chapter 272)

81-4-106, (Renumbered from 30-3-11.3, as last amended by Laws of Utah 2022, Chapter 272)

81-4-202, (Renumbered from 30-4-1, as last amended by Laws of Utah 1993, Chapter 137)

81-4-203, (Renumbered from 30-4-2, as last amended by Laws of Utah 1977, Chapter 122)

81-4-204, (Renumbered from 30-4-3, as last amended by Laws of Utah 1991, Chapter 257)

81-4-205, (Renumbered from 30-4-4, Utah Code Annotated 1953)

81-4-206, (Renumbered from 30-4-5, as last amended by Laws of Utah 1977, Chapter 122)

81-4-302, (Renumbered from 30-1-17.1, as enacted by Laws of Utah 1971, Chapter 65)

81-4-303, (Renumbered from 30-1-17, as last amended by Laws of Utah 2019, Chapter 300)

81-4-403, (Renumbered from 30-3-39, as last amended by Laws of Utah 2008, Chapter 3)

81-4-404, (Renumbered from 30-3-5.2, as last amended by Laws of Utah 2022, Chapter 335)

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- 81-4-405**, (Renumbered from 30-3-1, as last amended by Laws of Utah 1997, Chapter 47)
- 81-6-101**, (Renumbered from 78B-12-102, as last amended by Laws of Utah 2023, Chapters 330 and 333)
- 81-6-103**, (Renumbered from 78B-12-103, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-104**, (Renumbered from 78B-12-105, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-105**, (Renumbered from 78B-12-105.1, as enacted by Laws of Utah 2021, Chapters 111 and 111)
- 81-6-106**, (Renumbered from 78B-12-113, as last amended by Laws of Utah 2023, Chapter 330)
- 81-6-107**, (Renumbered from 78B-12-201, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-108**, (Renumbered from 78B-12-109, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-109**, (Renumbered from 78B-12-115, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-110**, (Renumbered from 78B-12-114, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-202**, (Renumbered from 78B-12-210, as last amended by Laws of Utah 2022, Chapter 470)
- 81-6-203**, (Renumbered from 78B-12-203, as last amended by Laws of Utah 2017, Chapter 368)
- 81-6-208**, (Renumbered from 78B-12-212, as last amended by Laws of Utah 2023, Chapter 333)
- 81-6-209**, (Renumbered from 78B-12-214, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-210**, (Renumbered from 78B-12-217, as renumbered and amended by Laws of Utah 2008, Chapter 3)
- 81-6-211**, (Renumbered from 78B-12-216, as last amended by Laws of Utah 2023,

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

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

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

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

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

81-6-402, (Renumbered from 78B-12-401, as last amended by Laws of Utah 2018, Chapter 21)

81-6-403, (Renumbered from 78B-12-402, as last amended by Laws of Utah 2023, Chapter 330)

81-6-404, (Renumbered from 78B-12-403, as repealed and reenacted by Laws of Utah 2010, Chapter 286)

81-7-102, (Renumbered from 78B-12-112, as last amended by Laws of Utah 2023, Chapter 330)

81-7-103, (Renumbered from 30-3-3.5, as enacted by Laws of Utah 2020, Chapter 182)

81-9-101, (Renumbered from 30-3-10.1, as last amended by Laws of Utah 2023, Chapter 44)

81-9-102, (Renumbered from 30-3-38, as last amended by Laws of Utah 2023, Chapter 327)

81-9-202, (Renumbered from 30-3-33, as last amended by Laws of Utah 2017, Chapter 224)

81-9-203, (Renumbered from 30-3-10.9, as last amended by Laws of Utah 2018, Chapter 37)

81-9-204, (Renumbered from 30-3-10, as last amended by Laws of Utah 2023, Chapters 44 and 327)

81-9-205, (Renumbered from 30-3-10.2, as last amended by Laws of Utah 2019,

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81-9-206, (Renumbered from 30-3-34, as last amended by Laws of Utah 2021, Chapter 399)

81-9-207, (Renumbered from 30-3-34.5, as last amended by Laws of Utah 2022, Chapter 430)

81-9-208, (Renumbered from 30-3-10.4, as last amended by Laws of Utah 2023, Chapter 44)

81-9-209, (Renumbered from 30-3-37, as last amended by Laws of Utah 2020, Chapter 354)

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

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

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

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

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

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

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

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

REPEALS:

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

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

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

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

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

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30-1-13, as last amended by Laws of Utah 2019, Chapter 300
30-1-14, as last amended by Laws of Utah 2019, Chapter 300
30-1-15, as last amended by Laws of Utah 2001, Chapter 129
30-1-16, as last amended by Laws of Utah 2013, Chapter 108
30-1-17.2, as last amended by Laws of Utah 2008, Chapter 3
30-1-17.3, as last amended by Laws of Utah 2019, Chapter 300
30-3-2, Utah Code Annotated 1953
30-3-4, as last amended by Laws of Utah 2018, Chapter 470
30-3-5, as last amended by Laws of Utah 2023, Chapters 327 and 418
30-3-5.1, as last amended by Laws of Utah 2023, Chapter 327
30-3-5.4, as last amended by Laws of Utah 2023, Chapters 327 and 333
30-3-7, as last amended by Laws of Utah 2012, Chapter 404
30-3-8, as last amended by Laws of Utah 1988, Chapter 154
30-3-10.3, as last amended by Laws of Utah 2012, Chapter 271
30-3-10.5, as last amended by Laws of Utah 2023, Chapter 327
30-3-10.7, as last amended by Laws of Utah 2006, Chapter 287
30-3-10.8, as last amended by Laws of Utah 2023, Chapter 44
30-3-10.10, as enacted by Laws of Utah 2006, Chapter 287
30-3-10.17, as enacted by Laws of Utah 1997, Chapter 232
30-3-11.1, as enacted by Laws of Utah 1969, Chapter 72
30-3-11.2, as enacted by Laws of Utah 1969, Chapter 72
30-3-18, as last amended by Laws of Utah 2018, Chapter 470
30-3-32, as last amended by Laws of Utah 2022, Chapter 471
30-3-36, as last amended by Laws of Utah 2001, Chapter 255
30-5a-101, as last amended by Laws of Utah 2020, Chapter 48
30-5a-102, as last amended by Laws of Utah 2020, Chapter 48
30-8-1, as enacted by Laws of Utah 1994, Chapter 105
63I-1-230, as last amended by Laws of Utah 2021, Chapter 91
75-2b-101, as enacted by Laws of Utah 2012, Chapter 132
78B-12-101, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-104, as renumbered and amended by Laws of Utah 2008, Chapter 3

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78B-12-106, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-107, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-108, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-110, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-111, as last amended by Laws of Utah 2023, Chapter 330
78B-12-116, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-117, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-202, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-204, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-205, as last amended by Laws of Utah 2022, Chapter 470
78B-12-206, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-207, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-208, as last amended by Laws of Utah 2021, Chapter 399
78B-12-209, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-211, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-212.1, as enacted by Laws of Utah 2021, Chapters 111 and 111
78B-12-213, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B-12-215, as last amended by Laws of Utah 2013, Chapter 467
78B-12-219, as last amended by Laws of Utah 2021, Chapter 262

Utah Code Sections Affected By Coordination Clause:

[30-1-2.2, as last amended by Laws of Utah 1995, Chapter 20](#)

[30-1-2.4, Utah Code Annotated 1953](#)

[30-1-4.5, as last amended by Laws of Utah 2021, Chapter 186](#)

[30-1-6, as last amended by Laws of Utah 2022, Chapter 444](#)

[30-1-8, as last amended by Laws of Utah 2021, Chapter 305](#)

[30-3-4.5, as last amended by Laws of Utah 2010, Chapter 34](#)

[30-3-10, as last amended by Laws of Utah 2023, Chapters 44 and 327](#)

[30-3-10.4, as last amended by Laws of Utah 2023, Chapter 44](#)

[30-3-11.3, as last amended by Laws of Utah 2022, Chapter 272](#)

[30-3-11.4, as last amended by Laws of Utah 2022, Chapter 272](#)

[30-3-33, as last amended by Laws of Utah 2017, Chapter 224](#)

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51-9-408, as last amended by Laws of Utah 2021, Chapter 262

78B-15-610, as last amended by Laws of Utah 2019, Chapter 188

81-4-401, Utah Code Annotated 1953

81-4-402, Utah Code Annotated 1953

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:

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

(2) "~~{Minor child}~~Child" means the same as that term is defined in Section ~~{81-1-101}~~81-6-101.

~~{(1)}~~ (3) "Obligation" includes a liability in tort and contractual obligations.

~~{(2)}~~ (4) "Obligee" includes a creditor and a person having a right based on a tort.

~~{(3)}~~ (5) "Obligor" includes a debtor and a person liable for a tort.

~~{(4)}~~ (6) (a) "School fee" means a charge, deposit, rent, or other mandatory payment imposed by:

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

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

(b) "School fee" includes:

(i) an admission fee;

(ii) a transportation charge; or

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

~~{(5)}~~ (7) "Several obligors" means obligors severally bound for the same performance.

~~{(6)}~~ (8) "Waiver" means the act of not requiring an individual to pay an amount that the individual otherwise owes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17-16-21. Fees of county officers.

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

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

- (i) a fee established by the county legislative body under Section 17-53-211; and
- (ii) any other fee authorized or required by law.

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

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

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

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

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

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

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

(B) An applicant for a marriage license may choose not to pay the additional \$10

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referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a marriage license.

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(d) "Wildlife license agent" means a person authorized under Section 23A-4-501 to sell

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a license, permit, or tag in accordance with this chapter.

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

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

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

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

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

(i) paid the delinquency in full; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Section 23A-4-1106;
- (b) Subsection 23A-5-311(1); and
- (c) Section 23A-2-505.

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

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

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

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

(1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and not inconsistent with law, as the department may consider necessary or

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desirable for providing health and social services to the people of this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) delineation of assessment criteria and procedures;

(c) minimum requirements, and timeframes, for the development and implementation of a collaborative service plan for each minor placed in department custody; and

(d) provisions for submittal of the plan and periodic progress reports to the court;

(18) carry out the responsibilities assigned to the department by statute;

(19) examine and audit the expenditures of any public funds provided to a local substance abuse authority, a local mental health authority, a local area agency on aging, and any person, agency, or organization that contracts with or receives funds from those authorities or agencies. Those local authorities, area agencies, and any person or entity that contracts with or receives funds from those authorities or area agencies, shall provide the department with any information the department considers necessary. The department is further authorized to issue directives resulting from any examination or audit to a local authority, an area agency, and persons or entities that contract with or receive funds from those authorities with regard to any public funds. If the department determines that it is necessary to withhold funds from a local mental health authority or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, the department may take steps necessary to ensure continuity of services. For purposes of this Subsection (19) "public funds" means the same as that term is defined in Section [~~62A-15-102~~] 26B-5-101;

(20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and persons to provide intercountry adoption services;

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

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- (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- (b) that encompasses the department, department contractors, and the divisions, offices, or institutions within the department, to:
 - (i) navigate services, funding resources, and relationships to the benefit of the children and families whom the department serves;
 - (ii) centralize department operations, including procurement and contracting;
 - (iii) develop policies that govern business operations and that facilitate a system of care approach to service delivery;
 - (iv) allocate resources that may be used for the children and families served by the department or the divisions, offices, or institutions within the department, subject to the restrictions in Section 63J-1-206;
 - (v) create performance-based measures for the provision of services; and
 - (vi) centralize other business operations, including data matching and sharing among the department's divisions, offices, and institutions;
- (22) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
 - (a) under this title;
 - (b) by the department; or
 - (c) by an agency or division within the department;
- (23) enter into cooperative agreements with the Department of Environmental Quality to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered;
- (24) consult with the Department of Environmental Quality and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups;
- (25) to the extent authorized under state law or required by federal law, promote and protect the health and wellness of the people within the state;
- (26) establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness;

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

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

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

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

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

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

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

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

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

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

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

(38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol, and provide the Commissioner of Public Safety with

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monthly statistics reflecting the results of these examinations, with necessary safeguards so that information derived from the examinations is not used for a purpose other than the compilation of these statistics;

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

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

(41) conduct health planning for the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If, at the time a person who receives services or support from the division is discharged from a facility or program owned or operated by or under contract with the division, or after the death and burial of a resident of the developmental center, there remains in the custody of the division or the superintendent any money paid by a parent or guardian for the

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support or maintenance of that person, it shall be repaid upon demand.

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

26B-8-101. Definitions.

As used in this part:

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

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

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

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

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

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

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

(b) has custody of a dead body.

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

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

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

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

(b) that was not born alive.

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

(9) "Dispositioner" means:

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

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

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

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

(ii) the next of kin voluntarily acts as the disposer.

(10) "Fetal remains" means:

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

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

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

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

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

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

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

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

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

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

(d) has both ovarian and testicular tissue; or

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

(i) sex chromosome structure;

(ii) sex steroid hormone production; or

(iii) sex steroid hormone action for a male or female.

(16) "Licensed funeral establishment" means:

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(a) if located in Utah, a funeral service establishment, as that term is defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or

(b) if located in a state, district, or territory of the United States other than Utah, a funeral service establishment that complies with the licensing laws of the jurisdiction where the establishment is located.

(17) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside of the mother.

(18) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).

(19) "Nurse practitioner" means an individual who:

(a) is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act; and

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

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

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

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

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

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

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

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

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

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

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(26) "Vital records" means:

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

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

(c) an adoption document; and

(d) other similar documents.

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

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

26B-9-101. Definitions.

As used in this part:

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

(2) "Assistance" means public assistance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Income" includes:

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

(ii) interest and dividends;

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

(iv) unemployment compensation benefits;

(v) workers' compensation benefits; and

(vi) disability benefits.

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

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

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

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

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

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

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

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

- (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;
- (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;
- (c) foster care maintenance payments under Part E of Title IV of the Social Security Act, 42 U.S.C. Sec. 670, et seq.;
- (d) SNAP benefits as defined in Section 35A-1-102; or
- (e) any other public funds expended for the benefit of a person in need of financial, medical, food, housing, or related assistance.

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

- (a) each case in which services are being provided by the office under the state IV-D child support services plan; and
- (b) each support order established or modified in the state on or after October 1, 1998.

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

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

- (1) The office has the following duties:

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- (a) except as provided in Subsection (2), to provide child support services if:
- (i) the office has received an application for child support services;
 - (ii) the state has provided public assistance; or
 - (iii) a child lives out of the home in the protective custody, temporary custody, or custody or care of the state;
- (b) for the purpose of collecting child support, to carry out the obligations of the department contained in:
- (i) this chapter;
 - ~~[(ii) Title 78B, Chapter 12, Utah Child Support Act;]~~
 - ~~[(iii)]~~ (ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act; ~~[and]~~
 - ~~[(iv)]~~ (iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
 - (iv) Title 81, Chapter 6, Child Support;
- (c) to collect money due the department which could act to offset expenditures by the state;
- (d) to cooperate with the federal government in programs designed to recover health and social service funds;
- (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution, and reimbursable expenses owed to the state or any of its political subdivisions, if the office has contracted to provide collection services;
- (f) to implement income withholding for collection of child support in accordance with Part 3, Income Withholding in IV-D Cases;
- (g) to enter into agreements with financial institutions doing business in the state to develop and operate, in coordination with such financial institutions, a data match system in the manner provided for in Section 26B-9-208;
- (h) to establish and maintain the state case registry in the manner required by the Social Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:
- (i) the amount of monthly or other periodic support owed under the order, and other amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under the order;
 - (ii) any amount described in Subsection (1)(h)(i) that has been collected;
 - (iii) the distribution of collected amounts;

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(iv) the birth date of any child for whom the order requires the provision of support;
and

(v) the amount of any lien imposed with respect to the order pursuant to this part;

(i) to contract with the Department of Workforce Services to establish and maintain the new hire registry created under Section 35A-7-103;

(j) to determine whether an individual who has applied for or is receiving cash assistance or Medicaid is cooperating in good faith with the office as required by Section 26B-9-213;

(k) to finance any costs incurred from collections, fees, General Fund appropriation, contracts, and federal financial participation; and

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

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

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

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

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

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

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

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

26B-9-201. Definitions.

As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The office may proceed to issue or modify an order under Section 26B-9-206 and collect under this part even though public assistance is not being provided on behalf of a

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[dependent] child if the office provides support collection services in accordance with:

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

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

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

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

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

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

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

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

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

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

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

(4) Notwithstanding any other provision of law, the Office of Recovery Services shall

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have full standing and authority to establish and enforce child support obligations against an alleged parent currently or formerly in a same-sex marriage on the same terms as the Office of Recovery Services' authority against other mothers and fathers.

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

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

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

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

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

(A) establishing paternity; or

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

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

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

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

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

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

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

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

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

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exception; and

(ii) send to the obligee:

(A) a copy of the notice; and

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) specifies the amount of past-due support; and
- (ii) complies with the procedural requirements of Section 78B-5-202.

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

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

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

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

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

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

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

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

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

(c) Payment of money pursuant to an assignment of earnings presented by the office

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shall serve as full acquittance under any contract of employment, and the state shall defend the employer and hold the employer harmless for any action taken pursuant to the assignment of earnings.

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

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

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

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

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

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

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

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

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

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

(2) (a) If the office conducts a review under Subsection (1), the office shall determine if there is a difference of 10% or more between the amount ordered and the amount that would

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be required under the child support guidelines.

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

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

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

(3) The office may use automated methods to:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) material changes in custody;
- (ii) material changes in the relative wealth or assets of the parties;
- (iii) material changes of 30% or more in the income of a parent;
- (iv) material changes in the ability of a parent to earn;
- (v) material changes in the medical needs of the child; and
- (vi) material changes in the legal responsibilities of either parent for the support of others.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26B-9-301. Definitions.

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

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

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

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

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

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

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

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

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

(7) "Delinquent" means delinquency.

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

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

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

~~[(9)]~~ (11) "Jurisdiction" means a state or political subdivision of the United States, a territory or possession of the United States, the District of Columbia, the Commonwealth of

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Puerto Rico, an Indian tribe or tribal organization, or any comparable foreign nation or political subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) arranged to deposit all child support payments into a checking account belonging to

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the obligee, or made arrangements insuring that a reliable and independent record of the date and place of child support payments will be maintained; or

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

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

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

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

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

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

(2) For purposes of this section:

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

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

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

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

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

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

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

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

(b) negated without further administrative or judicial action:

(i) upon a delinquency;

(ii) upon the obligor's request; or

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

immediate income withholding for a case in which the parties have entered into an alternative arrangement to immediate income withholding pursuant to Subsection (1)(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

(b) the date the obligor requests;

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

or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A court shall grant an ex parte motion to commence income withholding filed

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under Subsection (1)(b) regardless of whether the child support order provided for income withholding, if the obligee provides competent evidence showing:

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

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

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

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

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

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

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

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

(ii) information regarding:

(A) the commencement of income withholding; and

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

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

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

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

(b) decide whether income withholding should continue;

(c) notify the parties of the decision; and

(d) at the obligor's option, return or credit toward the most current and future support

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payments of the obligor any amount mistakenly withheld plus interest at the legal rate.

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

26B-9-501. Definitions.

As used in this part:

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

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

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

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

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

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

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

(A) a payment schedule;

(B) a written agreement with the office; or

(C) an administrative or judicial order;

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

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

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

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

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

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

31A-22-610.5. Dependent coverage.

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

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

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

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

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

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

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

(i) if premiums are paid; and

(ii) notwithstanding Sections 31A-22-618.6 and 31A-22-618.7.

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

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

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

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

(iv) does not reside with the parent; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) An insurer may not impose requirements on a state agency that has been assigned the rights of an individual eligible for medical assistance under Medicaid and covered for accident and health benefits from the insurer that are different from requirements applicable to

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an agent or assignee of any other individual so covered.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) the premium shall be paid when due.

(11) This section applies to employee welfare benefit plans as defined in Section

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26B-3-1001.

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

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

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

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

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

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

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

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

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

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

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

(d) for at least 20 hours per week:

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

(ii) participate in education or training; or

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

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

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

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

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

(ii) is not a certification or guarantee of the safety, quality, or condition of the living

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arrangements of the single minor parent.

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

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

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

The following section is affected by a coordination clause at the end of this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) an individual licensed under this chapter; and

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

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

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

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

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

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

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

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

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

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

~~[(F)]~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act; ~~[or]~~

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

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

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

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

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

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

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

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

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

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

(2) if the religious official or religious organization is authorized to solemnize a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Section 78A-2-804 is repealed on July 1, 2024.
- (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.
- (3) If Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from Unfiltered Devices, is not in effect before January 1, 2031, Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.

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

Section 40. Section **63I-2-281** is enacted to read:

63I-2-281. Repeal dates: Title 81.

Sections 81-6-302 and 81-6-303 are repealed on January 1, 2025.

Section 41. Section **63M-15-204** is amended to read:

63M-15-204. Commission duties.

The commission shall:

- (1) promote coalitions and collaborative efforts to uphold and encourage a strong and healthy culture of strong and lasting marriages and stable families;
- (2) contribute to greater awareness of the importance of marriage in an effort to reduce divorce and unwed parenthood in the state;
- (3) promote public policies that support marriage;
- (4) promote programs and activities that educate individuals and couples on how to achieve strong, successful, and lasting marriages, including promoting and assisting in the offering of:
 - (a) events;
 - (b) classes and services, including those designed to promote strong, healthy, and lasting marriages and prevent domestic violence;
 - (c) marriage and relationship education conferences for the public and professionals;and
 - (d) enrichment seminars;

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(5) actively promote measures designed to maintain and strengthen marriage, family, and the relationships between spouses and parents and children;

(6) support volunteerism and private financial contributions and grants in partnership with the commission and in support of the commission's purposes and activities for the benefit of the state as provided in this section;

(7) regularly publicize information on premarital counseling and education services available in the state that comply with Section ~~[30-1-34]~~ 81-2-206;

(8) approve an online course meeting the requirements of Section ~~[30-1-34]~~ 81-2-206; and

(9) for purposes of Section ~~[30-1-34]~~ 81-2-206, recognize one or more national organizations that certify family life educators.

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

76-8-1201. Definitions.

As used in this part:

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

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

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

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

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

77-36-1. Definitions.

As used in this chapter:

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

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

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

(4) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" or "domestic

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violence offense" includes commission or attempt to commit, any of the following offenses by one cohabitant against another:

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

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manner described in this Subsection (4)(p), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;

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

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

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

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

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

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

(10) "Protective order" includes an order issued under Subsection 78B-7-804(3).

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

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

(b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,

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pending trial in the criminal case.

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

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

(14) "Victim" means a cohabitant who has been subjected to domestic violence.

Section 44. Section **77-38-615** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is

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\$7,500 or more.

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

(g) The fee for filing a petition is:

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

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

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

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

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

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

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

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

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

(k) The fee for filing a judgment, order, or decree of a court of another state or of the

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United States is \$35.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 46. Section **78A-5a-103 (Effective 10/01/24)** is amended to read:

78A-5a-103 (Effective 10/01/24). Concurrent jurisdiction of the Business and Chancery Court -- Exceptions.

(1) The Business and Chancery Court has jurisdiction, concurrent with the district court, over an action:

(a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and

(b) (i) with a claim arising from:

(A) a breach of a contract;

(B) a breach of a fiduciary duty;

(C) a dispute over the internal affairs or governance of a business organization;

(D) the sale, merger, or dissolution of a business organization;

(E) the sale of substantially all of the assets of a business organization;

(F) the receivership or liquidation of a business organization;

(G) a dispute over liability or indemnity between or among owners of the same business organization;

(H) a dispute over liability or indemnity of an officer or owner of a business organization;

(I) a tortious or unlawful act committed against a business organization, including an

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act of unfair competition, tortious interference, or misrepresentation or fraud;

(J) a dispute between a business organization and an insurer regarding a commercial insurance policy;

(K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

(L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform Trade Secrets Act;

(M) the misappropriation of intellectual property;

(N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or confidentiality agreement, regardless of whether the agreement is oral or written;

(O) a relationship between a franchisor and a franchisee;

(P) the purchase or sale of a security or an allegation of security fraud;

(Q) a dispute over a blockchain, blockchain technology, or a decentralized autonomous organization;

(R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or

(S) a contract with a forum selection clause for a chancery, business, or commercial court of this state or any other state;

(ii) with a malpractice claim concerning services that a professional provided to a business organization; or

(iii) that is a shareholder derivative action.

(2) The Business and Chancery Court may exercise supplemental jurisdiction over all claims in an action that the Business and Chancery Court has jurisdiction under Subsection (1), except that the Business and Chancery Court may not exercise jurisdiction over:

(a) any claim arising from:

(i) a consumer contract;

(ii) a personal injury, including any personal injury relating to or arising out of health care rendered or which should have been rendered by the health care provider;

(iii) a wrongful termination of employment or a prohibited or discriminatory employment practice;

(iv) a violation of Title 13, Chapter 7, Civil Rights;

~~[(v) Title 30, Husband and Wife;]~~

~~[(vi)]~~ (v) Title 63G, Chapter 4, Administrative Procedures Act;

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~~[(vii)]~~ (vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;

~~[(viii)]~~ (vii) Title 78B, Chapter 6, Part 5, Eminent Domain;

~~[(ix)]~~ (viii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer;

~~[(x)]~~ (ix) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

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

~~[(xii)]~~ (x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

~~[(xiii)]~~ (xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;

~~[(xiv)]~~ (xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;

~~[(xv)]~~ (xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act; ~~[or]~~

~~[(xvi)]~~ (xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and Visitation Act; or

(xv) Title 81, Utah Domestic Relations Code; or

(b) any criminal matter, unless the criminal matter is an act or omission of contempt that occurs in an action before the Business and Chancery Court.

Section 47. Section **78A-6-103** is amended to read:

78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions -- Findings -- Transfer of a case from another court.

(1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile court has original jurisdiction over:

(a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by a child;

(b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by an individual:

(i) who is under 21 years old at the time of all court proceedings; and

(ii) who was under 18 years old at the time the offense was committed; and

(c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law, that was committed:

(i) by an individual:

(A) who was 18 years old and enrolled in high school at the time of the offense; and

(B) who is under 21 years old at the time of all court proceedings; and

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- (ii) on school property where the individual was enrolled:
 - (A) when school was in session; or
 - (B) during a school-sponsored activity, as defined in Subsection Section 53G-8-211.
- (2) The juvenile court has original jurisdiction over:
 - (a) any proceeding concerning:
 - (i) a child who is an abused child, neglected child, or dependent child;
 - (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child Protective Orders;
 - (iii) the appointment of a guardian of the individual or other guardian of a minor who comes within the court's jurisdiction under other provisions of this section;
 - (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;
 - (v) the termination of parental rights in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights, including termination of residual parental rights and duties;
 - (vi) the treatment or commitment of a minor who has an intellectual disability;
 - (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in accordance with Section [~~30-1-9~~] 81-2-304;
 - (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
 - (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
 - (x) the treatment or commitment of a child with a mental illness;
 - (xi) the commitment of a child to a secure drug or alcohol facility in accordance with Section 26B-5-204;
 - (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part 4, Competency;
 - (xiii) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section 63G-4-402;
 - (xiv) adoptions conducted in accordance with the procedures described in Title 78B, Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child;
 - (xv) an ungovernable or runaway child who is referred to the juvenile court by the Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the

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Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:

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

(B) has run away from home; and

(xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply with a promise to appear and bring a child to the juvenile court;

(b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and Expungement; and

(c) the extension of a nonjudicial adjustment under Section 80-6-304.

(3) The juvenile court has original jurisdiction over a petition for special findings under Section 80-3-505.

(4) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a)(xvi), (b), or (c).

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

(6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

(7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without merit, in accordance with Section 80-3-404.

(8) The juvenile court has jurisdiction over matters transferred to the juvenile court by another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

Section 48. Section **78A-6-104** is amended to read:

78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a protective order.

(1) (a) The juvenile court has jurisdiction, concurrent with the district court:

(i) to establish paternity, or to order testing for purposes of establishing paternity, for a child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, when a proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights, that

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involves the child;

(ii) over a petition to modify a minor's birth certificate if the juvenile court has jurisdiction over the minor's case under Section 78A-6-103; and

(iii) over questions of custody, support, and parent-time of a minor if the juvenile court has jurisdiction over the minor's case under Section 78A-6-103.

(b) If the juvenile court obtains jurisdiction over a paternity action under Subsection (1)(a)(i), the juvenile court may:

(i) retain jurisdiction over the paternity action until paternity of the child is adjudicated; or

(ii) transfer jurisdiction over the paternity action to the district court.

(2) (a) The juvenile court has jurisdiction, concurrent with the district court or the justice court otherwise having jurisdiction, over a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult alleged to have committed:

(i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to a minor;

(ii) an offense under Section 53G-6-202, failure to comply with compulsory education requirements;

(iii) an offense under Section 80-2-609, failure to report;

(iv) a misdemeanor offense under Section 76-5-303, custodial interference;

(v) an offense under Section 76-10-2301, contributing to the delinquency of a minor; or

(vi) an offense under Section 80-5-601, harboring a runaway.

(b) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a).

(3) (a) When a support, custody, or parent-time award has been made by a district court in a divorce action or other proceeding, and the jurisdiction of the district court in the case is continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the child comes within the jurisdiction of the juvenile court under Section 78A-6-103.

(b) (i) The juvenile court may, by order, change the custody subject to Subsection ~~[30-3-10(6)]~~ 81-9-204(5), support, parent-time, and visitation rights previously ordered in the district court as necessary to implement the order of the juvenile court for the safety and

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welfare of the child.

(ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long as the juvenile court continues to exercise jurisdiction.

(c) If a copy of the findings and order of the juvenile court under this Subsection (3) are filed with the district court, the findings and order of the juvenile court are binding on the parties to the divorce action as though entered in the district court.

(4) This section does not deprive the district court of jurisdiction to:

(a) appoint a guardian for a child;

(b) determine the support, custody, and parent-time of a child upon writ of habeas corpus; or

(c) determine a question of support, custody, and parent-time that is incidental to the determination of an action in the district court.

(5) A juvenile court may transfer a petition for a protective order for a child to the district court if the juvenile court has entered an ex parte protective order and finds that:

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

(b) the district court has a petition pending or an order related to custody or parent-time entered under [~~Title 30, Chapter 3, Divorce,~~] Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, [~~or~~] Title 78B, Chapter 15, Utah Uniform Parentage Act, or Title 81, Chapter 4, Part 4, Divorce, in which the petitioner and the respondent are parties; and

(c) the best interests of the child will be better served in the district court.

Section 49. Section **78A-6-356** is amended to read:

78A-6-356. Child support obligation when custody of a child is vested in an individual or institution.

(1) As used in this section:

(a) "Office" means the Office of Recovery Services.

(b) "State custody" means that a child is in the custody of a state department, division, or agency, including secure care.

(2) Under this section, a juvenile court may not issue a child support order against an individual unless:

(a) the individual is served with notice that specifies the date and time of a hearing to

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determine the financial support of a specified child;

- (b) the individual makes a voluntary appearance; or
- (c) the individual submits a waiver of service.

(3) Except as provided in Subsection (11), when a juvenile court places a child in state custody or if the guardianship of the child has been granted to another party and an agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:

(a) shall order the child's parent, guardian, or other obligated individual to pay child support for each month the child is in state custody or cared for under a grant of guardianship;

(b) shall inform the child's parent, guardian, or other obligated individual, verbally and in writing, of the requirement to pay child support in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support; and

(c) may refer the establishment of a child support order to the office.

(4) When a juvenile court chooses to refer a case to the office to determine support obligation amounts in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support, the juvenile court shall:

(a) make the referral within three working days after the day on which the juvenile court holds the hearing described in Subsection (2)(a); and

(b) inform the child's parent, guardian, or other obligated individual of:

(i) the requirement to contact the office within 30 days after the day on which the juvenile court holds the hearing described in Subsection (2)(a); and

(ii) the penalty described in Subsection (6) for failure to contact the office.

(5) Liability for child support ordered under Subsection (3) shall accrue:

(a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child support order for the child; or

(b) beginning on the day the child is removed from the child's home, including time spent in detention or sheltered care, if the child is removed after having been returned to the child's home from state custody.

(6) (a) If the child's parent, guardian, or other obligated individual contacts the office within 30 days after the day on which the court holds the hearing described in Subsection (2)(a), the child support order may not include a judgment for past due support for more than

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two months.

(b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability of support to begin to accrue from the date of the proceeding referenced in Subsection (3) if:

(i) the court informs the child's parent, guardian, or other obligated individual, as described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to contact the office within 30 days after the day on which the court holds the hearing described in Subsection (2)(a); and

(ii) the office took reasonable steps under the circumstances to contact the child's parent, guardian, or other obligated individual within 30 days after the last day on which the parent, guardian, or other obligated individual was required to contact the office to facilitate the establishment of a child support order.

(c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable steps if the office:

(i) has a signed, returned receipt for a certified letter mailed to the address of the child's parent, guardian, or other obligated individual regarding the requirement that a child support order be established; or

(ii) has had a documented conversation, whether by telephone or in person, with the child's parent, guardian, or other obligated individual regarding the requirement that a child support order be established.

(7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a payment schedule or demanding payment in full.

(8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated individual shall pay the child support to the office.

(b) The clerk of the juvenile court, the office, or the department and the department's divisions shall have authority to receive periodic payments for the care and maintenance of the child, such as social security payments or railroad retirement payments made in the name of or for the benefit of the child.

(9) An existing child support order payable to a parent or other individual shall be assigned to the department as provided in Section 26B-9-111.

(10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by

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the juvenile court in an individual.

(b) (i) If legal custody of a child is vested by the juvenile court in an individual, the court may order the child's parent, guardian, or other obligated individual to pay child support to the individual in whom custody is vested.

(ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian, or other obligated individual, verbally and in writing, of the requirement to pay child support in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support.

(11) The juvenile court may not order an individual to pay child support for a child in state custody if:

(a) the individual's only form of income is a government-issued disability benefit;

(b) the benefit described in Subsection (11)(a) is issued because of the individual's disability, and not the child's disability; and

(c) the individual provides the juvenile court and the office evidence that the individual meets the requirements of Subsections (11)(a) and (b).

(12) (a) The child's parent or another obligated individual is not responsible for child support for the period of time that the child is removed from the child's home by the Division of Child and Family Services if:

(i) the juvenile court finds that there were insufficient grounds for the removal of the child; and

(ii) the child is returned to the home of the child's parent or guardian based on the finding described in Subsection (12)(a)(i).

(b) If the juvenile court finds insufficient grounds for the removal of the child under Subsection (12)(a), but that the child is to remain in state custody, the juvenile court shall order that the child's parent or another obligated individual is responsible for child support beginning on the day on which it became improper to return the child to the home of the child's parent or guardian.

(13) After the juvenile court or the office establishes an individual's child support obligation ordered under Subsection (3), the office shall waive the obligation without further order of the juvenile court if:

(a) the individual's child support obligation is established [~~under the low income table~~

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~~in Section 78B-12-302 or 78B-12-304]~~ in accordance with a low income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or

(b) the individual's only source of income is a means-tested, income replacement payment of aid, including:

(i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program; or

(ii) cash benefits received under General Assistance, social security income, or social security disability income.

Section 50. Section **78B-3-416** is amended to read:

78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license fees.

(1) (a) The division shall provide a hearing panel in alleged medical liability cases against health care providers as defined in Section 78B-3-403, except dentists or dental care providers.

(b) (i) The division shall establish procedures for prelitigation consideration of medical liability claims for damages arising out of the provision of or alleged failure to provide health care.

(ii) The division may establish rules necessary to administer the process and procedures related to prelitigation hearings and the conduct of prelitigation hearings in accordance with Sections 78B-3-416 through 78B-3-420.

(c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing litigation.

(d) Proceedings conducted under authority of this section are confidential, privileged, and immune from civil process.

(e) The division may not provide more than one hearing panel for each alleged medical liability case against a health care provider.

(2) (a) The party initiating a medical liability action shall file a request for prelitigation panel review with the division within 60 days after the service of a statutory notice of intent to commence action under Section 78B-3-412.

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(b) The request shall include a copy of the notice of intent to commence action. The request shall be mailed to all health care providers named in the notice and request.

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

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

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

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

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

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

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

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

~~[(F)]~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act; ~~[or]~~

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

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

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

(iii) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(b) If a court appoints a court-appointed therapist in a domestic case, a party to the domestic case may not file a request for a prelitigation panel review for a malpractice action against the court-appointed therapist during the pendency of the domestic case, unless:

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

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

(c) If a party is prohibited from filing a request for a prelitigation panel review under Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:

(i) the court releasing the court-appointed therapist from appointment as described in Subsection (3)(b); or

(ii) the court entering a final order in the domestic case.

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(4) (a) The filing of a request for prelitigation panel review under this section tolls the applicable statute of limitations until the later of:

(i) 60 days following the division's issuance of:

(A) an opinion by the prelitigation panel; or

(B) a certificate of compliance under Section 78B-3-418; or

(ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).

(b) The division shall:

(i) send any opinion issued by the panel to all parties by regular mail; and

(ii) complete a prelitigation hearing under this section within:

(A) 180 days after the filing of the request for prelitigation panel review; or

(B) any longer period as agreed upon in writing by all parties to the review.

(c) If the prelitigation hearing has not been completed within the time limits established in Subsection (4)(b)(ii), the claimant shall:

(i) file an affidavit of merit under the provisions of Section 78B-3-423; or

(ii) file an affidavit with the division within 180 days of the request for pre-litigation review, in accordance with Subsection (4)(d), alleging that the respondent has failed to reasonably cooperate in scheduling the hearing.

(d) If the claimant files an affidavit under Subsection (4)(c)(ii):

(i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division shall determine whether either the respondent or the claimant failed to reasonably cooperate in the scheduling of a pre-litigation hearing; and

(ii) (A) if the determination is that the respondent failed to reasonably cooperate in the scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418; or

(B) if the division makes a determination other than the determination in Subsection (4)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423, within 30 days of the determination of the division under this Subsection (4).

(e) (i) The claimant and any respondent may agree by written stipulation that no useful purpose would be served by convening a prelitigation panel under this section.

(ii) When the stipulation is filed with the division, the division shall within 10 days

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after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the stipulating respondent, and stating that the claimant has complied with all conditions precedent to the commencement of litigation regarding the claim.

(5) The division shall provide for and appoint an appropriate panel or panels to hear complaints of medical liability and damages, made by or on behalf of any patient who is an alleged victim of medical liability. The panels are composed of:

(a) one member who is a resident lawyer currently licensed and in good standing to practice law in this state and who shall serve as chairman of the panel, who is appointed by the division from among qualified individuals who have registered with the division indicating a willingness to serve as panel members, and a willingness to comply with the rules of professional conduct governing lawyers in the state, and who has completed division training regarding conduct of panel hearings;

(b) (i) one or more members who are licensed health care providers listed under Section 78B-3-403, who are practicing and knowledgeable in the same specialty as the proposed defendant, and who are appointed by the division in accordance with Subsection (6);
or

(ii) in claims against only a health care facility or the facility's employees, one member who is an individual currently serving in a health care facility administration position directly related to health care facility operations or conduct that includes responsibility for the area of practice that is the subject of the liability claim, and who is appointed by the division; and

(c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care provider, and who is a responsible citizen of the state, selected and appointed by the division from among individuals who have completed division training with respect to panel hearings.

(6) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing under a license issued by the state, is obligated as a condition of holding that license to participate as a member of a medical liability prelitigation panel at reasonable times, places, and intervals, upon issuance, with advance notice given in a reasonable time frame, by the division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

(b) A licensee may be excused from appearance and participation as a panel member upon the division finding participation by the licensee will create an unreasonable burden or hardship upon the licensee.

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(c) A licensee whom the division finds failed to appear and participate as a panel member when so ordered, without adequate explanation or justification and without being excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

(d) A licensee whom the division finds intentionally or repeatedly failed to appear and participate as a panel member when so ordered, without adequate explanation or justification and without being excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000, and is guilty of unprofessional conduct.

(e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the Physicians Education Fund created in Section 58-67a-1.

(f) The director of the division may collect a fine that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(g) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a fine.

(h) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a fine.

(7) Each person selected as a panel member shall certify, under oath, that he has no bias or conflict of interest with respect to any matter under consideration.

(8) A member of the prelitigation hearing panel may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) (a) In addition to the actual cost of administering the licensure of health care providers, the division may set license fees of health care providers within the limits established by law equal to their proportionate costs of administering prelitigation panels.

(b) The claimant bears none of the costs of administering the prelitigation panel except under Section 78B-3-420.

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Section 51. Section **78B-3-426** is amended to read:

78B-3-426. Nonpatient plaintiffs.

(1) For purposes of this section, a nonpatient plaintiff does not include a patient, as defined in [~~Subsection 78B-3-403(23)~~] Section 78B-3-403.

(2) This section does not apply to a health care malpractice action brought or seeking recovery under Section [~~30-2-11~~] 78B-3-106, 78B-3-107, [~~or~~] 78B-3-502, or 81-3-111.

(3) To establish a malpractice action against a health care provider, a nonpatient plaintiff shall be required to show that:

(a) the health care provider owes a duty to the nonpatient plaintiff;

(b) the nonpatient plaintiff suffered a foreseeable injury;

(c) the nonpatient plaintiff's injury was proximately caused by an act or omission of the health care provider; and

(d) the health care provider's act or omission was conduct that manifests a knowing and reckless indifference toward, and a disregard of, the injury suffered by the nonpatient plaintiff.

Section 52. Section **78B-6-316** is amended to read:

78B-6-316. Compensatory service for violation of parent-time order or failure to pay child support.

(1) As used in this section, "obligor" means the same as that term is defined in Section 81-6-101.

~~(1)~~ (2) If a court finds by a preponderance of the evidence that a parent has refused to comply with the minimum amount of parent-time ordered in a decree of divorce, the court shall order the parent to:

(a) perform a minimum of 10 hours of compensatory service; and

(b) participate in workshops, classes, or individual counseling to educate the parent about the importance of complying with the court order and providing a child a continuing relationship with both parents.

~~(2)~~ (3) If a custodial parent is ordered to perform compensatory service or undergo court-ordered education, there is a rebuttable presumption that the noncustodial parent be granted parent-time by the court to provide child care during the time the custodial parent is complying with compensatory service or education in order to recompense him for parent-time wrongfully denied by the custodial parent under the divorce decree.

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~~[(3)]~~ (4) If a noncustodial parent is ordered to perform compensatory service or undergo court-ordered education, the court shall attempt to schedule the compensatory service or education at times that will not interfere with the noncustodial parent's parent-time with the child.

~~[(4)]~~ (5) The person ordered to participate in court-ordered education is responsible for expenses of workshops, classes, and individual counseling.

~~[(5)]~~ (6) If a court finds by a preponderance of the evidence that an obligor~~[-as defined in Section 78B-12-102,]~~ has refused to pay child support as ordered by a court in accordance with ~~[Title 78B, Chapter 12, Utah Child Support Act]~~ Title 81, Chapter 6, Child Support, the court shall order the obligor to:

(a) perform a minimum of 10 hours of compensatory service; and

(b) participate in workshops, classes, or individual counseling to educate the obligor about the importance of complying with the court order and providing the children with a regular and stable source of support.

~~[(6)]~~ (7) The obligor is responsible for the expenses of workshops, classes, and individual counseling ordered by the court.

~~[(7)]~~ (8) If a court orders an obligor to perform compensatory service or undergo court-ordered education, the court shall attempt to schedule the compensatory service or education at times that will not interfere with the obligor's parent-time with the child.

~~[(8)]~~ (9) The sanctions that the court shall impose under this section do not prevent the court from imposing other sanctions or prevent any person from bringing a cause of action allowed under state or federal law.

~~[(9)]~~ (10) The Legislature shall allocate the money from the Children's Legal Defense Account to the judiciary to defray the cost of enforcing and administering this section.

Section 53. Section **78B-7-204** is amended to read:

78B-7-204. Content of orders -- Modification of orders -- Penalties.

(1) A child protective order or an ex parte child protective order may contain the following provisions the violation of which is a class A misdemeanor under Section 76-5-108:

(a) enjoin the respondent from threatening to commit or committing abuse of the child;

(b) prohibit the respondent from harassing, telephoning, contacting, or otherwise communicating with the child, directly or indirectly;

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(c) prohibit the respondent from entering or remaining upon the residence, school, or place of employment of the child and the premises of any of these or any specified place frequented by the child;

(d) upon finding that the respondent's use or possession of a weapon may pose a serious threat of harm to the child, prohibit the respondent from purchasing, using, or possessing a firearm or other specified weapon; and

(e) determine ownership and possession of personal property and direct the appropriate law enforcement officer to attend and supervise the petitioner's or respondent's removal of personal property.

(2) A child protective order or an ex parte child protective order may contain the following provisions the violation of which is contempt of court:

(a) determine temporary custody of the child who is the subject of the petition;

(b) determine parent-time with the child who is the subject of the petition, including denial of parent-time if necessary to protect the safety of the child, and require supervision of parent-time by a third party;

(c) determine child support in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support; and

(d) order any further relief the court considers necessary to provide for the safety and welfare of the child.

(3) (a) If the child who is the subject of the child protective order attends the same school or place of worship as the respondent, or is employed at the same place of employment as the respondent, the court:

(i) may not enter an order under Subsection (1)(c) that excludes the respondent from the respondent's school, place of worship, or place of employment; and

(ii) may enter an order governing the respondent's conduct at the respondent's school, place of worship, or place of employment.

(b) A violation of an order under Subsection (3)(a) is contempt of court.

(4) (a) A respondent may petition the court to modify or vacate a child protective order after notice and a hearing.

(b) At the hearing described in Subsection (4)(a):

(i) the respondent shall have the burden of proving by clear and convincing evidence

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that modification or vacation of the child protective order is in the best interest of the child; and

(ii) the court shall consider:

(A) the nature and duration of the abuse;

(B) the pain and trauma inflicted on the child as a result of the abuse;

(C) if the respondent is a parent of the child, any reunification services provided in accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; and

(D) any other evidence the court finds relevant to the determination of the child's best interests, including recommendations by the other parent or a guardian of the child, or a mental health professional.

(c) The child is not required to attend the hearing described in Subsection (4)(a).

Section 54. Section **78B-15-102** is amended to read:

78B-15-102. Definitions.

As used in this chapter:

(1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the father of a child.

(2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.

(3) (a) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. [~~The term includes:~~]

(b) "Assisted reproduction" includes:

~~(a)~~ (i) intrauterine insemination;

~~(b)~~ (ii) donation of eggs;

~~(c)~~ (iii) donation of embryos;

~~(d)~~ (iv) in vitro fertilization and transfer of embryos; and

~~(e)~~ (v) intracytoplasmic sperm injection.

(4) "Birth expenses" means all medical costs associated with the birth of a child, including the related expenses for the biological mother during her pregnancy and delivery.

(5) "Birth mother" means the biological mother of a child.

(6) "Child" means an individual of any age whose parentage may be determined under this chapter.

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(7) "Commence" means to file the initial pleading seeking an adjudication of parentage in the appropriate tribunal of this state.

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

(9) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of Paternity Act, or adjudication by a tribunal.

(10) (a) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. [~~The term does not include:~~]

(b) "Donor" does not include:

~~(a)~~ (i) a husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife;

~~(b)~~ (ii) a woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in Part 8, Gestational Agreement; or

~~(c)~~ (iii) a parent under Part 7, Assisted Reproduction, or an intended parent under Part 8, Gestational Agreement.

(11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

(12) "Financial support" means a base child support award as defined in Section ~~[78B-12-102]~~ 81-6-101, all past-due support which accrues under an order for current periodic payments, and sum certain judgments for past-due support.

(13) (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. [~~The term~~]

(b) "Genetic testing" includes an analysis of one or a combination of the following:

~~(a)~~ (i) deoxyribonucleic acid; or

~~(b)~~ (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.

(14) "Gestational mother" means an adult woman who gives birth to a child under a gestational agreement.

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(15) [~~"Man," as defined in this chapter,~~] "Man" means a male individual of any age.

(16) "Medical support" means a provision in a support order that requires the purchase and maintenance of appropriate insurance for health and dental expenses of dependent children, and assigns responsibility for uninsured medical expenses.

(17) "Parent" means an individual who has established a parent-child relationship under Section 78B-15-201.

(18) (a) "Parent-child relationship" means the legal relationship between a child and a parent of the child. [~~The term~~]

(b) "Parent-child relationship" includes the mother-child relationship and the father-child relationship.

(19) "Paternity index" means the likelihood of paternity calculated by computing the ratio between:

(a) the likelihood that the tested man is the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is the father of the child; and

(b) the likelihood that the tested man is not the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(20) "Presumed father" means a man who, by operation of law under Section 78B-15-204, is recognized as the father of a child until that status is rebutted or confirmed as set forth in this chapter.

(21) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.

(22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(23) "Signatory" means an individual who authenticates a record and is bound by its terms.

(24) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory, Native American Tribe, or insular possession

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subject to the jurisdiction of the United States.

(25) "Support-enforcement agency" means a public official or agency authorized under Title IV-D of the Social Security Act which has the authority to seek:

- (a) enforcement of support orders or laws relating to the duty of support;
- (b) establishment or modification of child support;
- (c) determination of parentage; or
- (d) location of child-support obligors and their income and assets.

(26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Section 55. Section **78B-15-113** is amended to read:

78B-15-113. Parent-time rights of father.

(1) If the tribunal determines that the alleged father is the father, [it] the tribunal may upon [its] the tribunal's own motion or upon motion of the father, order parent-time rights in accordance with [~~Sections 30-3-32 through 30-3-37~~] Title 81, Chapter 9, Custody, Parent-time, and Visitation, as [it] the tribunal considers appropriate under the circumstances.

(2) Parent-time rights may not be granted to a father if the child has been subsequently adopted.

Section 56. Section **78B-15-603** is amended to read:

78B-15-603. Parties to proceeding.

The following individuals shall be joined as parties in a proceeding to adjudicate parentage:

- (1) the mother of the child;
- (2) a man whose paternity of the child is to be adjudicated; and
- (3) the state [~~pursuant to Section 78B-12-113~~] in accordance with Section 81-6-106.

The following section is affected by a coordination clause at the end of this bill.

Section 57. Section **78B-15-610** is amended to read:

78B-15-610. Joinder of judicial proceedings -- Court reliance of custody and parent-time standards.

(1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, annulment, legal separation or separate

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maintenance, probate or administration of an estate, or other appropriate proceeding.

(2) A respondent may not join a proceeding described in Subsection (1) with a proceeding to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act.

(3) A court [~~may rely on Title 30, Chapter 3, Divorce, in determining issues related to custody or parent-time~~] may determine issues of custody, parent-time, visitation, and child support in accordance with Title 81, Chapter 6, Child Support, and Title 81, Chapter 9, Custody, Parent-time, and Visitation.

Section 58. Section **78B-15-623** is amended to read:

78B-15-623. Binding effect of determination of parentage.

(1) Except as otherwise provided in Subsection (2), a determination of parentage is binding on:

(a) all signatories to a declaration or denial of paternity as provided in Part 3, Voluntary Declaration of Paternity Act; and

(b) all parties to an adjudication by a tribunal acting under circumstances that satisfy the jurisdictional requirements of Section 78B-14-201.

(2) A child is not bound by a determination of parentage under this chapter unless:

(a) the determination was based on an unrescinded declaration of paternity and the declaration is consistent with the results of genetic testing;

(b) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or

(c) the child was a party or was represented in the proceeding determining parentage by a guardian ad litem.

(3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an adjudication of the parentage of a child if the question of paternity is raised and the tribunal adjudicates according to Part 6, Adjudication of Parentage, and the final order:

(a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or similar words indicating that the husband is the father of the child; or

(b) provides for support of the child by the husband unless paternity is specifically disclaimed in the order.

(4) The tribunal is not considered to have made an adjudication of the parentage of a

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child if the child was born at the time of entry of the order and other children are named as children of the marriage, but that child is specifically not named.

(5) Once the paternity of a child has been adjudicated, an individual who was not a party to the paternity proceeding may not challenge the paternity, unless:

(a) the party seeking to challenge can demonstrate a fraud upon the tribunal;

(b) the challenger can demonstrate by clear and convincing evidence that the challenger did not know about the adjudicatory proceeding or did not have a reasonable opportunity to know of the proceeding; and

(c) there would be harm to the child to leave the order in place.

(6) A party to an adjudication of paternity may challenge the adjudication only under law of this state relating to appeal, vacation of judgments, or other judicial review.

(7) A party to an adjudication may not bring a challenge under Subsection (6) if the party committed the fraud.

Section 59. Section **78B-20-403** is amended to read:

78B-20-403. Visitation before termination of temporary grant of custodial responsibility.

After a deploying parent returns from deployment until a temporary agreement or order for custodial responsibility established under Part 2, Agreement Addressing Custodial Responsibility During Deployment, or a provision of a court order specifying temporary custodial responsibility during deployment issued under Part 3, Judicial Procedure for Granting Custodial Responsibility During Deployment, or [~~Section 30-3-10~~] Title 81, Chapter 9, Custody, Parent-time, and Visitation, is terminated, the court shall issue a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time of contact exceeds the time the deploying parent spent with the child before deployment.

Section 60. Section **78B-20-404** is amended to read:

78B-20-404. Termination by operation of law of temporary grant of custodial responsibility established by court order.

(1) If an agreement between the parties to terminate a court order for temporary custodial responsibility during deployment under Part 3, Judicial Procedure for Granting Custodial Responsibility During Deployment, or to terminate a provision of an order for

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temporary custodial responsibility during deployment entered under [~~Section 30-3-10~~] Title 81, Chapter 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order terminates 30 days after the day on which the deploying parent gives notice to the other parent and any nonparent granted custodial responsibility that the deploying parent has returned from deployment.

(2) A proceeding seeking to prevent termination of a temporary order for custodial responsibility is governed by the law of this state other than this chapter.

Section 61. Section **80-2-906** is amended to read:

80-2-906. Financial responsibility for child placed under Interstate Compact.

(1) Financial responsibility for a child placed under the provisions of the Interstate Compact on the Placement of Children shall, in the first instance, be determined in accordance with the provisions of Article V of the compact.

(2) In the event of partial or complete default of performance under the compact, the provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support, may also be invoked.

Section 62. Section **81-1-101** is enacted to read:

TITLE 81. UTAH DOMESTIC RELATIONS CODE

CHAPTER 1. GENERAL PROVISIONS

Part 1. General Provisions

81-1-101. Definitions for title.

As used in this title:

(1) "Child" means, except as provided in Section 81-6-101, a biological or adopted child of any age.

(2) "Court" means:

(a) a judge; or

(b) a court commissioner if the court commissioner has authority to hear the matter under Section 78A-5-107 or the Utah Rules of Judicial Administration.

(3) "Custodial parent" means:

(a) a parent awarded primary physical custody of a minor child by a court order;

(b) if both parents have joint physical custody:

(i) the parent awarded more overnights each year by a court order; or

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(ii) the parent designated as the custodial parent by a court order; or

(c) if there is no court order, the parent with whom the minor child resides more than one-half of the calendar year without regard to any temporary parent-time.

(4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger than 18 years old and is not emancipated.

(5) "Noncustodial parent" means the parent who is not the custodial parent regardless of any designation of joint legal custody.

(6) "Parent" means a parent with an established parent-child relationship as described in Section 78B-15-201.

Section 63. Section **81-1-201** is enacted to read:

Part 2. Domestic Relations Proceedings

81-1-201. Definitions for part.

As used in this part:

(1) "Alimony" means the same as that term is defined in Section 81-4-101.

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

Section 64. Section **81-1-202** is enacted to read:

81-1-202. Court records in a domestic relations action.

(1) (a) In an action under this title, Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, a party may file a motion to have the records of the action other than the final judgment, order, or decree, classified as private.

(b) If the court finds that there are substantial interests favoring restricting access that clearly outweigh the interests favoring access, the court may classify the records of the action, or any part of the records of the action, other than the final order, judgment, or decree, as private.

(c) An order classifying part of the records of the action as private does not apply to subsequent filings.

(d) The record of an action is private until the court determines it is possible to release the record without prejudice to the interests that justified the closure.

(2) (a) Any interested person may petition the court to permit access to a record

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classified as private as described in Subsection (1).

(b) The interested person described in Subsection (2)(a) shall serve the petition on the parties to the closure order.

(3) A party shall place the social security number of any individual, who is the subject of an action under this title, in the records relating to the matter.

The following section is affected by a coordination clause at the end of this bill.

Section 65. Section **81-1-203**, which is renumbered from Section 30-3-3 is renumbered and amended to read:

~~[30-3-3].~~ **81-1-203. Award of costs~~{,}~~ ~~{attorney,}~~ and attorney and witness fees -- ~~{}~~Temporary support and maintenance.**

~~[(1) In any action filed under Title 30, Chapter 3, Divorce, Chapter 4, Separate Maintenance, or Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and in any action to establish an order of custody, parent-time, child support, alimony, or division of property in a domestic case]~~

(1) (a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, or in an action to establish an order of custody, parent-time, child support, alimony, or the division of property in a domestic case, the court may order a party to pay the costs, attorney fees, and witness fees, including expert witness fees, of the other party to enable the other party to prosecute or defend the action.

(b) The order under Subsection (1)(a) may include a provision for costs of the action.

(2) In ~~[any]~~ an action to enforce an order of custody, parent-time, child support, alimony, or division of property in a domestic case, the court may award costs and attorney fees upon determining that the party substantially prevailed upon the claim or defense.

(3) The court, in ~~[its]~~ the court's discretion, may award no fees or limited fees against a party if the court finds the party is ~~[impecunious]~~ indigent or enters in the record the reason for not awarding fees.

~~[(3)]~~ (4) In ~~[any action listed in]~~ an action described in Subsection (1), the court may order a party to provide money, during the pendency of the action, for the separate support and maintenance of the other party and of ~~[any children]~~ a minor child in the custody of the other party.

(5) The court may amend an order entered in accordance with this section before the

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entry of the final order or judgment or in the final order or judgment.

~~[(4) Orders entered under this section prior to entry of the final order or judgment may be amended during the course of the action or in the final order or judgment.]~~

Section 66. Section **81-1-204** is enacted to read:

81-1-204. Continuing jurisdiction of a court in a domestic relations action.

In an action under this title, the court has continuing jurisdiction after a decree or final order is entered to make subsequent changes to the order, or to enter a new order, including an order regarding:

(1) the distribution of the property and obligations for debts, as is reasonable and necessary, for an action described in Chapter 4, Dissolution of Marriage;

(2) alimony in accordance with Section 81-4-503;

(3) child support and medical expenses in accordance with Sections 81-6-208 and 81-6-212; and

(4) custody and parent-time in accordance with Section 81-9-208.

Section 67. Section **81-2-101** is enacted to read:

CHAPTER 2. MARRIAGE

Part 1. General Provisions

81-2-101. Definitions for chapter.

Reserved.

Section 68. Section **81-2-102**, which is renumbered from Section 30-1-4.1 is renumbered and amended to read:

~~[30-1-4.1].~~ 81-2-102. Marriage recognition policy.

(1) (a) It is the policy of this state to recognize as marriage only the legal union of a man and a woman as provided in this chapter.

(b) Except for the relationship of marriage between a man and a woman recognized pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law creating any legal status, rights, benefits, or duties that are substantially equivalent to those provided under Utah law to a man and a woman because they are married.

(2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties that are enforceable independently of this section.

Section 69. Section **81-2-201**, which is renumbered from Section 30-1-36 is

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renumbered and amended to read:

Part 2. Premarital Counseling

~~[30-1-36].~~ 81-2-201. Definitions for part.

As used in this part:

(1) ~~[Premarital counseling may include]~~ "Premarital counseling" includes group counseling, individual counseling, and couple counseling.

(2) ~~[Premarital education may include]~~ "Premarital education" includes:

(a) a lecture, class, seminar, or workshop provided by a person that meets the requirements of Subsection ~~[30-1-34(2)(b)(i)]~~ 81-2-206(2)(b)(i); or

(b) an online course approved by the Utah Marriage Commission as provided in Subsection ~~[30-1-34(2)(b)(i)(F)]~~ 81-2-206(2)(b)(i)(F).

Section 70. Section **81-2-202**, which is renumbered from Section 30-1-30 is renumbered and amended to read:

~~[30-1-30].~~ 81-2-202. Premarital counseling or education -- State policy -- Applicability.

It is the policy of the state to enhance the possibility of couples to achieve more stable, satisfying, and enduring marital and family relationships by providing opportunities for and encouraging the use of premarital counseling or education before securing a marriage license.

Section 71. Section **81-2-203**, which is renumbered from Section 30-1-31 is renumbered and amended to read:

~~[30-1-31].~~ 81-2-203. Premarital counseling board in county -- Appointment, terms, compensation, offices -- Common counseling board with adjacent county.

~~[The boards of commissioners of the respective counties in this state are]~~

(1) A county is authorized to:

(a) provide for premarital counseling; and ~~[to]~~

(b) require the use of premarital counseling as a condition precedent to the issuance of a marriage license under the provisions of this ~~[act]~~ part.

(2) ~~[They]~~ The county may appoint a premarital counseling board consisting of seven members, four of whom shall be lay persons and three of whom shall be chosen from the professions of psychiatry, psychology, social work, marriage counseling, the clergy, law or medicine.

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(3) [They] The county may designate the terms of office and the procedures to be followed by the premarital counseling board and provide for payment of compensation and expenses for members.

(4) [They] The county may pay the salaries and expenses of a counseling staff under the supervision of the premarital counseling board and provide office space, furnishings, equipment and supplies for [their] the board's use.

{ ——— }

(5) A county may join with an adjacent county or counties in forming a common premarital counseling board and in establishing a common master plan for premarital counseling.

Section 72. Section **81-2-204**, which is renumbered from Section 30-1-32 is renumbered and amended to read:

[30-1-32]. 81-2-204. Master plan for counseling.

(1) It shall be the function and duty of the premarital counseling board, after holding public hearings, to make, adopt, and certify to the county legislative body a master plan for premarital counseling of marriage license applicants within the purposes and objectives of this [act] part.

(2) The master plan described in Subsection (1) shall include:

(a) counseling procedures that:

(i) will make applicants aware of problem areas in their proposed marriage;

(ii) suggest ways of meeting problems; and

(iii) will induce reconsideration or postponement when:

(A) the applicants are not sufficiently matured or are not financially capable of meeting the responsibilities of marriage; or

(B) are marrying for reasons not conducive to a sound lasting marriage; and

(b) standards for evaluating premarital counseling received by the applicants, prior to their application for a marriage license, which would justify issuance of certificate without further counseling being given or required.

(3) The premarital counseling board may, from time to time, amend or extend the plan described in Subsection (1).

(4) The premarital counseling board may, subject to Subsection (5):

(a) appoint a staff and employees as may be necessary for its work; and

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(b) contract with social service agencies or other consultants within the county or counties for services it requires.

(5) Expenditures for the appointments and contracts described in Subsection (4) may not exceed the sums appropriated by the county legislative body plus sums placed at its disposal through gift or otherwise.

Section 73. Section **81-2-205**, which is renumbered from Section 30-1-33 is renumbered and amended to read:

~~[30-1-33].~~ 81-2-205. Conformity to master plan for counseling as prerequisite to marriage license -- Exceptions.

Whenever ~~[the board of commissioners of]~~ a county has adopted a master plan for premarital counseling no resident of the county may obtain a marriage license without conforming to the plan, except that:

(1) ~~[Any person]~~ an individual who applies for a marriage license shall have the right to secure the license and to marry notwithstanding ~~[their]~~ the individual's failure to conform to the required premarital counseling or ~~[their]~~ the individual's failure to obtain a certificate of authorization from the premarital counseling board if ~~[they wait]~~ the individual waits six months from the date of application for issuance of the license~~[-];~~;

(2) ~~[This chapter]~~ this part does not apply to any application for a marriage license where both parties are at least 19 years ~~[of age]~~ old and neither has been previously divorced~~[-];~~;

(3) ~~[This chapter]~~ this part does not apply to any application for a marriage license unless both applicants have physically resided in Utah for 60 days immediately preceding their application~~[-];~~ or

(4) ~~[Premarital counseling required by this act shall be]~~ premarital counseling required by this part is considered fulfilled if the applicants present a certificate verified by a clergyman that the applicants have completed a course of premarital counseling approved by a church and given by or under the supervision of the clergyman.

Section 74. Section **81-2-206**, which is renumbered from Section 30-1-34 is renumbered and amended to read:

~~[30-1-34].~~ 81-2-206. Completion of counseling or education.

(1) The county clerk of a county that operates an online marriage application system and issues a marriage license to applicants who certify completion of premarital counseling or

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education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

(2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify completion of premarital counseling or education in accordance with this Subsection (2).

(b) To complete premarital counseling or education, the applicants:

(i) shall obtain the premarital counseling or education from:

(A) a licensed or ordained minister or the minister's designee who is trained by the minister or denomination to conduct premarital counseling or education;

(B) an individual licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;

(C) an individual certified by a national organization recognized by the Utah Marriage Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as a family life educator;

(D) a family and consumer sciences educator;

(E) an individual who is an instructor approved by a premarital education curriculum that meets the requirements of Subsection (2)(b)(ii); or

(F) an online course approved by the Utah Marriage Commission;

(ii) shall receive premarital counseling or education that includes information on important factors associated with strong and healthy marriages, including:

(A) commitment in marriage; and

(B) effective communication and problem-solving skills, including avoiding violence and abuse in the relationship;

(iii) shall complete at least three hours of premarital counseling or six hours of premarital education meeting the requirements of this Subsection (2); and

(iv) shall complete the premarital counseling or education meeting the requirements of this Subsection (2) not more than one year before but at least 14 days before the day on which the marriage license is issued.

(c) Although applicants are encouraged to take the premarital counseling or education together, each applicant may comply with the requirements of this Subsection (2) separately.

(3) A provider of premarital counseling or education under this section is encouraged to use research-based relationship inventories.

Section 75. Section **81-2-207**, which is renumbered from Section 30-1-35 is

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renumbered and amended to read:

~~[30-1-35].~~ **81-2-207. Persons performing counseling services designated by board -- Exemption from license requirements.**

For the purposes of this ~~[chapter]~~ part, the premarital counseling board of each county or combination of counties may determine those persons who are to perform any services under this ~~[chapter]~~ part and any person so acting is not subject to prosecution or other sanctions for the person's failure to hold any license for these services as may be required by the laws of the state.

Section 76. Section **81-2-208**, which is renumbered from Section 30-1-37 is renumbered and amended to read:

~~[30-1-37].~~ **81-2-208. Confidentiality of information obtained under counseling provisions.**

(1) Except for the information required or to be required on the marriage license application form, any information given by a marriage license applicant in compliance with this ~~[chapter]~~ part:

(a) shall be confidential information ~~[and]; and~~

(b) may not be released by any person, board, commission, or other entity. ~~[However,]~~

(2) Notwithstanding Subsection (1), the premarital counseling board or board of commissioners may use the information given by a marriage license applicant, without identification of individuals, to compile and release statistical data.

Section 77. Section **81-2-209**, which is renumbered from Section 30-1-38 is renumbered and amended to read:

~~[30-1-38].~~ **81-2-209. Fee for counseling.**

Any county adopting a master plan under this act is authorized to charge, in addition to ~~[its]~~ the county's ordinary marriage license application fees, not more than \$10 for premarital counseling, to be paid by the applicants at the time ~~[they]~~ the applicants make application.

Section 78. Section **81-2-301** is enacted to read:

Part 3. Marriage License and Solemnization

81-2-301. Definitions for part.

As used in this part:

(1) "County clerk" means:

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(a) the county clerk of the county; or

(b) an employee or designee of the county clerk who is authorized to issue marriage licenses or solemnize marriages.

(2) "Judge or magistrate of the United States" means:

(a) a justice of the United States Supreme Court;

(b) a judge of a court of appeals;

(c) a judge of a district court;

(d) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;

(e) a judge of a bankruptcy court;

(f) a judge of a tax court; or

(g) a United States magistrate.

(3) "Minor" means an individual who is 16 or 17 years old.

(4) (a) "Native American spiritual advisor" means an individual who:

(i) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and

(ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.

(b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

Section 79. Section **81-2-302**, which is renumbered from Section 30-1-7 is renumbered and amended to read:

~~[30-1-7].~~ **81-2-302. Marriage licenses -- Use within state -- Expiration.**

(1) ~~[No marriage may be]~~ A marriage may not be solemnized in this state without a license issued by the county clerk of any county of this state.

(2) A license issued within this state by a county clerk may only be used within this state.

(3) A license that is not used within 32 days after the day on which the licensed is issued is void.

The following section is affected by a coordination clause at the end of this bill.

Section 80. Section **81-2-303**, which is renumbered from Section 30-1-8 is renumbered and amended to read:

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~~[30-1-8].~~ 81-2-303. Application for marriage license -- Contents.

~~[(1) As used in this section, "minor" means the same as that term is defined in Section 30-1-9.]~~

~~[(2)]~~ (1) A county clerk may issue a marriage license only after an application is filed with the county clerk's office, requiring the following information:

(a) the full names of the applicants, including the maiden or bachelor name of each applicant;

(b) the social security numbers of the applicants, unless an applicant has not been assigned a number;

(c) the current address of each applicant;

(d) the date and place of birth, including the town or city, county, state or country, if possible;

(e) the names of the applicants' respective parents, including the maiden name of a mother; and

(f) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible.

~~[(3)]~~ (2) (a) If one or both of the applicants is a minor, the county clerk shall provide each minor with a standard petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section ~~[30-1-9]~~ 81-2-304.

(b) The form described in Subsection ~~[(3)(a)]~~ (2)(a) shall include:

(i) all information described in Subsection ~~[(2)]~~ (1);

(ii) ~~[in accordance with Subsection 30-1-9(2)(a);]~~ a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor in accordance with Subsection 81-2-304(1)(a);

(iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section ~~[30-1-9.1]~~ 81-2-304 signed under penalty of perjury;

(iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and

(v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:

(A) each applicant; and

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(B) the minor's parent or legal guardian.

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

(b) The ~~[Department of Health,]~~ Bureau of Vital Records and Health Statistics shall, upon request, supply the social security numbers to the Office of Recovery Services ~~[within the Department of Human Services].~~

(c) The Office of Recovery Services may not use a social security number obtained under the authority of this section for any reason other than the administration of child support services.

(4) (a) A county clerk may not issue a marriage license until an affidavit is made before the clerk by a party applying for the marriage license that shows there is no lawful reason in the way of the marriage.

(b) The county clerk shall file and preserve the affidavit under Subsection (4)(a).

(c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing witness to the affidavit who falsely swears in the affidavit, is guilty of perjury.

(5) A county clerk who knowingly issues a marriage license for any prohibited marriage is guilty of a class A misdemeanor.

Section 81. Section **81-2-304**, which is renumbered from Section 30-1-9 is renumbered and amended to read:

~~[30-1-9].~~ **81-2-304. Marriage of a minor -- Consent of parent or guardian -- Juvenile court authorization.**

~~[(1) For purposes of this section, "minor" means an individual that is 16 or 17 years old.]~~

~~[(2)]~~ (1) (a) If ~~[at the time of applying for a license the applicant is a minor, and not before the minor is married, a license may not be issued]~~ an applicant is a minor at the time of applying for a license, a county clerk may not issue a marriage license without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:

(i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;

(ii) if the parents of the minor are divorced and have been awarded joint custody of the

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minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or

(iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.

(b) Each applicant, and ~~[if an applicant is a minor,]~~ the minor's consenting parent or legal guardian if an applicant is a minor, shall appear in person before the county clerk and provide legal documentation to establish the following information:

- (i) the legal relationship between the minor and the minor's parent or legal guardian;
- (ii) the legal name and identity of the minor; and
- (iii) the birth date of each applicant.

(c) An individual may present the following documents to satisfy a requirement described in Subsection ~~[(2)(b)]~~ (1)(b):

(i) for verifying the legal relationship between the minor and the minor's parent or legal guardian, one of the following:

(A) the minor's certified birth certificate with the name of the parent, and an official translation if the birth certificate is in a language other than English;

(B) a report of a birth abroad with the name of the minor and the parent;

(C) a certified adoption decree with the name of the minor and the parent; or

(D) a certified court order establishing custody or guardianship between the minor and the parent or legal guardian;

(ii) for verifying the legal name and identity of the minor, one of the following:

(A) an expired or current passport;

(B) a driver's license;

(C) a certificate of naturalization;

(D) a military identification; or

(E) a government employee identification card from a federal, state, or municipal government; and

(iii) for verifying the birth date of each applicant, one of the following for each applicant:

(A) a certified birth certificate;

(B) a report of a birth abroad;

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- (C) a certificate of naturalization;
- (D) a certificate of citizenship;
- (E) a passport;
- (F) a driver's license; or
- (G) a state identification card.

(d) An individual may not use a temporary or altered document to satisfy a requirement described in Subsection ~~[(2)(b)]~~ (1)(b).

~~[(3)]~~ (2) (a) The minor and the parent or legal guardian of the minor shall obtain a written authorization to marry from:

(i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or

(ii) a court commissioner as permitted by rule of the Judicial Council.

(b) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:

(i) that the minor is entering into the marriage voluntarily; and

(ii) the marriage is in the best ~~[interests]~~ interest of the minor under the circumstances.

(c) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling, except the requirement for premarital counseling may be waived if premarital counseling is not reasonably available.

(d) The judge or court commissioner may require:

(i) that the minor continue to attend school, unless excused under Section 53G-6-204; and

(ii) any other conditions that the court deems reasonable under the circumstances.

(e) The judge or court commissioner may not issue a written authorization to the minor if the age difference between both parties to the marriage is more than seven years.

~~[(4)]~~ (3) (a) The determination required in Subsection ~~[(3)]~~ (2) shall be made on the record.

(b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.

(4) (a) A parent or legal guardian who knowingly consents or allows a minor to enter into a marriage prohibited by law is guilty of a third degree felony.

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(b) An individual is guilty of a third degree felony if the individual:

(i) knowingly, with or without a license, solemnizes the marriage of an individual who is younger than 18 years old and the marriage is prohibited by law;

(ii) without a written authorization from the juvenile court, solemnizes a marriage to which a party is a minor;

(iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor to marry; or

(iv) forges the name of a parent or legal guardian of a minor on any writing purporting to give consent to a marriage of a minor.

The following section is affected by a coordination clause at the end of this bill.

Section 82. Section **81-2-305**, which is renumbered from Section 30-1-6 is renumbered and amended to read:

~~[30-1-6].~~ **81-2-305. Who may solemnize marriages -- Certificate.**

~~[(1) As used in this section:]~~

~~[(a) "Judge or magistrate of the United States" means:]~~

~~[(i) a justice of the United States Supreme Court;]~~

~~[(ii) a judge of a court of appeals;]~~

~~[(iii) a judge of a district court;]~~

~~[(iv) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;]~~

~~[(v) a judge of a bankruptcy court;]~~

~~[(vi) a judge of a tax court; or]~~

~~[(vii) a United States magistrate;]~~

~~[(b) (i) "Native American spiritual advisor" means an individual who:]~~

~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and]~~

~~[(B) is recognized as a spiritual advisor by a federally recognized Native American tribe;]~~

~~[(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.]~~

~~[(2)]~~ (1) The following individuals may solemnize a marriage:

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- (a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;
- (b) a Native American spiritual advisor;
- (c) the governor;
- (d) the lieutenant governor;
- (e) the state attorney general;
- (f) the state treasurer;
- (g) the state auditor;
- (h) a mayor of a municipality or county executive;
- (i) a justice, judge, or commissioner of a court of record;
- (j) a judge of a court not of record of the state;
- (k) a judge or magistrate of the United States;
- (l) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-20-4;
- (m) a senator or representative of the Utah Legislature;
- (n) a member of the state's congressional delegation; or
- (o) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.

~~[(3)]~~ (2) An individual authorized under Subsection ~~[(2)]~~ (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:

- (a) name of the county from which the license is issued; and
- (b) date of the license's issuance.

~~[(4)]~~ (3) Except for an individual described in Subsection ~~[(2)(f)]~~ (1)(1), an individual described in Subsection ~~[(2)]~~ (1) has discretion to solemnize a marriage.

~~[(5)]~~ (4) Except as provided in Section 17-20-4 and Subsection ~~[(2)(f)]~~ (1)(1), and notwithstanding any other provision in law, no individual authorized under Subsection ~~[(2)]~~ (1) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.

(5) (a) Within 30 days after the day on which a marriage is solemnized, the individual solemnizing the marriage shall return the marriage license to the county clerk that issued the marriage license with a certificate of the marriage over the individual's signature stating the

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date and place of ~~(celebration)~~solemnization and the names of two or more witnesses present at the marriage.

(b) An individual described in Subsection (5)(a) who fails to return the license is guilty of an infraction.

(6) (a) An individual is guilty of a third degree felony if the individual knowingly:

(i) solemnizes a marriage without a valid marriage license; or

(ii) solemnizes a marriage in violation of this section.

(b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or without a marriage license, solemnizes a marriage between two individuals who are 18 years old or older that is prohibited by law.

Section 83. Section **81-2-306**, which is renumbered from Section 30-1-12 is renumbered and amended to read:

~~[30-1-12].~~ **81-2-306. County clerk to file license and certificate -- Designation as vital record.**

~~[(1)(a) The license, together with the certificate of the individual officiating at the marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk]~~

(1) (a) The county clerk shall:

(i) file and preserve the marriage license returned by an individual under Subsection 81-2-305(5) with the certificate of the marriage; and

(ii) record the marriage license and certificate in a book kept for that purpose[;] or by electronic means.

(b) The record shall be properly indexed in the names of the parties so married.

(2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a marriage license.

(3) A transcript shall be promptly certified and transmitted by the clerk to the state registrar of vital statistics.

(4) The marriage license and the certificate of the individual officiating at the marriage are:

(a) vital records as defined in Section 26B-8-101; and [are]

(b) subject to the inspection requirements described in Section 26B-8-125.

Section 84. Section **81-2-401** is enacted to read:

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Part 4. Validity of Marriage

81-2-401. Definitions for part.

Reserved.

Section 85. Section **81-2-402**, which is renumbered from Section 30-1-1 is renumbered and amended to read:

[30-1-1]. 81-2-402. Incestuous marriages void.

(1) The following marriages are incestuous and void from the beginning, regardless of whether the relationship is legally recognized:

(a) [~~marriages between parents and children~~] a marriage between a parent and a child;

(b) [~~marriages between ancestors and descendants of every degree~~] a marriage between an ancestor and a descendant of any degree;

(c) [~~marriages between siblings of the half as well as the whole blood~~] a marriage between siblings of the half or whole blood;

~~[(d) marriages between:]~~

~~[(i) uncles and nieces or nephews; or]~~

~~[(ii) aunts and nieces or nephews;]~~

(d) a marriage between an uncle and a niece or nephew;

(e) a marriage between an aunt and a niece or nephew;

~~[(e)]~~ (f) [marriages between first cousins;] except as provided in Subsection (2), a marriage between first cousins; or

~~[(f)]~~ (g) [marriages between any] except as provided in Subsection (2), a marriage between individuals related to each other within and not including the fifth degree of consanguinity computed according to the rules of the civil law[~~, except as provided in Subsection (2)~~].

(2) First cousins may marry under the following circumstances:

(a) both parties are 65 years [~~of age~~] old or older; or

(b) if both parties are 55 years [~~of age~~] old or older, upon a finding by the district court, located in the district in which either party resides, that either party is unable to reproduce.

Section 86. Section **81-2-403**, which is renumbered from Section 30-1-2 is renumbered and amended to read:

[30-1-2]. 81-2-403. Marriages prohibited and void.

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

(a) when there is a spouse living[;] from whom the individual marrying has not been divorced;

(b) except as provided in Subsection (2), [~~when an applicant is~~] the individual marrying is under 18 years old; [~~and~~] or

(c) between a divorced individual and any individual other than the one from whom the divorce was secured until:

(i) the divorce decree becomes absolute[~~;~~]; and

(ii) if an appeal is taken, until after the affirmance of the divorce decree.

(2) A marriage of an individual under 18 years old is not void if the individual:

(a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization in accordance with Section [~~30-1-9~~] 81-2-304; or

(b) lawfully marries before May 14, 2019.

Section 87. Section **81-2-404**, which is renumbered from Section 30-1-2.1 is renumbered and amended to read:

[~~30-1-2.1~~]. 81-2-404. Validation of a marriage to an individual subject to chronic epileptic fits who had not been sterilized.

~~[All marriages, otherwise valid and legal, contracted prior to the effective date of this act, to which either party was subject to chronic epileptic fits and who had not been sterilized, as provided by law, are hereby validated and legalized in all respects as though such marriages had been duly and legally contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal before May 14, 1963, on the basis that a party was subject to chronic epileptic fits and had not been sterilized is considered valid and legal in this state.

The following section is affected by a coordination clause at the end of this bill.

Section 88. Section **81-2-405**, which is renumbered from Section 30-1-2.2 is renumbered and amended to read:

[~~30-1-2.2~~]. 81-2-405. Validation of a marriage on the basis of the race, ethnicity, or national origin of the parties.

~~[All interracial marriages, otherwise valid and legal, contracted prior to July 1, 1965, to which one of the parties of the marriage was subject to disability to marry on account of Subsection 30-1-2(5) or (6), as those subsections existed prior to May 14, 1963, are hereby~~

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~~valid and made lawful in all respects as though such marriages had been duly and legally contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal before July 1, 1965, on the basis of the race, ethnicity, or national origin of those individuals is considered valid and legal in this state.

Section 89. Section **81-2-406**, which is renumbered from Section 30-1-2.3 is renumbered and amended to read:

~~[30-1-2.3].~~ **81-2-406. Validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease.**

~~[Each marriage contracted prior to October 21, 1993, is valid and legal but for the prohibition described in Laws of Utah 1991, Chapter 117, Section 1, Subsection 30-1-2(1) regarding persons afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea; is hereby valid and made lawful in all respects as though that marriage had been legally contracted in the first instance.]~~ A marriage between two individuals that was not valid or legal before October 21, 1993, on the basis that a party was afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea, is considered valid and legal in this state.

Section 90. Section **81-2-407**, which is renumbered from Section 30-1-4 is renumbered and amended to read:

~~[30-1-4].~~ **81-2-407. Validity of a foreign marriage -- Exceptions.**

A marriage solemnized in any other country, state, or territory, if valid where solemnized, is valid in this state, unless ~~[it is a marriage]~~:

(1) ~~[that]~~ the marriage would be prohibited and declared void in this state~~;~~ under Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a); or

(2) the marriage is between parties who are related to each other within and including three degrees of consanguinity, except as provided in Subsection ~~[30-1-1(2)]~~ 81-2-402(2).

The following section is affected by a coordination clause at the end of this bill.

Section 91. Section **81-2-408**, which is renumbered from Section 30-1-4.5 is renumbered and amended to read:

~~[30-1-4.5].~~ **81-2-408. Validity of marriage not solemnized or solemnized before an unauthorized individual.**

(1) A marriage ~~[which]~~ that is not solemnized according to this chapter ~~[shall be]~~ is legal and valid if a court or administrative order establishes that the marriage arises out of a

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contract between [~~a man and a woman~~] two individuals who:

- (a) are of legal age and capable of giving consent;
- (b) are legally capable of entering a solemnized marriage under the provisions of this

chapter;

- (c) have cohabited;
- (d) mutually assume marital rights, duties, and obligations; and
- (e) who hold themselves out as and have acquired a uniform and general reputation as

[~~husband and wife~~] spouses.

(2) (a) A petition for an unsolemnized marriage shall be filed during the relationship described in Subsection (1), or within one year following the termination of that relationship.

(b) Evidence of a marriage recognizable under this section may be:

- (i) manifested in any form[~~, and may be~~]; and
- (ii) proved under the same general rules of evidence as facts in other cases.

(3) (a) A marriage solemnized before an individual professing to have authority to perform marriages may not be invalidated for lack of authority if consummated in the belief of the parties or either party that the person had authority and that the parties have been lawfully married.

(b) Subsection (3)(a) may not be construed to validate a marriage that is prohibited or void under Section 81-2-403.

Section 92. Section **81-2-409**, which is renumbered from Section 30-1-3 is renumbered and amended to read:

~~[30-1-3].~~ **81-2-409. Legal recognition of a child when marriage is void.**

When a marriage is void under Subsection [~~30-1-2(1)(a)~~] 81-2-403(1)(a) and the parties entered into the marriage in good faith, a child of the marriage, who is born or conceived before the parties had actual knowledge that the marriage was void, shall be legally recognized as the child of the parties.

Section 93. Section **81-3-101** is enacted to read:

CHAPTER 3. RIGHTS AND OBLIGATIONS DURING MARRIAGE

Part 1. Property Rights

81-3-101. Definitions for part.

Reserved.

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Section 94. Section **81-3-102**, which is renumbered from Section 30-2-2 is renumbered and amended to read:

~~[30-2-2].~~ **81-3-102. Married individual's right to contract, sue, and be sued.**

~~[Contracts may be made by a wife, and liabilities incurred and enforced by or against her, to the same extent and in the same manner as if she were unmarried.]~~ A married individual may contract, sue, or be sued, to the same extent and in the same manner as if the individual was unmarried.

Section 95. Section **81-3-103**, which is renumbered from Section 30-2-3 is renumbered and amended to read:

~~[30-2-3].~~ **81-3-103. Conveyances between spouses.**

A conveyance, transfer, or lien executed by ~~[either husband or wife]~~ an individual, to or in favor of the ~~[other shall be]~~ individual's spouse is valid to the same extent as between other persons.

Section 96. Section **81-3-104**, which is renumbered from Section 30-2-4 is renumbered and amended to read:

~~[30-2-4].~~ **81-3-104. Married individual's right to wages -- Actions for personal injury.**

(1) A ~~[wife]~~ married individual may:

(a) receive the wages for ~~[her]~~ the individual's personal labor~~;~~ as if unmarried;

(b) maintain an action ~~[therefor in her]~~ in the individual's own name and hold the same in ~~[her]~~ the individual's own right~~[-and may]~~ as if unmarried; and

(c) prosecute and defend all actions for the preservation and protection of ~~[her]~~ the individual's rights and property as if unmarried.

(2) ~~[There shall be no right of recovery by the husband]~~ A husband does not have a right of recovery:

(a) on account of personal injury or wrong to ~~[his wife, or]~~ the husband's wife; or

(b) for expenses connected ~~[therewith, but the wife]~~ with the personal injury or wrong to the husband's wife.

(3) (a) A wife may recover against a third person for ~~[such injury or wrong]~~ a personal injury or wrong to the wife as if unmarried~~[-and such].~~

(b) A recovery shall include expenses of medical treatment and other expenses paid or

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assumed by the husband.

Section 97. Section **81-3-105**, which is renumbered from Section 30-2-5 is renumbered and amended to read:

~~[30-2-5].~~ **81-3-105. Separate debts.**

(1) ~~[Neither spouse is]~~ A married individual is not personally liable for the separate debts, obligations, or liabilities of the ~~[other]~~ individual's spouse that are:

(a) contracted or incurred before marriage;

(b) contracted or incurred during marriage, except family expenses as provided in Section ~~[30-2-9]~~ 81-3-109;

(c) contracted or incurred after divorce or an order for separate maintenance under ~~[this title, except the spouse is personally liable for that portion of the expenses incurred on behalf of a minor child for reasonable and necessary medical and dental expenses, and other similar necessities as provided in a court order under Section 30-3-5, 30-4-3, or 78B-12-212, or an administrative order under Section 26B-9-224]~~ Chapter 4, Dissolution of Marriage, except that the individual is personally liable for any support ordered by a court as described in Chapter 6, Child Support, or an administrative agency as described in Title 26B, Chapter 9, Recovery Services and Administration of Child Support; or

(d) ordered by the court to be paid by the ~~[other]~~ individual's spouse under ~~[Section 30-3-5 or 30-4-3]~~ Chapter 4, Dissolution of Marriage, and not in conflict with Section 15-4-6.5 or 15-4-6.7.

(2) ~~[The]~~ A creditor of a married individual may not reach the wages, earnings, property, rents, or other income of ~~[one spouse may not be reached by a creditor of the other spouse]~~ the individual's spouse to satisfy a debt, obligation, or liability ~~[of the other spouse, as described]~~ of the individual under Subsection (1).

Section 98. Section **81-3-106**, which is renumbered from Section 30-2-6 is renumbered and amended to read:

~~[30-2-6].~~ **81-3-106. Actions based on property rights.**

~~[Should the husband or wife obtain]~~ If a married individual obtains possession or control of property belonging to the ~~[other]~~ individual's spouse before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if ~~[they were]~~ the individual was

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unmarried.

Section 99. Section **81-3-107**, which is renumbered from Section 30-2-7 is renumbered and amended to read:

~~[30-2-7].~~ **81-3-107. Liability for spouse's torts.**

~~[For civil injuries committed by a married woman damages may be recovered from her alone, and her husband]~~

(1) If a married individual is held liable in a civil action, the plaintiff may recover damages from the individual alone.

(2) The spouse of the individual described in Subsection (1) may not be held liable [for those civil injuries] in the civil action, except in [cases where he would be jointly liable with her] an action where the spouse would be jointly liable with the individual if the marriage did not exist.

Section 100. Section **81-3-108**, which is renumbered from Section 30-2-8 is renumbered and amended to read:

~~[30-2-8].~~ **81-3-108. Agency between spouses.**

A ~~[husband or wife]~~ married individual may:

(1) constitute the [other his or her] attorney in fact to control and dispose of [his or her property for their mutual benefit] the property of the individual's spouse for the mutual benefit of the individual and the individual's spouse or otherwise[; and may]; and

(2) revoke the appointment the same as other persons.

Section 101. Section **81-3-109**, which is renumbered from Section 30-2-9 is renumbered and amended to read:

~~[30-2-9].~~ **81-3-109. Family expenses -- Joint and several liability.**

~~[(1) The expenses of the family and the education of the children are chargeable upon the property of both spouses or of either of them separately, for which expenses they may be sued jointly or separately.]~~

(1) As used in this section:

(a) "Family expenses" means expenses incurred that benefit and promote the family unit.

(b) "Family expenses" do not include items purchased in accordance with a written contract or agreement during the marriage that do not relate to the expenses described in

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Subsection (1)(a).

(2) (a) A married individual, and the married individual's property, is chargeable for family expenses and expenses for the education of a minor child.

(b) A married individual may be sued separately or jointly with the individual's spouse for the expenses described in Subsection (2)(a).

~~[(2)]~~ (3) For the expenses described in Subsection ~~[(1)],~~ (2), where there is a written agreement signed by ~~[either]~~ a spouse that allows for the recovery of agreed upon amounts, a creditor or an assignee or successor in interest of the creditor is entitled to recover the contractually allowed amounts against both spouses, jointly and severally.

~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3) applies to all contracts and agreements under this section entered into by ~~[either]~~ a spouse during the time the parties are married and living together.

~~[(4) For the purposes of this section, family expenses are considered expenses incurred that benefit and promote the family unit. Items purchased pursuant to a written contract or agreement during the marriage that do not relate to family expenses are not covered by this section.]~~

(5) The provisions of Subsections ~~[(2) and (3)]~~ (3) and (4) do not create a right to attorney's fees or collection fees as to the nonsigning spouse for purchases of:

- (a) food or clothing; or
- (b) home improvements or repairs over \$5,000.

Section 102. Section **81-3-110**, which is renumbered from Section 30-2-10 is renumbered and amended to read:

~~[30-2-10].~~ **81-3-110. Homestead rights -- Custody of a minor child.**

~~[Neither the husband nor wife can remove the other or their children]~~

(1) A married individual may not remove the individual's spouse or minor child from the homestead without the consent of the ~~[other]~~ individual's spouse, unless the owner of the property shall in good faith provide another homestead suitable to the condition in life of the family~~]; and if a husband or wife abandons his or her spouse, that spouse].~~

(2) If a married individual abandons the individual's spouse, the individual's spouse is entitled to the custody of ~~[the minor children]~~ a minor child, unless a court ~~[of competent jurisdiction shall otherwise direct]~~ with jurisdiction orders otherwise.

Section 103. Section **81-3-111**, which is renumbered from Section 30-2-11 is

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renumbered and amended to read:

~~[30-2-11].~~ **81-3-111. Action for consortium due to personal injury.**

(1) ~~[For purposes of]~~ As used in this section:

(a) ~~["injury"]~~ "Injury" or "injured" means a significant permanent injury to ~~[a person]~~ an individual that substantially changes that ~~[person's]~~ individual's lifestyle ~~[and includes the following], including:~~

(i) a partial or complete paralysis of one or more of the extremities;

(ii) significant disfigurement; or

(iii) incapability of the ~~[person]~~ individual of performing the types of jobs the ~~[person]~~ individual performed before the injury~~;~~ and.

(b) ~~["spouse"]~~ "Spouse" means the legal relationship:

(i) established between ~~[a man and a woman]~~ two individuals as recognized by the laws of this state; and

(ii) existing at the time of the person's injury.

(2) The spouse of ~~[a person]~~ an individual injured by a third party on or after May 4, 1997, may maintain an action against the third party to recover for loss of consortium.

(3) A claim for loss of consortium begins on the date of injury to the spouse.

~~(4)~~ (4) The statute of limitations applicable to the injured ~~[person]~~ individual shall also apply to the spouse's claim of loss of consortium.

~~(4)~~ (5) A claim for the spouse's loss of consortium shall be:

(a) made at the time the claim of the injured person is made and joinder of actions shall be compulsory; and

(b) subject to the same defenses, limitations, immunities, and provisions applicable to the claims of the injured ~~[person]~~ individual.

~~(5)~~ (6) The spouse's action for loss of consortium:

(a) shall be derivative from the cause of action existing ~~[in]~~ on behalf of the injured ~~[person]~~ individual; and

(b) may not exist in cases where the injured ~~[person]~~ individual would not have a cause of action.

~~(6)~~ (7) Fault of the spouse of the injured ~~[person]~~ individual, as well as fault of the injured ~~[person]~~ individual, shall be compared with the fault of all other parties, pursuant to

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Sections 78B-5-817 through 78B-5-823, for purposes of reducing or barring any recovery by the spouse for loss of consortium.

~~[(7)]~~ (8) Damages awarded for loss of consortium, when combined with any award to the injured ~~[person]~~ individual for general damages, may not exceed any applicable statutory limit on noneconomic damages, including Section 78B-3-410.

~~[(8)]~~ (9) Damages awarded for loss of consortium which a governmental entity is required to pay, when combined with any award to the injured ~~[person]~~ individual which a governmental entity is required to pay, may not exceed the liability limit for one ~~[person]~~ individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

Section 104. Section **81-3-201**, which is renumbered from Section 30-8-2 is renumbered and amended to read:

Part 2. Uniform Premarital Agreement Act

~~[30-8-2].~~ **81-3-201. Definitions for part.**

As used in this ~~[chapter]~~ part:

(1) "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.

(2) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

Section 105. Section **81-3-202**, which is renumbered from Section 30-8-3 is renumbered and amended to read:

~~[30-8-3].~~ **81-3-202. Writing -- Signature required.**

(1) A premarital agreement shall be in writing and signed by both parties.

(2) ~~[It]~~ A premarital agreement is enforceable without consideration.

Section 106. Section **81-3-203**, which is renumbered from Section 30-8-4 is renumbered and amended to read:

~~[30-8-4].~~ **81-3-203. Content.**

(1) Parties to a premarital agreement may contract with respect to:

(a) the rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

(b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,

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assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;

(c) the disposition of property upon separation, marital dissolution, death, or the occurrence or nonoccurrence of any other event;

(d) the modification or elimination of spousal support;

(e) the ownership rights in and disposition of the death benefit from a life insurance policy;

(f) the choice of law governing the construction of the agreement, except that a court [~~of competent jurisdiction~~] with jurisdiction may apply the law of the legal domicile of either party, if it is fair and equitable; and

(g) any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.

(2) The right of a child, as defined in Section 81-6-101, to support, health and medical provider expenses, medical insurance, and child care coverage may not be affected by a premarital agreement.

Section 107. Section **81-3-204**, which is renumbered from Section 30-8-5 is renumbered and amended to read:

~~[30-8-5].~~ **81-3-204. Effect of marriage -- Amendment -- Revocation.**

(1) A premarital agreement becomes effective upon marriage.

(2) (a) After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties.

(b) The amended agreement or the revocation is enforceable without consideration.

Section 108. Section **81-3-205**, which is renumbered from Section 30-8-6 is renumbered and amended to read:

~~[30-8-6].~~ **81-3-205. Enforcement.**

(1) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:

(a) that party did not execute the agreement voluntarily; or

(b) the agreement was fraudulent when [it] the agreement was executed and, before execution of the agreement, that party:

(i) was not provided a reasonable disclosure of the property or financial obligations of

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the other party insofar as was possible;

(ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and

(iii) did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.

(2) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.

(3) An issue of fraud of a premarital agreement shall be decided by the court as a matter of law.

Section 109. Section **81-3-206**, which is renumbered from Section 30-8-7 is renumbered and amended to read:

~~[30-8-7]~~. **81-3-206. Enforcement -- Void marriage.**

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

Section 110. Section **81-3-207**, which is renumbered from Section 30-8-8 is renumbered and amended to read:

~~[30-8-8]~~. **81-3-207. Limitations of actions.**

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement.

Section 111. Section **81-3-208**, which is renumbered from Section 30-8-9 is renumbered and amended to read:

~~[30-8-9]~~. **81-3-208. Application and construction.**

This ~~[act]~~ part shall be applied and construed to effectuate ~~[its]~~ the part's general purpose to make uniform the law with respect to the subject of this ~~[act]~~ part among states enacting ~~[it]~~ this uniform law.

Section 112. Section **81-4-101** is enacted to read:

CHAPTER 4. DISSOLUTION OF MARRIAGE

Part 1. General Provisions

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81-4-101. Definitions for chapter.

As used in this chapter:

(1) "Alimony" means financial support made to a spouse or former spouse for the support and maintenance of that spouse.

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

Section 113. Section **81-4-102**, which is renumbered from Section 30-1-17.4 is renumbered and amended to read:

[30-1-17.4]. 81-4-102. Action for annulment or divorce as alternative relief.

Nothing ~~[herein]~~ in this chapter shall be construed to prevent the filing of an action requesting an annulment or a divorce as alternative relief.

Section 114. Section **81-4-103**, which is renumbered from Section 30-4a-1 is renumbered and amended to read:

[30-4a-1]. 81-4-103. Nunc pro tunc order by court.

~~[A court having jurisdiction may, upon its]~~ Upon a court's finding of good cause and giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter relating to marriage, divorce, legal separation, or annulment of marriage.

The following section is affected by a coordination clause at the end of this bill.

Section 115. Section **81-4-104**, which is renumbered from Section 30-3-4.5 is renumbered and amended to read:

[30-3-4.5]. 81-4-104. Temporary separation order.

(1) ~~[A petitioner]~~ An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:

(a) the ~~[petitioner]~~ individual is lawfully married to the ~~[respondent]~~ individual from whom the separation is sought; and

(b) both parties are residents of the state for at least 90 days ~~[prior to the date of filing]~~ before the day on which the action is filed.

(2) The temporary orders are valid for one year ~~[from the date of the hearing,]~~ after the day on which the hearing for the order is held or until one of the following occurs:

(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or

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(b) the case is dismissed.

(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.

(4) (a) ~~[Both]~~ If the parties have a minor child, the parties shall attend the divorce orientation course described in Section ~~[30-3-11.4]~~ 81-4-105 within:

(i) 60 days of the filing of the petition, for ~~the~~ petitioner~~[-, and within]; and~~

(ii) 45 days of being served, for ~~the~~ respondent.

(b) The clerk of the court shall provide notice to the petitioner of the requirement for the divorce orientation course.

(c) The petition shall include information regarding the divorce orientation course when the petition is served on the respondent.

(d) Except for a temporary restraining order under Rule ~~65~~ 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the petition for temporary separation, until the moving party completes the divorce orientation course.

(e) The court may waive the requirement for the parties to attend the mandatory courses under this Subsection (4), on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

(5) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.

(6) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce.

~~[(5) Service shall be made upon respondent, together with a 20-day summons, in accordance with the rules of civil procedure.]~~

~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either party files a petition for divorce within one year from the date of filing the petition for temporary separation, the separation filing fee shall be credited towards the filing fee for the divorce.]~~

The following section is affected by a coordination clause at the end of this bill.

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Section 116. Section **81-4-105**, which is renumbered from Section 30-3-11.4 is renumbered and amended to read:

~~[30-3-11.4].~~ **81-4-105. Mandatory orientation course for divorcing parties.**

(1) (a) There is established a mandatory divorce orientation course for all parties with ~~[minor children]~~ a minor child who file a petition for temporary separation or for a divorce. ~~[A couple with no minor children is not required, but may choose to attend the course.]~~

(b) The purpose of the course is to educate parties about the divorce process and reasonable alternatives.

~~[(2) A petitioner shall attend a divorce orientation course no more than 60 days after filing a petition for divorce.]~~

~~[(3)(a) With the exception of a temporary restraining order pursuant to Rule 65, Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce or petition for temporary separation, until the moving party completes the divorce orientation course.]~~

~~[(b) Notwithstanding Subsection (3)(a), both parties shall attend a divorce orientation course before a divorce decree may be entered, unless waived by the court under Section 30-3-4.]~~

~~[(4) The respondent shall attend the divorce orientation course no more than 30 days after being served with a petition for divorce.]~~

~~[(5) The clerk of the court shall provide notice to a petitioner of the requirement for the course, and information regarding the course shall be included with the petition or motion, when served on the respondent.]~~

~~[(6)]~~ (2) The divorce orientation course shall be neutral, unbiased, at least one hour in duration, and include:

- (a) options available as alternatives to divorce;
- (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
- (c) resources available to improve or strengthen the marriage;
- (d) a discussion of the positive and negative consequences of divorce;
- (e) a discussion of the process of divorce;
- (f) options available for proceeding with a divorce, including:

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- (i) mediation;
- (ii) collaborative law; and
- (iii) litigation; and
- (g) a discussion of post-divorce resources.

~~[(7)]~~ (3) The course may be provided in conjunction with the mandatory course for divorcing parents required by Section ~~[30-3-11.3]~~ 81-4-106.

~~[(8)]~~ (4)(a) The Administrative Office of the Courts shall administer the course pursuant to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.

(b) The contracts shall provide for the recoupment of administrative expenses through the costs charged to individual parties as described in Subsection (6).

~~[(9)]~~ (5) The course may be through live instruction, video instruction, or through an online provider.

~~[(10)]~~ (6)(a) A participant shall pay the costs of the course, which may not exceed \$30, to the independent contractor providing the course at the time and place of the course.

(b) A petitioner who attends a live instruction course within 30 days of filing may not be charged more than \$15 for the course.

(c) A respondent who attends a live instruction course within 30 days of being served with a petition for divorce or temporary separation order may not be charged more than \$15 for the course.

(d) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and deposited in the Children's Legal Defense Account described in Section 51-9-408.

(e) Each party who is unable to pay the costs of the course may attend the course without payment upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the district court in accordance with Section 78A-2-302. ~~[The independent contractor shall be reimbursed for the independent contractor's costs by the Administrative Office of the Courts.]~~

(f) A petitioner who is later determined not to meet the qualifications for indigency may be ordered to pay the costs of the course.

~~[(11) Appropriations from the General Fund to the Administrative Office of the Courts for the divorce orientation course shall be used]~~

(7)(a) The Administrative Office of the Courts shall reimburse an independent

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contractor that administers the mandatory orientation courts for the independent contractor's costs.

(b) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to pay the costs of an indigent [petitioner who is determined to be indigent as provided in Subsection (10)(c)] individual who makes a showing as described in Subsection (6) to attend the mandatory orientation course under this section.

~~[(12)]~~ (8) The Online Court Assistance Program shall include instructions with the forms for divorce that inform the petitioner of the requirement of this section.

~~[(13)]~~ (9) A certificate of completion constitutes evidence to the court of course completion by the parties.

~~[(14)]~~ (10) It ~~[shall be]~~ is an affirmative defense in all divorce actions that the divorce orientation requirement was not complied with~~;~~ and the action may not continue until a party has complied.

~~[(15)]~~ (11) The Administrative Office of the Courts shall:

(a) adopt a program to evaluate the effectiveness of the mandatory educational course~~;~~
~~;~~~~Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and~~

(b) provide progress reports to the Judiciary Interim Committee if requested.

The following section is affected by a coordination clause at the end of this bill.

Section 117. Section **81-4-106**, which is renumbered from Section 30-3-11.3 is renumbered and amended to read:

~~[30-3-11.3].~~ **81-4-106. Mandatory educational course for divorcing parents.**

(1) (a) The Judicial Council shall approve and implement a mandatory educational course for divorcing parents in all judicial districts.

(b) The mandatory educational course is designed to educate and sensitize divorcing parties to their ~~[children's]~~ minor child's needs both during and after the divorce process.

(2) The Judicial Council shall adopt rules to implement and administer this program.

~~[(3)]~~ (a) ~~As a prerequisite to receiving a divorce decree, both parties are required to attend a mandatory course on their children's needs after filing a complaint for divorce and receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived, the court may permit the divorce action to proceed.]~~

~~[(b)]~~ ~~With the exception of a temporary restraining order pursuant to Rule 65, Utah~~

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~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory educational course for divorcing parents required by this section.]~~

~~[(4) The court may require unmarried parents to attend this educational course when those parents are involved in a visitation or custody proceeding before the court.]~~

~~[(5)] (3)~~ The mandatory educational course shall instruct both parties:

(a) about divorce and its impacts on:

(i) their ~~[child or children]~~ minor child;

(ii) their family relationship; and

(iii) their financial responsibilities for ~~[their child or children]~~ their minor child; and

(b) that domestic violence has a harmful effect on ~~[children]~~ a minor child and family relationships.

~~[(6)] (4)(a)~~ The course may be provided through live instruction, video instruction, or an online provider.

~~(b)~~ The online and video options must be formatted as interactive presentations that ensure active participation and learning by the parent.

~~[(7)] (5)(a)~~ The Administrative Office of the Courts shall administer the course ~~[pursuant to]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts.

~~(b)~~ The contracts shall provide for the recoupment of administrative expenses through the costs charged to individual parties~~[-, pursuant to Subsection (9)]~~ as described in Subsection (7).

~~[(8)] (6)~~ A certificate of completion constitutes evidence to the court of course completion by the parties.

~~[(9)] (7)(a)~~ Each party shall pay the costs of the course to the independent contractor providing the course at the time and place of the course.

~~(b)~~ A fee of \$8 shall be collected, as part of the course fee paid by each participant, and deposited in the Children's Legal Defense Account~~[-]~~ described in Section 51-9-408.

~~[(b)] (c)~~ Each party who is unable to pay the costs of the course may attend the course without payment upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the district court in accordance with Section 78A-2-302. ~~[In those situations,~~

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~~the independent contractor shall be reimbursed for the independent contractor's costs from the appropriation to the Administrative Office of the Courts for "Mandatory Educational Course for Divorcing Parents Program."~~

(d) Before a decree of divorce may be entered, the court shall make a final review and determination of indigency and may order the payment of the costs if so determined.

~~[(10) Appropriations from the General Fund to the Administrative Office of the Courts for the "Mandatory Educational Course for Divorcing Parents Program" shall be used]~~

(8) (a) The Administrative Office of the Courts shall reimburse an independent contractor that administers the mandatory educational course for the independent contractor's costs.

(b) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to pay the costs of an indigent parent who makes a showing as [provided in Subsection (9)(b)] described in Subsection (7) to attend the mandatory educational course under this section.

~~[(11)]~~ (9) The Administrative Office of the Courts shall:

(a) adopt a program to evaluate the effectiveness of the mandatory educational course[- Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and

(b) provide progress reports to the Judiciary Interim Committee if requested.

Section 118. Section **81-4-201** is enacted to read:

Part 2. Separate Maintenance

81-4-201. Definitions for part.

As used in this part:

(1) "Petitioner" means an individual who brings a petition for separate maintenance.

(2) "Respondent" means the individual against whom a petition for separate maintenance is brought.

Section 119. Section **81-4-202**, which is renumbered from Section 30-4-1 is renumbered and amended to read:

[30-4-1]. 81-4-202. Petition for separate maintenance -- Grounds.

[Whenever a resident of this state:]

(1) A married individual may bring a petition seeking separate maintenance from the married individual's spouse if:

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(a) the married ~~individual, or the married~~ individual's spouse, is a resident of this state;
and

(b) the married individual's spouse:

~~[(1)] (i)~~ deserts ~~[a spouse]~~ the married individual without good and sufficient cause;

~~[(2)] (ii)~~ being of sufficient ability to provide support, neglects or refuses to properly provide for and suitably maintain ~~[that spouse]~~ the married individual;

~~[(3)] (iii)~~ ~~[having property within this state and the spouse being a resident of this state, so deserts or neglects or refuses to provide such support]~~ has property within this state and deserts, neglects or refuses to provide support to the married individual; or

~~[(4)] (iv)~~ ~~[where a married person without that person's fault lives separate and apart from that spouse, the district court shall, on the filing of a complaint, allot, assign, set apart and decree as alimony the use of the real and personal estate or earnings of the deserting spouse as the court may determine appropriate]~~ lives separate and apart from the married individual without any fault to the married individual.

(2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and decree as alimony the use of the real and personal estate or earnings of the respondent as the court may determine is appropriate.

(3) During the pendency of the action, the court may require the ~~[deserting spouse]~~ respondent to pay a sum as provided in Section ~~[30-3-3]~~ 81-1-203.

Section 120. Section **81-4-203**, which is renumbered from Section 30-4-2 is renumbered and amended to read:

~~[30-4-2].~~ **81-4-203. Venue -- Procedure.**

~~[In all actions brought hereunder the proceedings and practice shall be the same as near as may be as in actions for divorce; but the action may be brought in any county where the wife or the husband may be found.]~~

(1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall bring an action under this part in any county in which the petitioner or respondent is found.

(2) An action under this part shall proceed in accordance with the Utah Rules of Civil Procedure.

Section 121. Section **81-4-204**, which is renumbered from Section 30-4-3 is renumbered and amended to read:

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~~[30-4-3].~~ 81-4-204. Custody and maintenance of children -- Property and debt division -- Support payments.

(1) ~~[In all actions brought under this chapter]~~ In an action under this part, the court may by order or decree:

(a) provide for the care, custody, and maintenance of ~~[the minor children]~~ a minor child of the parties ~~[and may determine with which of the parties the children or any of them shall remain];~~

(b) (i) provide for support of ~~[either]~~ a spouse and the support of ~~[the minor children]~~ a minor child remaining with that spouse;

(ii) provide how and when support payments ~~[shall be]~~ are made; and

(iii) provide that ~~[either]~~ a spouse have a lien upon the property of the other spouse to secure payment of the support or maintenance obligation;

(c) award to ~~[either]~~ a spouse the possession of any real or personal property of the other spouse or acquired by the spouses during the marriage; ~~[or]~~

(d) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;

(e) require the parties to notify respective creditors or obligees regarding the court's division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5; or

(f) provide for the enforcement of the orders described in Subsections (1)(~~fd~~a) and (e).

~~[(d) pursuant to Section 15-4-6.5:]~~

~~[(i) specify which party is responsible for the payment of joint debts, obligations, or liabilities contracted or incurred by the parties during the marriage;]~~

~~[(ii) require the parties to notify respective creditors or obligees regarding the court's division of debts, obligations, and liabilities and regarding the parties' separate, current addresses; and]~~

~~[(iii) provide for the enforcement of these orders:]~~

(2) ~~[The orders and decrees]~~ A court may enforce an order or decree under this section ~~[may be enforced]:~~

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(a) by sale of any property of the spouse [~~or by~~];

(b) by contempt proceedings [~~or otherwise as may be necessary~~]; or

(c) as is otherwise necessary.

(3) The court may:

(a) change the support or maintenance of a party from time to time according to circumstances[~~, and may~~]; or

(b) terminate altogether any obligation upon satisfactory proof of voluntary and permanent reconciliation.

(4) An order or decree of support or maintenance [~~shall in every case be~~] described in this part is valid only during the joint lives of [~~the husband and wife~~] the parties.

Section 122. Section **81-4-205**, which is renumbered from Section 30-4-4 is renumbered and amended to read:

~~[30-4-4].~~ **81-4-205. Restraining disposal of property.**

~~[At the time of filing the complaint mentioned in Section 30-4-1]~~

(1) At the time of the filing of a petition described in Section 81-4-202, or at any time subsequent [thereto, the plaintiff] to the filing of the petition, a party may procure from the court, and file with the county recorder of any county in the state in which the [defendant] other party may own real estate, an order enjoining and restraining the [defendant] other party from disposing of or encumbering the [same] real estate or any portion [thereof, describing such] of the real estate.

(2) The party shall describe the real estate with reasonable certainty[~~, and from the time of filing such order the property described therein shall be charged with a lien in favor of the plaintiff to the extent of any judgment which may be rendered in the action.~~] in a filing described in Subsection (1).

(3) From the time in which a party receives a court order described in Subsection (1), the party has a lien in favor of the party to the extent of any judgment that is rendered in an action under this part.

Section 123. Section **81-4-206**, which is renumbered from Section 30-4-5 is renumbered and amended to read:

~~[30-4-5].~~ **81-4-206. Rights and remedies -- Imprisonment of spouse.**

~~[Like rights and remedies shall be extended to either husband or wife on the~~

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~~imprisonment of the other in the state prison under a sentence of one year or more when suitable provision has not been made for the support of the one not so imprisoned.]~~ If a party to an action for separate maintenance is imprisoned in the state prison for a sentence of one year or more and a suitable provision of support has not been made for the other party, the rights and remedies of this part shall be extended to the party that is not imprisoned.

Section 124. Section **81-4-301** is enacted to read:

Part 3. Annulment

81-4-301. Definitions for part.

As used in this part:

(1) "Petitioner" means an individual who brings a petition for an annulment.

(2) "Respondent" means the individual against whom a petition for an annulment is brought.

Section 125. Section **81-4-302**, which is renumbered from Section 30-1-17.1 is renumbered and amended to read:

~~[30-1-17.1].~~ **81-4-302. Annulment -- Grounds.**

~~[A marriage may be annulled]~~ A court may annul a marriage for any of the following causes existing at the time of the marriage:

~~[(1) When the marriage is prohibited or void under Title 30, Chapter 1, Marriage.]~~

(1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity of Marriage; or

(2) ~~[Upon]~~ upon grounds existing at common law.

Section 126. Section **81-4-303**, which is renumbered from Section 30-1-17 is renumbered and amended to read:

~~[30-1-17].~~ **81-4-303. Petition for annulment -- Venue -- Judgment on validity of marriage.**

(1) (a) ~~When there is doubt as to the validity of a marriage, [either party may, in a court of equity in a county where either party is domiciled,]~~ a party to the marriage may bring a petition for annulment to demand avoidance or affirmance of the marriage[, but when].

(b) If one of the parties was under 18 years old at the time of the marriage, the other party, being of proper age at the time of the marriage, [does not have a proceeding for that cause] may not bring a petition for annulment against the party who was under 18 years old.

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(2) A petitioner may bring a petition for annulment in any county where the petitioner or respondent is domiciled.

(3) (a) If a petition for annulment is filed upon the ground that one or both of the parties were prohibited from marriage because of the age of the parties, the court may refuse to grant the annulment if the court finds that it is in the best interest of the parties, or a child of the parties, to refuse the annulment.

(b) The refusal to annul under Subsection (3)(a) makes the marriage valid and subsisting for all purposes.

(4) If the parties have accumulated any property or acquired any obligations subsequent to the marriage, if there is a genuine need arising from an economic change of circumstances due to the marriage, or if there is a {minor} child born or expected, the court may make temporary and final orders, and subsequently modify the orders, as may be equitable, in regards to:

(a) the property and obligations of the parties;

(b) the support and maintenance of the parties and a {minor} child, as defined in Section 81-6-101, of the parties; and

(c) the custody and parent-time for a minor child of the parties.

(5) [~~The judgment in the action shall either declare the marriage valid or annulled and shall be conclusive~~] A judgment in an action under this part:

(a) shall declare the marriage valid or annulled; and

(b) is conclusive upon all persons concerned with the marriage.

The following section is affected by a coordination clause at the end of this bill.

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

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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.

The following section is affected by a coordination clause at the end of this bill.

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.

(b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the mandatory divorce orientation course described in Section 81-4-105.

(c) The clerk of the court shall provide notice to a petitioner of the requirement for the mandatory courses.

(d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.

(e) Except for a temporary restraining order under Rule ~~65~~ 65A of the Utah Rules of

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Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.

(5) (a) The court may waive the requirement for the parties to attend the mandatory courses under Subsection (4), on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

(b) If the requirement is waived, the court may permit the divorce action to proceed.

(6) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce.

Section 129. Section **81-4-403**, which is renumbered from Section 30-3-39 is renumbered and amended to read:

[30-3-39]. 81-4-403. Mediation requirement.

(1) There is established a mandatory domestic mediation program to help reduce the time and tensions associated with obtaining a divorce.

(2) (a) If[, after the filing of an answer to a complaint of divorce,] there are any remaining contested issues after the filing of a response to a petition for divorce, the parties shall participate in good faith in at least one session of mediation.

(b) [This requirement] The requirement described in Subsection (2)(a) does not preclude the entry of pretrial orders before mediation takes place.

(3) The parties shall use a mediator qualified to mediate domestic disputes under criteria established by the Judicial Council in accordance with Section 78B-6-205.

(4) Unless otherwise ordered by the court or the parties agree upon a different payment arrangement, the cost of mediation shall be divided equally between the parties.

(5) The director of dispute resolution programs for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.

(6) [Mediation] A mediation described in this section shall be conducted in accordance with the Utah Rules of Court-Annexed Alternative Dispute Resolution.

Section 130. Section **81-4-404**, which is renumbered from Section 30-3-5.2 is renumbered and amended to read:

[30-3-5.2]. 81-4-404. Allegations of child abuse or child sexual abuse in a divorce proceeding -- Investigation.

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(1) ~~When[, in any divorce proceeding or upon a request for modification of a divorce decree,] an allegation of child abuse or child sexual abuse is made[, implicating either] in a divorce proceeding, or a request for modification of a divorce decree, that implicates a party, the court, after making an inquiry, may order that an investigation be conducted by the Division of Child and Family Services [~~within the Department of Human Services~~] in accordance with Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.~~

(2) A final award of custody or parent-time may not be rendered until a report on that investigation, consistent with Section 80-2-1005, is received by the court.

(3) ~~[That investigation shall be conducted by the]~~ The Division of Child and Family Services shall conduct an investigation described in Subsection (1) within 30 days of the court's notice and request for an investigation.

(4) In reviewing ~~[this report]~~ a report described in Subsection (2), the court shall comply with Sections 78A-2-703, 78A-2-705, and 78B-15-612.

Section 131. Section ~~81-4-405~~, which is renumbered from Section 30-3-1 is renumbered and amended to read:

~~[30-3-1].~~ **81-4-405. Grounds for divorce.**

~~[(1) Proceedings in divorce are commenced and conducted as provided by law for proceedings in civil causes, except as provided in this chapter.]~~

~~[(2) The court may decree a dissolution of the marriage contract between the petitioner and respondent on the grounds specified in Subsection (3) in all cases where the petitioner or respondent has been an actual and bona fide resident of this state and of the county where the action is brought, or if members of the armed forces of the United States who are not legal residents of this state, where the petitioner has been stationed in this state under military orders, for three months next prior to the commencement of the action.]~~

~~[(3)]~~ (1) ~~[Grounds for divorce]~~ A court may order the dissolution of a marriage contract between the petitioner and the respondent on the grounds of:

- (a) impotency of the respondent at the time of marriage;
- (b) adultery committed by the respondent subsequent to marriage;
- (c) willful desertion of the petitioner by the respondent for more than one year;
- (d) willful neglect of the respondent to provide for the petitioner the common

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necessaries of life;

(e) habitual drunkenness of the respondent;

(f) conviction of the respondent for a felony;

(g) cruel treatment of the petitioner by the respondent to the extent of causing bodily injury or great mental distress to the petitioner;

(h) irreconcilable differences of the marriage;

(i) incurable insanity; or

(j) when the ~~[husband and wife]~~ petitioner and respondent have lived separately under a decree of separate maintenance of any state for three consecutive years without cohabitation.

~~[(4)]~~ (2) A decree of divorce granted under Subsection ~~[(3)(j)]~~ (1)(j) does not affect the liability of either party under any provision for separate maintenance previously granted.

~~[(5)]~~ (3) (a) A ~~[divorce may not be granted on the]~~ court may not order the dissolution of a marriage contract between the petitioner and the respondent on the grounds of insanity unless:

(i) the respondent has been adjudged insane by the appropriate authorities of this or another state prior to the commencement of the action; and

(ii) the court finds by the testimony of competent witnesses that the insanity of the respondent is incurable.

(b) The court shall appoint for the respondent a guardian ad litem who shall protect the interests of the respondent.

(c) A copy of the summons and ~~[complaint]~~ petition shall be served on:

(i) the respondent in person or by publication, as provided by the laws of this state in other actions for divorce, or upon ~~[his]~~ the respondent's guardian ad litem~~[, and upon];~~ and

(ii) the county attorney for the county where the action is prosecuted.

~~[(c)]~~ (d) The county attorney shall:

(i) investigate the merits of the case ~~[and];~~

(ii) if the respondent resides out of this state, take depositions as necessary~~;~~

(iii) attend the proceedings~~;~~ and

(iv) make a defense as is just to protect the rights of the respondent and the interests of the state.

~~[(d) In all actions the court and judge have jurisdiction over the payment of alimony;~~

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~~the distribution of property, and the custody and maintenance of minor children, as the courts and judges possess in other actions for divorce.]~~

(e) The petitioner or respondent may~~[;]~~:

(i) if the respondent resides in this state, upon notice, have the respondent brought into the court at trial~~[; or]~~; or

(ii) have an examination of the respondent by two or more competent physicians~~[;]~~ to determine the mental condition of the respondent.

(f) For ~~[this purpose either]~~ the purpose described in Subsection (3)(e), a party may have leave from the court to enter any asylum or institution where the respondent may be confined.

(g) The court shall apportion the costs of court in this action ~~[shall be apportioned by the court]~~.

Section 132. Section **81-4-406** is enacted to read:

81-4-406. Decree of divorce -- When decree becomes absolute -- Remarriage -- Jurisdiction to modify a decree for a child born after the decree.

(1) (a) The court shall enter a decree of divorce upon the evidence or the petitioner's affidavit in the case of default as described in Subsection (1)(b).

(b) A court may not grant a divorce upon default, unless there is evidence to support a decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules of Civil Procedure.

(2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court may not grant a decree of divorce for parties with a minor child until:

(a) both parties have attended the mandatory courses described in Sections 81-4-105 and 81-4-106; and

(b) both parties have presented a certificate of course completion for each course to the court.

(3) In a decree of divorce, the court shall:

(a) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;

(b) require the parties to notify respective creditors or obligees, regarding the court's

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division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5:

(c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

(d) if a party owns a life insurance policy or an annuity contract, include an acknowledgment by the court that the party:

(i) has reviewed and updated, where appropriate, the list of beneficiaries;

(ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after the divorce becomes final; and

(iii) understands that, if no changes are made to the policy or contract, the beneficiaries currently listed will receive any funds paid by the insurance company under the terms of the policy or contract; and

(e) if the parties have a child as defined in Section 81-6-101, include an order for child support and medical expenses as described in Chapter 6, Child Support.

(4) The court may include in the divorce decree any equitable orders relating to:

(a) the parties, including any alimony to be awarded to a party in accordance with Part 5, Spousal Support;

(b) a child of the parties; and

(c) any property, debts, or obligations.

(5) A decree of divorce becomes absolute:

(a) on the date it is signed by the court and entered by the clerk in the register of actions;

(b) at the expiration of a period of time the court may specifically designate, unless an appeal or other proceedings for review are pending;

(c) if an appeal is taken, when the decree is affirmed; or

(d) when the court, before the decree becomes absolute, for sufficient cause otherwise orders.

(6) The court, upon application or on the court's own motion for good cause shown, may waive, alter, or extend a designated period of time before the decree becomes absolute, but not to exceed six months from the signing and entry of the decree.

(7) A party to a divorce proceeding may not marry another individual other than the other party for whom the divorce was granted until the party's divorce becomes absolute.

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(8) The court has jurisdiction to modify a decree of divorce to address child support, parent-time, and other matters related to a minor child born to the parties after the decree of divorce is entered.

Section 133. Section **81-4-501** is enacted to read:

Part 5. Spousal Support

81-4-501. Definitions for part.

As used in this part:

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

(2) "Cohabit" means to live together, or to reside together on a regular basis, in the same residence and in a relationship of a romantic or sexual nature.

(3) "Fault" means any of the following wrongful conduct during the marriage that substantially contributed to the breakup of the marriage:

(a) engaging in sexual relations with an individual other than the party's spouse;

(b) knowingly and intentionally causing or attempting to cause physical harm to the other party or a minor child;

(c) knowingly and intentionally causing the other party or a minor child to reasonably fear life-threatening harm; or

(d) substantially undermining the financial stability of the other party or the minor child.

(4) "Length of the marriage" means, for purposes of alimony, the number of years from the day on which the parties are legally married to the day on which the petition for divorce is filed with the court.

(5) "Payee" means the party who is or would receive alimony from the other party.

(6) "Payor" means the party who is paying, or would pay, alimony to the other party.

(7) "Temporary alimony" means money that the court orders a party to pay during the pendency of an action under this chapter for the support and maintenance of a party as described in Subsection 81-1-203(4).

Section 134. Section **81-4-502** is enacted to read:

81-4-502. Determination of alimony.

(1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to

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modify alimony, the court shall consider at least the following factors in determining alimony:

(a) the financial condition and needs of the payee;

(b) the payee's earning capacity or ability to produce income, including the impact of diminished workplace experience resulting from primarily caring for a minor child of the payor;

(c) the ability of the payor to provide support;

(d) the length of the marriage;

(e) whether the payee has custody of a minor child requiring support;

(f) whether the payee worked in a business owned or operated by the payor; and

(g) whether the payee directly contributed to any increase in the payor's skill by paying for education received by the payor or enabling the payor to attend school during the marriage.

(2) (a) The court may consider the fault of the parties in determining whether to award alimony and the terms of the alimony.

(b) The court may, when fault is at issue, close the proceedings and seal the court records.

(3) (a) Except as otherwise provided by this section, the court shall consider the standard of living, existing at the time of separation, in determining alimony in accordance with this section.

(b) In considering all relevant facts and equitable principles, the court may, in the court's discretion, base alimony on the standard of living that existed at the time of trial.

(4) The court may, under appropriate circumstances, attempt to equalize the parties' respective standards of living.

(5) (a) If the marriage is short in duration and a minor child has not been conceived or born during the marriage, the court may consider the standard of living that existed at the time of the marriage.

(b) In determining alimony when a marriage of short duration dissolves and a minor child has not been conceived or born during the marriage, the court may consider restoring each party to the condition which existed at the time of the marriage.

(6) (a) When a marriage of long duration dissolves on the threshold of a major change in the income of one of the parties due to the collective efforts of both parties, the court shall consider the change when dividing the marital property and in determining the amount of

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alimony.

(b) If a party's earning capacity has been greatly enhanced through the efforts of both parties during the marriage, the court may make a compensating adjustment in dividing the marital property and awarding alimony.

(7) (a) Except as provided in Subsection (7)(c), the court may not order alimony for a period of time longer than the length of the marriage.

(b) If a party is ordered to pay temporary alimony during the pendency of a divorce action, the court shall count the period of time that the party pays temporary alimony towards the period of time for which the party is ordered to pay alimony.

(c) At any time before the termination of alimony, the court may find extenuating circumstances or good cause that justify the payment of alimony for a longer period of time than the length of the marriage.

Section 135. Section **81-4-503** is enacted to read:

81-4-503. Modification of alimony after divorce decree.

(1) The court has continuing jurisdiction to make substantive changes and new orders regarding alimony based on a substantial material change in circumstances not expressly stated in the divorce decree or in the findings that the court entered at the time of the divorce decree.

(2) (a) A party's retirement is a substantial material change in circumstances that is subject to a petition to modify alimony, unless the divorce decree, or the findings that the court entered at the time of the divorce decree, expressly states otherwise.

(b) Subsection (2)(a) applies to a divorce decree regardless of the date on which the divorce decree was entered.

(3) The court may not modify alimony or issue a new order for alimony to address needs of the recipient that did not exist at the time the decree was entered, unless the court finds extenuating circumstances that justify that action.

(4) In modifying the amount of alimony, the court may not consider the income of any subsequent spouse of the payor, except that the court may consider:

(a) the subsequent spouse's financial ability to share living expenses; or

(b) the income of a subsequent spouse if the court finds that the payor's improper conduct justifies that consideration.

Section 136. Section **81-4-504** is enacted to read:

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81-4-504. Termination of alimony.

(1) (a) Except as provided in Subsection (1)(b), or unless a decree of divorce specifically provides otherwise, any order of the court that a payor pay alimony to a payee automatically terminates upon the remarriage or death of that payee.

(b) If the remarriage of the payee is annulled and found to be void ab initio, the payment of alimony shall resume if the payor is made a party to the action of annulment and the payor's rights are determined.

(2) If a payor establishes that a payee cohabits with another individual during the pendency of the divorce action, the court:

(a) may not order the payor to pay temporary alimony to the payee; and

(b) shall terminate any order that the payor pay temporary alimony to the payee.

(3) (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay alimony to a payee if the payor establishes that, after the order for alimony is issued, the payee cohabits with another individual even if the payee is not cohabiting with the individual when the payor files the motion to terminate alimony.

(b) A payor may not seek termination of alimony under Subsection (3)(a) later than one year after the day on which the payor knew or should have known that the payee has cohabited with another individual.

Section 137. Section **81-5-101** is enacted to read:

CHAPTER 5. UNIFORM PARENTAGE ACT

81-5-101. Reserved.

Reserved.

Section 138. Section **81-6-101**, which is renumbered from Section 78B-12-102 is renumbered and amended to read:

CHAPTER 6. CHILD SUPPORT

Part 1. General Provisions

[78B-12-102]. 81-6-101. Definitions for chapter.

As used in this chapter:

[(1) "Adjusted gross income" means income calculated under Subsection 78B-12-204(1).]

[(2)] (1) "Administrative agency" means the Office of Recovery Services or the

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Department of Health and Human Services.

~~[(3)] (2) "Administrative order" means [an order that has been issued by the Office of Recovery Services, the Department of Health and Human Services, or an administrative agency of another state or other comparable jurisdiction with similar authority to that of the office.] the same as that term is defined in Section 26B-9-201.~~

(3) "Alimony" means the same as that term is defined in Section 81-4-101.

(4) "Base child support award" means the award that may be ordered and is calculated using the child support guidelines before additions for medical expenses and work-related child care costs.

(5) "Base combined child support obligation" means the presumed amount of child support that the parents should provide for their child as described in Subsection 81-6-204(1).

(6) "Base combined child support obligation table" means the appropriate table described in Sections 81-6-302 and 81-6-304.

~~[(5) "Base combined child support obligation table," "child support table," "base child support obligation table," "low income table," or "table" means the appropriate table in Part 3, Tables.]~~

~~[(6) "Cash medical support" means an obligation to equally share all reasonable and necessary medical and dental expenses of children.]~~

(7) "Child" means:

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

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

(c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means.

(8) (a) "Child support" means a base child support award, or a monthly financial award for uninsured medical expenses, ordered by a tribunal for the support of a child~~[-, including].~~

(b) "Child support" includes current periodic payments, arrearages that accrue under an order for current periodic payments, and sum certain judgments awarded for arrearages,

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medical expenses, and child care costs.

(9) "Child support guidelines" means the calculation and application of child support as described in Part 2, Calculation and Adjustment of Child Support.

~~[(9)]~~ (10) "Child support order" [or "support order"] means a judgment, decree, or order [of] issued by a tribunal [whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, paternity, guardianship, civil protection, or otherwise] whether temporary, final, or subject to modification, that:

(a) establishes or modifies child support;

(b) reduces child support arrearages to judgment; or

(c) establishes child support or registers a child support order under [~~Chapter 14, Utah Uniform Interstate Family Support Act~~] Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act.

(11) "Child support tables" means the tables described in Part 3, Child Support Tables.

~~[(10) "Child support services" or "IV-D child support services" means services provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.]~~

~~[(11) "Court" means the district court or juvenile court.]~~

~~[(12) "Guidelines" means the directions for the calculation and application of child support in Part 2, Calculation and Adjustment.]~~

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

(13) "Gross income" means the amount of income calculated for a parent as described in Section 81-6-203.

~~[(13)]~~ (14) "Health care coverage" means coverage under which medical services are provided to a child through:

(a) fee for service;

(b) a health maintenance organization;

(c) a preferred provider organization;

(d) any other type of private health insurance; or

(e) public health care coverage.

~~[(14)]~~ (15) (a) "Income" means earnings, compensation, or other payment due to an

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individual, regardless of source, whether denominated as wages, salary, commission, bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive pay.

(b) "Income" includes:

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

(ii) interest and dividends;

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

(iv) unemployment compensation benefits;

(v) workers' compensation benefits; and

(vi) disability benefits.

~~[(15)]~~ (16) "Joint physical custody" means the ~~[child stays with each parent overnight for more than 30% of the year, and both parents contribute to the expenses of the child in addition to paying child support]~~ same as that term is defined in Section 81-9-101.

(17) "Low income table" means the appropriate table under Section 81-6-303 or 81-6-305.

~~[(16)]~~ (18) "Medical expenses" means health and dental expenses and related insurance costs.

(19) "Minor child" means a child who is younger than 18 years old.

~~[(17)]~~ (20) "Obligee" means an individual, this state, another state, or another comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of child support or public assistance.

~~[(18)]~~ (21) "Obligor" means a person owing a duty of support.

~~[(19)]~~ (22) "Office" means the Office of Recovery Services within the Department of Health and Human Services.

~~[(20) "Parent" includes a natural parent, or an adoptive parent.]~~

~~[(21)]~~ (23) "Pregnancy expenses" means an amount equal to:

(a) the sum of a pregnant mother's:

(i) health insurance premiums while pregnant that are not paid by an employer or government program; and

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(ii) medical costs related to the pregnancy, incurred after the date of conception and before the pregnancy ends; [~~minus~~] and

(b) minus any portion of the amount described in Subsection [~~(21)(a)~~] (23)(a) that a court determines is equitable based on the totality of the circumstances, not including any amount paid by the mother or father of the child.

[~~(22)~~] (24) "Split custody" means that each parent has physical custody of at least one of the children.

[~~(23)~~] (25) "State" [~~includes~~] means a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American [~~Tribes~~] tribe, or other comparable domestic or foreign jurisdiction.

(26) "Support" means past-due, present, and future obligations to provide for the financial support, maintenance, or medical expenses of a child.

(27) "Support order" means:

(a) a child support order; or

(b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to modification, for alimony.

[~~(24)~~] (28) "Temporary" means a period of time that is projected to be less than 12 months in duration.

[~~(25)~~] (29) "Third party" means an agency or a person other than [~~the biological or adoptive parent~~] a parent or a child who provides care, maintenance, and support to a child.

[~~(26)~~] (30) "Tribunal" means the district court, the Department of Health and Human Services, Office of Recovery Services, or court or administrative agency of a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American [~~Tribes~~] tribe, or other comparable domestic or foreign jurisdiction.

[~~(27)~~] (31) "Work-related child care [~~costs~~] expenses" means reasonable child care costs for up to a full-time work week or training schedule as necessitated by the employment or training of a parent [~~under Section 78B-12-215~~].

[~~(28)~~] (32) [~~"Worksheets" means the forms~~] "Worksheet" means a form used to aid in calculating the base child support award.

Section 139. Section **81-6-102** is enacted to read:

81-6-102. Application of chapter.

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This chapter applies to any judicial or administrative order establishing or modifying an award of child support entered on or after July 1, 1989.

Section 140. Section **81-6-103**, which is renumbered from Section 78B-12-103 is renumbered and amended to read:

~~[78B-12-103].~~ **81-6-103. Jurisdiction over a child support proceeding -- Appeals.**

~~[The district court shall have jurisdiction of all proceedings brought under this chapter.]~~

(1) A court has jurisdiction over a proceeding brought under this chapter in accordance with Title 78A, Judiciary and Judicial Administration.

(2) An appeal may be taken from an order or judgment under this part as in other civil actions.

Section 141. Section **81-6-104**, which is renumbered from Section 78B-12-105 is renumbered and amended to read:

~~[78B-12-105].~~ **81-6-104. Duty of parents to provide support for a child -- Support follows the child.**

(1) (a) Every child is presumed to be in need of the support of the ~~[child's mother and father. Every mother and father shall support their children.]~~ child's parents.

(b) Every parent shall support their child.

(c) Nothing in this chapter relieves a parent of the primary obligation of support for the parent's child.

(2) Except as limited in a ~~[court order under Section 30-3-5, 30-4-3, or 78B-12-212]~~ court order under Section 81-6-208:

(a) ~~[The]~~ the expenses incurred on behalf of a minor child for reasonable and necessary medical and dental expenses~~;~~ and other necessities are chargeable upon the property of both parents, regardless of the marital status of the parents~~;~~ and

(b) ~~[Either or both parents may be sued by a creditor]~~ a creditor may sue a parent for the expenses described in Subsection (2)(a) incurred on behalf of ~~[minor children]~~ a minor child.

(3) (a) A parent whose minor child has become a ward of this or any other state is not relieved of the primary obligation to support that child until the minor child is 18 years old or is legally married, regardless of any agreements or legal defenses that exist between the parents or

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other care providers.

(b) Any state that provides support for a child shall have the right to reimbursement.

(c) A third party has a right to recover support from a parent.

(4) An obligation ordered for child support and medical expenses:

(a) are for the use and benefit of the child; and

(b) shall follow the child in a case in which a parent, or another person, is awarded sole physical custody of the child as described in Subsection 81-6-205(8).

(5) The rights created in this chapter are in addition to and not in substitution to any other rights.

Section 142. Section **81-6-105**, which is renumbered from Section 78B-12-105.1 is renumbered and amended to read:

~~[78B-12-105.1].~~ **81-6-105. Duty of biological father to share pregnancy expenses.**

(1) Except as otherwise provided in this section, a biological father of a child has a duty to pay 50% of the mother's pregnancy expenses.

(2) (a) If paternity is disputed, a biological father owes no duty under this section until the biological father's paternity is established.

(b) Once paternity is established, the biological father is subject to Subsection (1).

(3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the biological father reduces that parent's 50% share under Subsection (1), not the total amount of pregnancy expenses.

(b) Subsection (3)(a) applies regardless of when the mother or biological father pays the pregnancy expense.

(4) If a mother receives an abortion, as defined in Section 76-7-301, without the biological father's consent, the biological father owes no duty under this section, unless:

(a) the abortion is necessary to avert the death of the mother; or

(b) the mother was pregnant as a result of:

(i) rape, as described in Section 76-5-402;

(ii) rape of a child, as described in Section 76-5-402.1; or

(iii) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102.

(5) Subsection (1) does not apply if a court apportions pregnancy expenses [~~under~~

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~~Section 30-3-5]~~ in a divorce decree under Section 81-4-406.

~~[(6) A person may seek payment under Subsection (1) in accordance with Section 78B-12-113.]~~

(6) (a) A person who seeks payment under this section for pregnancy expenses shall provide documentation of payments, medical expenses, and insurance premiums to the court.

(b) The court shall order the payment of the expenses after a review of the documentation described in Subsection (6)(a).

(7) Nothing in this section [~~or Section 78B-12-212.1]~~ requires a person to separately bill a biological father for pregnancy expenses.

Section 143. Section **81-6-106**, which is renumbered from Section 78B-12-113 is renumbered and amended to read:

~~[78B-12-113].~~ **81-6-106. Duty of obligor -- Enforcement of right of support.**

(1) (a) An obligor who is present in, or a resident of, this state has the duty to provide support to the child regardless of the presence or residence of the obligee.

~~[(1)]~~

~~[(1) (a)]~~ (b) The obligee may enforce [his] the obligee's right of support against the obligor.

(2) (a) The office may proceed pursuant to this [chapter] part or any other applicable statute on behalf of:

(i) the Department of Health and Human Services;

(ii) any other department or agency of this state that provides public assistance, as defined by [~~Subsection 26B-9-201(4)]~~ Section 26B-9-101, to enforce the right to recover public assistance; or

(iii) the obligee, to enforce the obligee's right of support against the obligor.

(b) Whenever any court action is commenced by the office to enforce payment of the obligor's support obligation, the attorney general or the county attorney of the county of residence of the obligee shall represent the office.

(c) The attorney general or the county attorney does not represent or have an attorney-client relationship with the obligee or the obligor in carrying out the duties under this chapter.

~~[(2)]~~ (3) (a) A person may not commence an action, file a pleading, or submit a written

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stipulation to the court, without complying with Subsection ~~[(2)(b)]~~ (3)(b), if the purpose or effect of the action, pleading, or stipulation is to:

- (i) establish paternity;
- (ii) establish or modify a support obligation;
- (iii) change the court-ordered manner of payment of support;
- (iv) recover support due or owing; or
- (v) appeal issues regarding child support laws.

(b) (i) When taking an action described in Subsection ~~[(2)(a)]~~ (3)(a), a person must file an affidavit with the court at the time the action is commenced, the pleading is filed, or the stipulation is submitted stating whether child support services have been or are being provided under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., on behalf of a child who is a subject of the action, pleading, or stipulation.

(ii) If child support services have been or are being provided, under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of the affidavit and a copy of the pleading or stipulation to the child and family support division of the Office of the Attorney General~~[, Child Support Division]~~.

(iii) (A) If notice is not given in accordance with this Subsection ~~[(2)]~~ (3), the office is not bound by any decision, judgment, agreement, or compromise rendered in the action.

(B) For purposes of appeals, service must be made on the Office of the Director for the Office of Recovery Services.

(c) If ~~[IV-D services]~~ child support services have been or are being provided, that person shall join the office as a party to the action, or mail or deliver a written request to the child and family support division of the Office of the Attorney General, ~~[Child Support Division]~~ asking the office to join as a party to the action.

(d) A copy of ~~[that request]~~ the request described in Subsection (3)(c), along with proof of service, shall be filed with the court.

(e) The office shall be represented as provided in Subsection ~~[(1)(b)]~~ (2)(b).

~~[(3) Neither the attorney general nor the county attorney represents or has an attorney-client relationship with the obligee or the obligor in carrying out the duties under this chapter.]~~

Section 144. Section **81-6-107**, which is renumbered from Section 78B-12-201 is

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renumbered and amended to read:

~~[78B-12-201].~~ **81-6-107. Procedure for child support proceeding --**

Documentation.

(1) In any matter in which child support is ordered, the moving party shall submit:

(a) a completed [~~child support~~] worksheet;

(b) the financial verification required by [~~Subsection 78B-12-203(5)~~] Section

81-6-203;

(c) a written statement indicating whether or not the amount of child support requested is consistent with the child support guidelines; and

(d) the information required under Subsection (3).

(2) (a) If the documentation of income required under Subsection (1) is not available, the moving party may submit a verified representation of the other party's income [~~by the moving party,~~] based on the best evidence available[~~, may be submitted~~].

(b) [~~The evidence shall be in affidavit form and may only { } be offered after a copy has been provided~~] The moving party shall provide the evidence described in Subsection (2)(a) in affidavit form.

(c) The moving party may only offer the evidence described in Subsection (2)(a) after a copy is provided to the other party in accordance with Utah Rules of Civil Procedure or Title 63G, Chapter 4, Administrative Procedures Act, in an administrative proceeding.

(3) (a) Upon the entry of an order in a proceeding to establish paternity or to establish, modify, or enforce a child support order, each party shall:

(i) file identifying information [~~and shall~~]; and

(ii) update that information as changes occur with the court that conducted the proceeding.

~~[(a)]~~ (b) The required identifying information shall include the person's social security number, driver's license number, residential and mailing addresses, telephone numbers, the name, address and telephone number of employers, and any other data required by the United States Secretary of Health and Human Services.

~~[(b)]~~ (c) [~~Attorneys~~] An attorney representing the office in child support services cases [~~are~~] is not required to file the identifying information required by Subsection [~~(3)(a).~~] (3)(b).

~~[(4) A stipulated amount for child support or combined child support and alimony is~~

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~~adequate under the guidelines if the stipulated child support amount or combined amount equals or exceeds the base child support award required by the guidelines.]~~

Section 145. Section **81-6-108**, which is renumbered from Section 78B-12-109 is renumbered and amended to read:

~~[78B-12-109].~~ **81-6-108. Waiver and estoppel.**

(1) Waiver and estoppel shall apply only to the ~~[custodial parent]~~ obligee when there is no order already established by a tribunal if the ~~[custodial parent]~~ obligee freely and voluntarily waives support specifically and in writing.

(2) Waiver and estoppel may not be applied against any third party or public entity that may provide support for the child.

(3) ~~[A noncustodial parent]~~ An obligor, or alleged biological father in a paternity action, may not rely on statements made by the ~~[custodial parent of the child]~~ obligee concerning child support unless the statements are reduced to writing and signed by both parties.

Section 146. Section **81-6-109**, which is renumbered from Section 78B-12-115 is renumbered and amended to read:

~~[78B-12-115].~~ **81-6-109. Spousal privilege -- Competency of spouses.**

~~[Laws]~~

(1) A law attaching a privilege against the disclosure of communications between ~~[husband and wife]~~ spouses are inapplicable under this chapter.

(2) Spouses are competent witnesses to testify to any relevant matter, including marriage and parentage.

Section 147. Section **81-6-110**, which is renumbered from Section 78B-12-114 is renumbered and amended to read:

~~[78B-12-114].~~ **81-6-110. County attorney to assist obligee.**

(1) The county attorney's office shall provide assistance to an obligee desiring to proceed under this ~~[chapter]~~ part in the following manner:

(a) provide forms, approved by the Judicial Council ~~[of Utah]~~, for an order of wage assignment if the obligee is not represented by legal counsel;

(b) inform the obligee of the right to file ~~[impecuniously]~~ indigently if the obligee is unable to bear the expenses of the action and assist the obligee with such filing;

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- (c) advise the obligee of the available methods for service of process; and
- (d) assist the obligee in expeditiously scheduling a hearing before the court.

(2) The county attorney's office may charge a fee not to exceed \$25 for providing assistance to an obligee under Subsection (1).

Section 148. Section **81-6-201** is enacted to read:

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81-6-201. Definitions for part.

Reserved.

Section 149. Section **81-6-202**, which is renumbered from Section 78B-12-210 is renumbered and amended to read:

~~[78B-12-210].~~ **81-6-202. Determination of amount of child support -- Application of child support guidelines -- Requirements for child support order.**

~~[(1) The guidelines in this chapter apply to any judicial or administrative order establishing or modifying an award of child support entered on or after July 1, 1989.]~~

(1) (a) If a prior child support order does not exist, a substantial change in circumstances has occurred, or a petition to modify a child support order as described in Section 81-6-212 is filed, the court determining the amount of prospective child support shall require each party to file a proposed award of child support using the child support guidelines before the court enters or modifies a child support order.

(b) When no prior child support order exists, the court or administrative agency shall determine and assess all arrearages based upon the child support guidelines.

(2) (a) The court or administrative agency shall apply the child support guidelines [shall be applied] as a rebuttable presumption in establishing or modifying the amount of temporary or permanent child support.

(b) The rebuttable presumption means the provisions and considerations required by the child support guidelines, the award amounts resulting from the application of the child support guidelines, and the use of worksheets consistent with [these] the child support guidelines are presumed to be correct, unless [rebutted under the provisions of] the child support guidelines are rebutted in accordance with this section.

(3) (a) A written finding or specific finding on the record supporting the conclusion that complying with a provision of the child support guidelines or ordering an award amount

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resulting from use of the child support guidelines would be unjust, inappropriate, or not in the best interest of a child in a particular case is sufficient to rebut the presumption in that case.

(b) If an order rebuts the presumption through findings, [it] the order is considered a deviated order.

(4) The following [~~shall be~~] are considered deviations from the child support guidelines, if:

(a) the order includes a written finding that [it] the order is a deviation from the child support guidelines;

(b) the [~~guidelines~~] worksheet has:

(i) the box checked for a deviation; and

(ii) an explanation as to the reason; or

(c) the deviation is made because there were more children than provided for in the [~~guidelines table~~] child support tables.

(5) If the amount in the order and the amount on the [~~guidelines~~] worksheet differ by \$10 or more:

(a) the order is considered deviated; and

(b) the incomes listed on the worksheet may not be used in adjusting support for emancipation as described in Section 81-6-213.

(6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection (3), the court shall establish child support after considering all relevant factors, including:

(a) the standard of living and situation of the parties;

(b) the relative wealth and income of the parties;

(c) the ability of the obligor to earn;

(d) the ability of the obligee to earn;

(e) the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income;

(f) the needs of the obligee, the obligor, and the child;

(g) the ages of the parties; and

(h) the responsibilities of the obligor and the obligee for the support of others.

[~~(6)~~] (7) (a) [~~Natural or adoptive children of either~~] If there are children of either parent

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who live in the home of that parent and are not children in common to both parties [~~may at the option of either party be taken into account~~], the court or administrative agency, at the option of either party, may take into account the children under the child support guidelines in setting a base child support award[~~, as provided~~] as described in Subsection [~~(7)~~] (8).

(b) Additional worksheets shall be prepared that [~~compute~~] calculate the base child support award of the respective parents for the additional children.

(c) [~~The base child support award shall then be subtracted~~] The court or administrative agency shall subtract the base child support award calculated under Subsection (7)(b) from the appropriate parent's income before determining the award in the [~~instant case~~] case described in Subsection (7)(a).

[~~(7)~~] (8) In a proceeding to adjust or modify [~~an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied~~] a child support order, the court or administrative agency may consider children, who are born after the entry of the child support order and are not in common to both parties, to mitigate an increase in the award, but [~~may not be applied~~] the court or administrative agency may not consider the children:

(a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent child support order; or

(b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent child support order.

(9) A stipulated amount for child support or combined child support and alimony is adequate under the child support guidelines if the stipulated child support amount or combined amount equals or exceeds the base child support award required by the child support guidelines.

(10) The court shall include the following provisions in a child support order:

(a) a provision establishing the monthly amount of child support obligation for each parent in accordance with the child support guidelines;

(b) a provision assigning responsibility for the payment of reasonable and necessary medical expenses for the child as described in Section 81-6-208;

(c) a provision requiring the purchase and maintenance of appropriate health care insurance for the medical expenses of the child as described in Section 81-6-208 if health care

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insurance is or becomes available at a reasonable cost;

(d) a provision regarding the child care expenses and costs as described in Section 81-6-209;

(e) a provision regarding each parent's right to claim a child as a tax exemption for federal and state income tax purposes in accordance with Section 81-6-210;

(f) provisions for income withholding as a means of collecting child support, in accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and

(g) a provision regarding a parent's opportunity to adjust a child support order as described in Section 81-6-212.

(11) The office shall include the provisions described in Section 26B-9-224 in a child support order.

~~[(8)(a) If a child support order has not been issued or modified within the previous three years, a parent, legal guardian, or the office may move the court to adjust the amount of a child support order.]~~

~~[(b) Upon receiving a motion under Subsection (8)(a), the court shall, taking into account the best interests of the child:]~~

~~[(i) determine whether there is a difference between the payor's ordered support amount and the payor's support amount that would be required under the guidelines; and]~~

~~[(ii) if there is a difference as described in Subsection (8)(b)(i), adjust the payor's ordered support amount to the payor's support amount provided in the guidelines if:]~~

~~[(A) the difference is 10% or more;]~~

~~[(B) the difference is not of a temporary nature; and]~~

~~[(C) the order adjusting the payor's ordered support amount does not deviate from the guidelines.]~~

~~[(c) A showing of a substantial change in circumstances is not necessary for an adjustment under this Subsection (8).]~~

~~[(9)(a) A parent, legal guardian, or the office may at any time petition the court to adjust the amount of a child support order if there has been a substantial change in circumstances. A change in the base combined child support obligation table is not a substantial change in circumstances for the purposes of this Subsection (9).]~~

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~~[(b) For purposes of this Subsection (9), a substantial change in circumstances may include:]~~

~~[(i) material changes in custody;]~~

~~[(ii) material changes in the relative wealth or assets of the parties;]~~

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

~~[(iv) material changes in the employment potential and ability of a parent to earn;]~~

~~[(v) material changes in the medical needs of the child; or]~~

~~[(vi) material changes in the legal responsibilities of either parent for the support of others:]~~

~~[(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into account the best interests of the child:]~~

~~[(i) determine whether a substantial change has occurred;]~~

~~[(ii) if a substantial change has occurred, determine whether the change results in a difference of 15% or more between the payor's ordered support amount and the payor's support amount that would be required under the guidelines; and]~~

~~[(iii) adjust the payor's ordered support amount to that which is provided for in the guidelines if:]~~

~~[(A) there is a difference of 15% or more; and]~~

~~[(B) the difference is not of a temporary nature.]~~

~~[(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9) shall be included in each child support order.]~~

Section 150. Section **81-6-203**, which is renumbered from Section 78B-12-203 is renumbered and amended to read:

~~[78B-12-203].~~ **81-6-203. Determination of gross income for child support -- Imputing income to a parent.**

~~[(1) As used in the guidelines, "gross income" includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from "nonmeans-tested"~~

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~~government programs.]~~

(1) (a) Each parent shall provide verification of current income to the court or administrative agency.

(b) Each parent shall provide year-to-date pay stubs or employer statements and complete copies of tax returns from at least the most recent year, unless the court finds the verification is not reasonably available.

(c) Verification of income from records maintained by the Department of Workforce Services may be substituted for pay stubs, employer statements, and income tax returns.

(2) (a) To calculate gross income of a parent, the court or administrative agency may include:

(i) prospective income of the parent, including income from earned and nonearned sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, worker compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from nonmeans-tested government programs; and

(ii) income imputed to the parent as described in Subsection (6).

~~(2) (b)~~ (b) Income from earned income sources is limited to the equivalent of one full-time 40-hour job.

(c) If and only if during the time before the original support order, the parent normally and consistently worked more than 40 hours at the parent's job, the court may consider this extra time as a pattern in calculating the parent's ability to provide child support.

(3) (a) The court or administrative agency shall use historical and current earnings to determine whether an underemployment or overemployment situation exists.

(b) The office may not treat incarceration of at least six months as voluntary unemployment in establishing or modifying a support order.

~~(3) Notwithstanding Subsection (1), specifically excluded from gross income are:]~~

~~(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;]~~

~~(b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP~~

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~~benefits, or General Assistance; and]~~

~~[(c) other similar means-tested welfare benefits received by a parent.]~~

~~[(4) [(a) Gross income from self-employment or operation of a business shall be calculated]~~

~~[(4) (a) To calculate income from self-employment or operation of a business, the court or administrative agency:~~

~~(i) shall calculate gross income from self-employment or operation of a business by subtracting necessary expenses required for self-employment or business operation from gross receipts[-];~~

~~(ii) [The] shall review income and expenses from self-employment or operation of a business [shall be reviewed] to determine an appropriate level of gross income available to the parent to satisfy a child support award[-]; and~~

~~(iii) [Only] may only deduct those expenses necessary to allow the business to operate at a reasonable level [may be deducted] from gross receipts.~~

~~(b) Gross income determined under this Subsection (4) may differ from the amount of business income determined for tax purposes.~~

~~[(5) (a) When possible, gross income should first be computed on an annual basis and then recalculated to determine the average gross monthly income.]~~

~~[(b) Each parent shall provide verification of current income. Each parent shall provide year-to-date pay stubs or employer statements and complete copies of tax returns from at least the most recent year unless the court finds the verification is not reasonably available. Verification of income from records maintained by the Department of Workforce Services may be substituted for pay stubs, employer statements, and income tax returns.]~~

~~[(c) Historical and current earnings shall be used to determine whether an underemployment or overemployment situation exists.]~~

~~[(6) Incarceration of at least six months may not be treated as voluntary unemployment by the office in establishing or modifying a support order.]~~

~~[(7) Gross income includes income imputed to the parent under Subsection (8).]~~

~~[(8) (a) Income may not be imputed]~~

(5) When possible, the court or administrative agency shall determine the average monthly gross income for each parent by:

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(a) calculating the gross income of each parent on an annual basis; and

(b) dividing the annual gross income for each parent by 12.

(6) (a) The court or administrative agency may not impute income to a parent unless the parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a hearing is held and [the judge in a judicial proceeding or the presiding officer in an administrative proceeding] the court or administrative agency enters findings of fact as to the evidentiary basis for the imputation.

(b) If income is imputed to a parent, [the income shall be based] the court or administrative agency shall base income upon employment potential and probable earnings considering, to the extent known:

(i) employment opportunities;

(ii) work history;

(iii) occupation qualifications;

(iv) educational attainment;

(v) literacy;

(vi) age;

(vii) health;

(viii) criminal record;

(ix) other employment barriers and background factors; and

(x) prevailing earnings and job availability for persons of similar backgrounds in the community.

(c) If a parent has no recent work history or a parent's occupation is unknown, [that parent may be imputed] the court or administrative agency may impute an income to that parent at the federal minimum wage for a 40-hour work week.

(d) To impute a greater or lesser income, the [judge in a judicial proceeding or the presiding officer in an administrative proceeding] court or administrative agency shall enter specific findings of fact as to the evidentiary basis for the imputation.

[~~(d)~~] (e) [Income may not be imputed] The court or administrative agency may not impute income to a parent if any of the following conditions exist and the condition is not of a temporary nature:

(i) the reasonable costs of child care for the parents' minor [~~children~~] child approach or

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equal the amount of income the custodial parent can earn;

- (ii) a parent is physically or mentally unable to earn minimum wage;
- (iii) a parent is engaged in career or occupational training to establish basic job skills;

or

(iv) unusual emotional or physical needs of a child require the custodial parent's presence in the home.

(7) Notwithstanding Subsection (2), the court or administrative agency may not include the following sources of income when calculating the gross income of a parent:

(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;

(b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP benefits, or General Assistance;

(c) other similar means-tested welfare benefits received by a parent;

(d) the earned income of a child who is the subject of a child support award; or

(e) except as otherwise provided in Subsection (8), the benefits to a child in the child's own right, such as Supplemental Security Income.

(8) (a) The court or administrative agency shall credit, as child support, the amount of social security benefits received by a child due to the earnings of the parent on whose earning record the social security benefits are based by crediting the amount against the potential obligation of that parent.

(b) The court or administrative agency may consider other unearned income of a child as income of a parent depending upon the circumstances of each case.

~~[(9) (a) Gross income may not include the earnings of a minor child who is the subject of a child support award nor benefits to a minor child in the child's own right such as Supplemental Security Income.]~~

~~[(b) Social security benefits received by a child due to the earnings of a parent shall be credited as child support to the parent upon whose earning record it is based, by crediting the amount against the potential obligation of that parent. Other unearned income of a child may be considered as income to a parent depending upon the circumstances of each case.]~~

Section 151. Section **81-6-204** is enacted to read:

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81-6-204. General provisions for calculating child support -- Determination of base combined child support obligation.

(1) To calculate child support, the court or administrative agency shall determine the base combined child support obligation for the parents by:

(a) except as provided in Subsection (3), adjusting the average monthly gross income for each parent by subtracting any alimony previously ordered and paid and any child support previously ordered for that parent;

(b) adjusting the average monthly gross income for each parent by subtracting any credits deemed appropriate under Subsections 81-6-202(7) and (8);

(c) combining the adjusted average monthly gross incomes for both parents; and

(d) locating the base combined child support obligation in the base combined child support obligation table by finding:

(i) the combined adjusted average monthly gross incomes of the parents in the table; and

(ii) the total number of children in common to the parents.

(2) The court or administrative agency may only use the income of the parents of the child to determine the base child support award.

(3) The court or administrative agency may not subtract any alimony ordered in the pending proceeding from the gross incomes of the parents as described in Subsection (1)(~~fc~~a).

(4) If there is no amount listed for the base combined child support obligation in the base combined child support obligation table, the base combined support obligation for the parents is \$0.

(5) Upon determining the base combined child support obligation, the court or administrative agency shall make additional calculations as described in Section 81-6-205, 81-6-206, or 81-6-207 to determine the base child support award.

(6) (a) Except as provided in Subsection (6)(b), the court may consider any amount that an incapacitated adult child can contribute to the child's support and use the amount to justify a reduction in the amount of support ordered.

(b) If the case described in Subsection (6)(a) involves more than one child, the reduction may not be greater than the effect of reducing the total number of children by one.

(7) (a) The base combined child support obligation table provides combined child

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support obligations for up to six children.

(b) If a case involves more than six children, the court may add additional amounts to the base child support obligation shown in the base combined child support obligation table.

(c) Unless rebutted by Subsection 81-6-202(3), the court or administrative agency may not order an amount less than the amount that would be ordered for up to six children.

(8) (a) If the combined adjusted gross income exceeds the highest level specified in the base combined child support obligation table, the court shall order an appropriate and just amount of child support on a case-by-case basis, except that the court may not order an amount that is less than the highest level specified in the table for the number of children due child support.

(b) There is no maximum limit on the base child support award that a court may order using the child support tables.

(9) The amount shown in a child support table is the child support amount for the total number of children not an amount per child.

(10) For all worksheets, income and child support award figures are rounded to the nearest dollar.

Section 152. Section **81-6-205** is enacted to read:

81-6-205. Sole physical custody -- Obligation calculations -- Change in physical custody.

(1) This section applies to a case in which a parent, or another person, is awarded sole physical custody of the children.

(2) Except as provided in Subsections (3) and (4), the court or administrative agency shall determine the base child support award for each parent by:

(a) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to determine each parent's percentage; and

(b) multiplying each parent's percentage by the base combined child support obligation that is calculated as described in Subsection 81-6-204(1).

(3) (a) If the base combined child support obligation is \$0, the court or administrative agency shall establish the base child support award for each parent by:

(i) determining the individual monthly adjusted gross income for the parent;

(ii) locating the amount of the base child support award in the low income table by

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finding:

(A) the monthly adjusted gross income for the parent in the low income table; and

(B) the number of children in common with the parents.

(b) The corresponding amount in the low income table is the base child support award for that parent.

(4) (a) If a parent's individual monthly adjusted gross income is less than the highest amount of monthly adjusted gross income shown in the low income table, the court or administrative agency shall determine that the base child support award is the lesser of:

(i) the amount calculated using the base combined child support obligation table as described in Subsection (2); and

(ii) the amount calculated using the low income table as described in Subsection (3).

(b) If the monthly adjusted gross income of a parent is found in an area of the low income table in which no amount is shown, the court or administrative agency shall determine the base child support award by using the amount listed in the base combined child support obligation table and calculated as described in Subsection (2).

(5) A base child support award in a sole physical custody case may not be less than \$30.

(6) The amounts calculated under this section are rebuttable as described in Section 81-6-202.

(7) A parent without sole physical custody of the children is an obligor and is required to pay the amount of child support calculated under this section.

(8) (a) When physical custody of a child changes after the original child support order, the parent without physical custody of the child is required to pay the amount of child support calculated under this section, without the need to modify the order, to:

(i) the parent who has physical custody of the child;

(ii) a relative to whom physical custody of the child has been voluntarily given; or

(iii) the state when the child is residing outside of the home in the protective custody, temporary custody, or care of the state or a state-licensed facility for at least 30 days.

(b) When physical custody of a child changes from the physical custody that is assumed in the original child support order calculated under this section, the modification of the child support order is not necessary even if only one parent is specifically ordered to pay in

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the child support order.

Section 153. Section **81-6-206** is enacted to read:

81-6-206. Joint physical custody -- Obligation calculations.

(1) This section applies to a case in which the parents are awarded joint physical custody of the children.

(2) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.

(3) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is greater than \$0, the court or administrative agency shall determine each parent's share of the base combined child support obligation by:

(a) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to determine each parent's percentage; and

(b) multiplying each parent's percentage by the base combined child support obligation.

(4) The court or administrative agency shall determine the base child support award for the parent with the lesser number of overnights by:

(a) multiplying the number of overnights over 110 and under 131 for that parent by .0027;

(b) multiplying the number calculated under Subsection (4)(a) by the base combined child support obligation;

(c) multiplying the number of overnights over 130 for that parent by .0084;

(d) multiplying the number calculated under Subsection (4)(c) by the base combined child support obligation; and

(e) subtracting the numbers calculated in Subsections (4)(b) and (4)(d) from that parent's share of the base combined child support obligation calculated under Subsection (3).

(5) If the base child support award calculated under Subsection (4) is greater than \$0, the parent with the lesser number of overnights is the obligor and is required to pay child support.

(6) If the base child support award calculated under Subsection (4) is less than \$0:

(a) the parent with the lesser number of overnights is the obligee; and

(b) the parent with the greater number of overnights is the obligor and is required to pay child support.

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(7) If the parents have an equal parent-time schedule under Section 81-9-305, the amount of time to be spent with the parent who has the lower monthly adjusted gross income is considered 183 overnights, regardless of whether the parent receives 182 overnights or 183 overnights under the equal parent-time schedule.

Section 154. Section **81-6-207** is enacted to read:

81-6-207. Split physical custody -- Obligation calculations.

(1) This section applies to a case in which the parents are awarded split physical custody of the children.

(2) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.

(3) If the base combined child support obligation that is calculated as described in Subsection 81-6-204(1) is greater than \$0, the court shall determine the base child support award by:

(a) dividing the number of children with each parent by the combined number of children to calculate each parent's percentage of children;

(b) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to calculate each parent's percentage of the combined monthly adjusted gross income;

(c) multiplying each parent's percentage of the combined monthly adjusted gross income by the base combined child support obligation to calculate each parent's share of the base combined child support obligation;

(d) multiplying each parent's share of the base combined child support obligation by the other parent's percentage of children to determine the individual child support obligations for each parent; and

(e) subtracting the lesser individual child support obligation from the higher individual child support obligation to reach the base child support award.

(4) The parent with the higher individual child support obligation is the parent required to pay the base child support award calculated under Subsection (3).

Section 155. Section **81-6-208**, which is renumbered from Section 78B-12-212 is renumbered and amended to read:

[78B-12-212]. **81-6-208. Requirements for a child support order regarding**

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medical expenses -- Determination of parental liability for medical expenses.

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

~~[(1)]~~ (2) Except as provided in Subsection ~~[(3)]~~ (4), a child support order issued or modified in this state on or after May 3, 2023, shall require compliance with the requirements described in Subsection ~~[(2)]~~ (3) as of the effective date of the child support order.

~~[(2)]~~ (3) A child support order shall:

(a) ~~[order that]~~ require the parents provide health care coverage for the medical expenses of a child;

(b) ~~[order that]~~ require the parents provide health insurance for the medical expenses of a child if health insurance is available to the parents at a reasonable cost;

(c) ~~[in accordance with Subsection 30-3-5(3)(b)(ii) and Section 30-3-5.4,]~~ designate which health~~[-hospital, or dental]~~ insurance plan is primary and which health~~[-hospital, or dental]~~ insurance plan is secondary if, at any time, a child is covered by both parents' health~~[-hospital, or dental]~~ insurance plans as described in Subsection (7);

(d) ~~[require]~~ require each parent to share equally the out-of-pocket costs of the premium actually paid by a parent for the child's portion of health insurance; and

(e) ~~[in accordance with Subsection 30-3-5(3)(a),]~~ include a provision that requires each parent to equally share all reasonable and necessary uninsured and unreimbursed medical and dental expenses incurred for a child, including co-payments, co-insurance, and deductibles.

~~[(3)]~~ (4) ~~[A court]~~ The court may deviate from the requirements described in Subsection ~~[(2)]~~ (3) if:

(a) the court makes specific findings establishing good cause for the deviation; or

(b) subject to the court's approval, the parents agree which parent shall provide health insurance for the child.

~~[(4)]~~ (5) In determining whether to take the action described in Subsection ~~[(3)]~~ (4), the court may consider:

(a) the reasonableness of the cost;

(b) the availability of a group insurance policy;

(c) the coverage of the policy; or

(d) the preference of the custodial parent.

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~~[(5)]~~ (6) Subject to Subsection ~~[(3)]~~ (4), if a child support order does not contain the requirements described in Subsection ~~[(2)]~~ (3):

(a) the parents are nonetheless subject to the requirements described in Subsection ~~[(2)]~~ (3), as applicable; and

(b) for purposes of Subsection ~~[(2)(c)]~~ (3)(c), the health insurance plan of the parent whose birthday falls first in the calendar year is primary, and the health insurance plan of the parent whose birthday falls second in the calendar year is secondary.

(7) (a) The provisions of an order under Subsection (3)(c) shall:

(i) take effect if at any time a child is covered by both parents' health insurance plans; and

(ii) include the following language: "If, at any point in time, a child is covered by the health insurance plans of both parents, the health insurance plan of (Parent's Name) shall be primary coverage for the child and the health insurance plan of (Other Parent's Name) shall be secondary coverage for the child. If a parent remarries and the child is not covered by that parent's health insurance plan but is covered by a step-parent's plan, the health insurance plan of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the same designation as the primary or secondary plan of the child."

(b) A court or administrative agency may not modify the language required by Subsection (7)(a)(ii).

(c) Notwithstanding Subsection (7)(b), the court may allocate the payment of medical expenses including co-payments, deductibles, and co-insurance not covered by health insurance between the parents.

(d) In designating primary coverage pursuant to Subsection (3)(c), the court may take into account:

(i) the birth dates of the parents;

(ii) a requirement in a court order, if any, for one of the parents to maintain health insurance coverage for a child;

(iii) the parent with physical custody of the child; or

(iv) any other factor the court considers relevant.

~~[(6)(a)]~~ (8) (a) The parent who provides health insurance may receive credit against the base child support award or recover the other parent's share of the child's portion of the

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premium.

(b) If the parent does not have health insurance but another member of the parent's household provides health insurance for the child, the parent may receive credit against the base child support award or recover the other parent's share of the child's portion of the premium.

~~[(7)(a)]~~ (9)(a) The child's portion of the premium is a per capita share of the premium actually paid.

(b) The premium expense for a child shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the result by the number of children in the instant case.

~~[(8)(a)]~~ (10)(a) The parent maintaining health care coverage or insurance shall provide verification of coverage to the other parent, or to the ~~[Office of Recovery Services]~~ office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., upon initial enrollment of the child, and after initial enrollment on or before January 2 of each calendar year.

(b) The parent shall notify the other parent, or the ~~[Office of Recovery Services]~~ office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., of any change of insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew or should have known of the change.

~~[(9)]~~ (c) A parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

~~[(10)]~~ (d) ~~[In addition to any other sanctions provided by the court, a]~~ The court may deny a parent incurring medical expenses [may be denied] the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with [Subsections (8) and (9)] this Subsection (10).

(11)(a) The court or administrative agency may issue an order determining the amount of a parent's liability for medical expenses of a child when the parent:

(i) is required by a prior court or administrative order to:

(A) share those expenses with the other parent of the child; or

(B) obtain insurance for medical expenses but fails to do so; or

(ii) receives direct payment from an insurer under insurance coverage obtained after the

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prior court or administrative order was issued.

(b) If the prior court or administrative order does not specify what proportions of the expenses are to be shared:

(i) the court may determine the amount of liability as may be reasonable and necessary;
and

(ii) the administrative agency may determine the amount of liability in accordance with established rules.

(c) This Subsection (11) applies to an order without regard to when the order was issued.

Section 156. Section **81-6-209**, which is renumbered from Section 78B-12-214 is renumbered and amended to read:

~~[78B-12-214].~~ **81-6-209. Requirements for a child support order regarding child care costs and expenses -- Actual expenses for child care.**

~~[(1) The child support order shall require that each parent share equally the reasonable work-related child care expenses of the parents.]~~

(1) The court or administrative agency shall require in a child support order that each parent share equally the reasonable work-related child care expenses of the parents.

(2) (a) If an actual expense for child care is incurred, a parent shall begin paying ~~[his]~~ the parent's share on a monthly basis immediately upon presentation of proof of the child care expense~~[, but if]~~.

(b) If the child care expense ceases to be incurred, [that] the parent may suspend making monthly payment of that expense, while [it] the expense is not being incurred, without obtaining a modification of the child support order.

~~[(b)]~~ (c) (i) In the absence of a court order to the contrary, a parent who incurs child care expense shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.

(ii) In the absence of a court order to the contrary, the parent shall notify the other parent of any change of child care provider or the monthly expense of child care within 30 calendar days [of the date of the change] after the day on which the change occurred.

(3) [In addition to any other sanctions provided by the court, a] The court may deny a

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parent incurring child care expenses [~~may be denied~~] the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with Subsection [~~(2)(b)~~] (2)(c).

(4) (a) The court or administrative agency shall presume that child care costs should be included in a child support order if a parent, during extended parent-time, is working and actually incurring the child care costs.

(b) The presumption under Subsection (4)(a) is rebutted if:

(i) the obligor's base child support award, in combination with the award of medical expenses, exceeds 50% of the obligor's adjusted gross income; or

(ii) by adding the child care costs, the obligor's child support obligation would exceed 50% of the obligor's adjusted gross income.

(5) (a) The court or administrative agency may award child care costs on a case-by-case basis if the child care costs are related to the career and occupational training of the custodial parent or the child care costs would be in the interest of justice.

(b) The court or administrative agency may assign financial responsibility in a child support order for all or a portion of child care expenses incurred on behalf of a child due to the employment or training of the custodial parent.

(6) (a) The court or administrative agency may impute a monthly obligation for child care costs when the court imputes income to a parent who is providing child care for the child so that the parties are not incurring child care costs for the child.

(b) The court shall apply any monthly obligation imputed under Subsection (6)(a) towards any actual child care costs incurred within the same month for the child.

Section 157. Section **81-6-210**, which is renumbered from Section 78B-12-217 is renumbered and amended to read:

~~[78B-12-217].~~ **81-6-210. Award of tax exemption for a child.**

(1) [~~No presumption exists~~] There is no presumption as to which parent should be awarded the right to claim a child [~~or children as exemptions~~] as an exemption for federal and state income tax purposes.

(2) Unless the parties otherwise stipulate in writing, the court [~~or administrative agency~~] shall award in any final order the exemption on a case-by-case basis.

~~[(2)]~~ (3) In awarding the exemption, the court [~~or administrative agency~~] shall

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consider:

(a) as the primary factor, the relative contribution of each parent to the cost of raising the child; and

(b) among other factors, the relative tax benefit to each parent.

~~[(3)] (4) (a)~~ Notwithstanding Subsection ~~[(2)] (3)~~, the court ~~[or administrative agency]~~ may not award any exemption to ~~[the noncustodial parent if that parent is not current in his] a parent if the parent is not current in the parent's child support obligation~~~~[- in which case]~~.

(b) If a parent is not current in the parent's child support obligation under Subsection (4)(a), the court [or administrative agency] may award an exemption to the [custodial parent] other parent.

~~[(4)] (5)~~ An exemption may not be awarded to a parent unless the award will result in a tax benefit to that parent.

Section 158. Section **81-6-211**, which is renumbered from Section 78B-12-216 is renumbered and amended to read:

~~[78B-12-216].~~ **81-6-211. Reduction for extended parent-time.**

(1) The base child support award ~~[shall be]~~ is:

(a) reduced by 50% for each child for time periods during which the child is with the noncustodial parent by order of the court or by written agreement of the parties for at least 25 of any 30 consecutive days of extended parent-time; or

(b) reduced by 25% for each child for time periods during which the child is with the noncustodial parent by order of the court~~[-]~~ or by written agreement of the parties for at least 12 of any 30 consecutive days of extended parent-time.

(2) If the ~~[dependent]~~ child is a client of cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program, the administrative agency shall approve any agreement by the parties for reduction of child support during extended parent-time ~~[shall be approved by the administrative agency]~~.

(3) ~~[Normal]~~ For purposes of this section, normal parent-time and holiday visits to the custodial parent ~~[shall not be]~~ are not considered extended parent-time.

(4) For cases receiving ~~[IV-D]~~ child support services in accordance with ~~[Title 26B, Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, to receive the~~

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~~adjustment~~ Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the noncustodial parent shall provide written documentation to the office of the extended parent-time schedule to receive the adjustment under Subsection (1), including the beginning and ending dates, ~~[to the Office of Recovery Services]~~ in the form of ~~[either]~~ a court order or a voluntary written agreement between the parties.

(5) If the noncustodial parent complies with Subsection (4), owes no past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time and the following month, the ~~[Office of Recovery Services]~~ office shall refund the difference from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due:

(a) from current child support received in the month following the month of scheduled extended parent-time; or

(b) from current child support received in the month following the month written documentation of the scheduled extended parent-time is provided to the office, whichever occurs later.

(6) If the noncustodial parent complies with Subsection (4), owes past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time, the ~~[Office of Recovery Services]~~ office shall apply the difference, from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due, to the past-due support obligation in the case.

(7) For cases not receiving ~~[IV-D]~~ child support services in accordance with ~~[Title 26B, Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, any potential adjustment of the support payment during the month of extended visitation or any refund that may be due to the noncustodial parent from the custodial parent, shall be resolved between the parents or through the court without involvement by the Office of Recovery Services]~~ Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the court or the parents shall resolve, without involvement by the office, any potential adjustment of the child support payment during the month of extended visitation or any refund that is due

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to the noncustodial parent from the custodial parent.

(8) For purposes of this section, the per child amount to which the abatement applies [~~shall be~~] is calculated by dividing the base child support award by the number of children included in the award.

(9) The reduction in this section does not apply to parents with joint physical custody obligations calculated in accordance with Section [~~78B-12-208~~] 81-6-206.

Section 159. Section **81-6-212** is enacted to read:

81-6-212. Modification of child support order -- Adjustment of child support.

(1) The amount of prospective child support is equal to the amount granted by a prior child support order unless:

(a) there is a substantial change of circumstances on the part of the obligor or obligee as described in this section; or

(b) an adjustment is made as described in this section or ~~Subsection 81-6-215(5)~~ Section 81-6-213.

(2) If the prior child support order contains a stipulated provision for the automatic adjustment for prospective child support, the prospective child support is the amount as stated in the order, without a showing of a substantial change of circumstances, if the stipulated provision:

(a) is clear and unambiguous;

(b) is self-executing;

(c) provides for child support that equals or exceeds the base child support award required by the child support guidelines; and

(d) does not allow a decrease in child support as a result of the obligor's voluntary reduction of income.

(3) (a) A parent, legal guardian, or the office may, at any time, petition the court to adjust the amount of a child support order if there has been a substantial change in circumstances.

(b) A change in the child support tables is not a substantial change in circumstances for the purposes of Subsection (3)(a).

(c) For purposes of this Subsection (3)(a), a substantial change in circumstances may include:

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- (i) material changes in custody;
- (ii) material changes in the relative wealth or assets of the parties;
- (iii) material changes of 30% or more in the income of a parent;
- (iv) material changes in the employment potential and ability of a parent to earn;
- (v) material changes in the medical needs of the child; or
- (vi) material changes in the legal responsibilities of either parent for the support of

others.

(4) Upon receiving a petition under Subsection (3)(a), the court shall, taking into account the best interests of the child:

(a) determine whether a substantial change has occurred;

(b) if a substantial change has occurred, determine whether the change results in a difference of 15% or more between the obligor's ordered support amount and the obligor's support amount that would be required under the child support guidelines; and

(c) adjust the obligor's ordered support amount to that which is provided for in the child support guidelines if:

(i) there is a difference of 15% or more; and

(ii) the difference is not of a temporary nature.

(5) (a) If a child support order has not been issued or modified within the previous three years, a parent, legal guardian, or the office may move the court to adjust the amount of a child support order.

(b) Upon receiving a motion under Subsection (5)(a), the court shall, taking into account the best interests of the child:

(i) determine whether there is a difference between the obligor's ordered support amount and the obligor's support amount that would be required under the child support guidelines; and

(ii) if there is a difference as described in Subsection (5)(b)(i), adjust the obligor's ordered support amount to the obligor's support amount provided in the child support guidelines if:

(A) the difference is 10% or more;

(B) the difference is not of a temporary nature; and

(C) the order adjusting the obligor's ordered support amount does not deviate from the

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child support guidelines.

(c) A showing of a substantial change in circumstances is not necessary for an adjustment under this Subsection (~~(4)~~5).

Section 160. Section **81-6-213** is enacted to read:

81-6-213. Adjustment to child support when child becomes emancipated.

(1) Except as otherwise provided in the child support order, the base child support award is automatically adjusted to the base child support award for the remaining number of children due child support, without the need to modify the most recent child support order by a court, when a child:

(a) becomes 18 years old or graduates from high school during the child's normal and expected year of graduation, whichever occurs later;

(b) dies, marries, becomes a member of the armed forces of the United States; or

(c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.

(2) The base child support award is adjusted as described in Subsection (1) by using the child support table that was used to establish the most recent child support order and by using the income of the parties as specified in the most recent child support order or the worksheets.

(3) The base child support award may not be reduced by a per child amount derived from the base child support award originally ordered.

(4) If the incomes of the parties are not specified in the most recent child support order or the worksheets, the information regarding the incomes is not consistent, or the order deviates from the child support guidelines, the base child support award is not automatically adjusted under Subsection (1) and the child support order will continue until modified by the issuing tribunal.

(5) If the child support order is deviated and the parties subsequently obtain a court order that adjusts the amount of child support back to the date of the emancipation of the child, the office may not be required to repay any difference in the child support collected during the interim.

Section 161. Section **81-6-214**, which is renumbered from Section 78B-12-218 is renumbered and amended to read:

~~[78B-12-218].~~ **81-6-214. Accountability of support provided to benefit child**

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-- Accounting.

(1) The court or administrative agency [~~which~~] that issues the initial or modified order for child support may, upon the petition of the obligor, order prospectively the obligee to furnish an accounting of amounts provided for the child's benefit to the obligor, including an accounting or receipts.

(2) The court or administrative agency may prescribe the frequency and the form of the accounting [~~which shall include~~], including receipts [~~and an accounting~~].

(3) The obligor may petition for the accounting only if current on all child support that has been ordered.

Section 162. Section **81-6-301** is enacted to read:

Part 3. Child Support Tables

81-6-301. Definitions for part.

Reserved.

Section 163. Section **81-6-302**, which is renumbered from Section 78B-12-301 is renumbered and amended to read:

~~§§78B-12-301§§.~~ **81-6-302. Base combined child support obligation table --**

Both parents -- Child support orders entered before January 1, 2023.

The table in this section [~~shall be~~] is used to:

(1) establish a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;

(2) modify a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;

(3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

(4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010, but before January 1, 2025.

Combined Monthly Adjusted Gross Income	Number of Children					
	1	2	3	4	5	6

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From	To						
726 -	750	138	245	286	319	351	382
751 -	775	141	252	294	328	360	392
776 -	800	146	259	301	336	370	402
801 -	825	151	265	309	345	379	412
826 -	850	155	272	317	353	389	423
851 -	875	160	279	324	362	398	433
876 -	900	165	285	332	370	407	443
901 -	925	169	292	340	379	417	453
926 -	950	174	299	348	387	426	464
951 -	975	179	305	355	396	436	474
976 -	1,000	183	312	363	405	445	484
1,001 -	1,050	193	322	374	417	459	500
1,051 -	1,100	201	335	390	435	478	520
1,101 -	1,150	210	348	405	452	497	541
1,151 -	1,200	220	362	420	469	516	561
1,201 -	1,250	229	375	436	486	535	582
1,251 -	1,300	238	388	451	503	553	602
1,301 -	1,350	248	401	467	520	572	623
1,351 -	1,400	256	414	481	536	590	642
1,401 -	1,450	265	426	495	552	607	661
1,451 -	1,500	275	438	510	568	625	680
1,501 -	1,550	284	451	524	584	643	699
1,551 -	1,600	293	463	538	600	660	718
1,601 -	1,650	303	476	553	616	678	737
1,651 -	1,700	311	488	567	632	695	757
1,701 -	1,750	320	500	581	648	713	776
1,751 -	1,800	330	513	596	664	731	795

SB0095S02 compared with SB0095

1,801 -	1,850	339	525	610	680	748	814
1,851 -	1,900	348	538	624	696	766	833
1,901 -	1,950	358	550	638	712	783	852
1,951 -	2,000	366	562	652	727	800	870
2,001 -	2,100	385	580	673	750	825	898
2,101 -	2,200	399	604	701	781	859	935
2,201 -	2,300	410	628	728	812	893	972
2,301 -	2,400	420	652	756	843	927	1,009
2,401 -	2,500	431	676	784	874	961	1,046
2,501 -	2,600	443	700	811	904	995	1,082
2,601 -	2,700	453	723	838	934	1,028	1,118
2,701 -	2,800	464	747	865	964	1,060	1,154
2,801 -	2,900	475	770	891	994	1,093	1,189
2,901 -	3,000	485	794	918	1,024	1,126	1,225
3,001 -	3,100	496	817	945	1,054	1,159	1,261
3,101 -	3,200	508	838	970	1,081	1,189	1,294
3,201 -	3,300	518	859	994	1,108	1,219	1,326
3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665

SB0095S02 compared with SB0095

4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878
5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894
5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005
6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023
6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159

SB0095S02 compared with SB0095

7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557

SB0095S02 compared with SB0095

10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981

SB0095S02 compared with SB0095

12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335

SB0095S02 compared with SB0095

15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619

SB0095S02 compared with SB0095

18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632

SB0095S02 compared with SB0095

44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

SB0095S02 compared with SB0095

Section 164. Section **81-6-303**, which is renumbered from Section 78B-12-302 is renumbered and amended to read:

[78B-12-302]. 81-6-303. Low income table -- Obligor parent only -- Child support orders entered before January 1, 2023.

The table in this section [~~shall be~~] is used to:

(1) establish a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;

(2) modify a child support order entered for the first time on or after January 1, 2008, but before January 1, 2023;

(3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

(4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010, but before January 1, 2025.

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
0 -	649	30	30	30	30	30	30
650 -	675	30	30	30	30	31	31
676 -	700	58	60	60	61	61	62
701 -	725	88	88	90	91	92	92
726 -	750	117	118	119	120	122	123
751 -	775		148	149	151	153	155
776 -	800		178	179	182	183	186
801 -	825		207	209	212	214	216
826 -	850		236	239	242	244	247
851 -	875		266	269	272	275	278
876 -	900			299	303	305	309
901 -	925			329	333	337	339

SB0095S02 compared with SB0095

926 -	950				363	366	370
951 -	975				393	398	402
976 -	1,000					428	433
1,001 -	1,050						494

Section 165. Section **81-6-304**, which is renumbered from Section 78B-12-303 is renumbered and amended to read:

~~[78B-12-303].~~ 81-6-304. Based combined child support obligation table --

Both parents -- Child support orders entered on or after January 1, 2023.

The following table [~~shall be~~] is used to:

- (1) establish a child support order entered for the first time on or after January 1, 2023;
- (2) modify a child support order entered for the first time on or after January 1, 2023;
- (3) modify a temporary judicial child support order established on or before December 31, 2022, if the new order is entered on or after January 1, 2023; or
- (4) modify a final child support order entered on or before December 31, 2022, if the 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					
2,201 -	2,300	410	628	728			
2,301 -	2,400	420	652	756	843	927	
2,401 -	2,500	431	676	784	874	961	1,046
2,501 -	2,600	443	700	811	904	995	1,082
2,601 -	2,700	453	723	838	934	1,028	1,118

SB0095S02 compared with SB0095

2,701 -	2,800	464	747	865	964	1,060	1,154
2,801 -	2,900	475	770	891	994	1,093	1,189
2,901 -	3,000	485	794	918	1,024	1,126	1,225
3,001 -	3,100	496	817	945	1,054	1,159	1,261
3,101 -	3,200	508	838	970	1,081	1,189	1,294
3,201 -	3,300	518	859	994	1,108	1,219	1,326
3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665
4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878
5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894

SB0095S02 compared with SB0095

5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005
6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023
6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204

SB0095S02 compared with SB0095

8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729

SB0095S02 compared with SB0095

11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127

SB0095S02 compared with SB0095

13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446

SB0095S02 compared with SB0095

16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731

SB0095S02 compared with SB0095

19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072

SB0095S02 compared with SB0095

66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

Section 166. Section **81-6-305**, which is renumbered from Section 78B-12-304 is renumbered and amended to read:

~~[78B-12-304].~~ 81-6-305. Low income table -- Obligor parent only -- Child support orders entered on or after January 1, 2023.

The following table ~~[shall be]~~ is used to:

- (1) establish a child support order entered for the first time on or after January 1, 2023;
- (2) modify a child support order entered for the first time on or after January 1, 2023;
- (3) modify a temporary judicial child support order established on or before December 31, 2022, if the new order is entered on or after January 1, 2023; or
- (4) modify a final child support order entered on or before December 31, 2022, if the

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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
1,391 -	1,400	97	167	223	264	292	306
1,401 -	1,410	98	168	224	266	294	308
1,411 -	1,420	113	183	240	282	310	325
1,421 -	1,430	114	185	242	284	313	327
1,431 -	1,440	114	186	243	286	315	329

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1,441 -	1,450	115	187	245	288	317	331
1,451 -	1,460	116	189	247	290	319	334
1,461 -	1,470	131	205	263	307	336	351
1,471 -	1,480	132	206	265	309	338	353
1,481 -	1,490	133	207	267	311	341	355
1,491 -	1,500	134	209	268	313	343	358
1,501 -	1,510	135	210	270	315	345	360
1,511 -	1,520	151	227	287	332	363	378
1,521 -	1,530	152	228	289	335	365	380
1,531 -	1,540	153	230	291	337	367	383
1,541 -	1,550	154	231	293	339	370	385
1,551 -	1,560	155	233	295	341	372	388
1,561 -	1,570	172	250	312	359	390	406
1,571 -	1,580	173	251	314	361	393	408
1,581 -	1,590	174	253	316	364	395	411
1,591 -	1,600	175	255	318	366	398	414
1,601 -	1,610	176	256	320	368	400	416
1,611 -	1,620	193	274	338	387	419	435
1,621 -	1,630	195	276	340	389	421	438
1,631 -	1,640	196	277	343	391	424	440
1,641 -	1,650	197	279	345	394	427	443
1,651 -	1,660	198	281	347	396	429	446
1,661 -	1,670	216	299	365	415	448	465
1,671 -	1,680	217	301	368	418	451	468
1,681 -	1,690	219	303	370	420	454	471
1,691 -	1,700	220	304	372	423	457	473
1,701 -	1,710	221	306	374	425	459	476
1,711 -	1,720	240	325	394	445	479	496

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1,721 -	1,730	241	327	396	447	482	499
1,731 -	1,740	242	329	398	450	485	502
1,741 -	1,750	244	331	400	453	487	505
1,751 -	1,760	245	333	403	455	490	508
1,761 -	1,770	264	352	423	475	511	528
1,771 -	1,780	266	354	425	478	514	531
1,781 -	1,790	267	356	427	481	516	534
1,791 -	1,800	269	358	430	484	519	537
1,801 -	1,810	270	360	432	486	522	540
1,811 -	1,820	290	380	453	507	543	561
1,821 -	1,830	291	382	455	510	546	565
1,831 -	1,840	293	385	458	513	549	568
1,841 -	1,850	295	387	460	515	552	571
1,851 -	1,860	296	389	463	518	555	574
1,861 -	1,870	316	409	484	540	577	596
1,871 -	1,880	318	412	486	543	580	599
1,881 -	1,890	320	414	489	545	583	602
1,891 -	1,900	321	416	492	548	586	605
1,901 -	1,910	323	418	494	551	589	608
1,911 -	1,920	344	440	516	573	612	631
1,921 -	1,930	346	442	519	576	615	634
1,931 -	1,940	348	444	521	579	618	637
1,941 -	1,950	349	446	524	582	621	641
1,951 -	1,960	351	449	527	585	624	644
1,961 -	1,970		471	549	608	647	667
1,971 -	1,980		473	552	611	650	670
1,981 -	1,990		475	555	614	654	674
1,991 -	2,000		478	557	617	657	677

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2,001 -	2,050		480	560	620	660	680
2,051 -	2,100		513	595	656	697	718
2,101 -	2,150		546	630	693	735	756
2,151 -	2,200		581	667	731	774	796
2,201 -	2,250		616	704	770	814	836
2,251 -	2,300				810	855	878
2,301 -	2,350					897	920
2,351 -	2,400						964
2,401 -	2,450						1,008

Section 167. Section **81-6-401** is enacted to read:

Part 4. Child Support Guidelines Advisory Committee

81-6-401. Definitions for part.

~~{~~ As used in this part, "advisory committee" means the Child Support Guidelines Advisory Committee.

Section 168. Section **81-6-402**, which is renumbered from Section 78B-12-401 is renumbered and amended to read:

~~[78B-12-401].~~ **81-6-402. Creation of advisory committee.**

(1) (a) There is created the advisory committee known as the "Child Support Guidelines Advisory Committee."

~~[(b) As used in this part, "advisory committee" means the Child Support Guidelines Advisory Committee.]~~

~~[(c)]~~ (b) The governor shall appoint the 11 members of the advisory committee as follows:

- (i) one representative recommended by the Office of Recovery Services;
- (ii) one representative recommended by the Judicial Council;
- (iii) two representatives recommended by the Utah State Bar Association;
- (iv) two representatives of noncustodial parents;
- (v) two representatives of custodial parents;
- (vi) one representative with expertise in economics; and

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(vii) two representatives from diverse interests related to child support issues and who are not members of the Utah State Bar Association, as the governor may consider appropriate.

(2) (a) The term of a member of the advisory committee is four years.

(b) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term of the member.

(c) The governor may appoint a member of the advisory committee to more than one term.

(3) (a) Six members of the advisory committee constitute a quorum.

(b) The vote of a majority of a quorum present is an action of the advisory committee.

(4) The advisory committee shall elect two members to serve as cochairs of the advisory committee for a term of one year.

(5) The advisory committee shall meet at the time and place designated by the cochairs.

Section 169. Section **81-6-403**, which is renumbered from Section 78B-12-402 is renumbered and amended to read:

~~[78B-12-402]~~. **81-6-403. Duties -- Report -- Staff.**

(1) The advisory committee shall review the child support guidelines to ensure the application of the guidelines results in the determination of appropriate child support award amounts.

(2) The advisory committee shall submit, in accordance with Section 68-3-14, a written report to the [legislative] Judiciary Interim Committee on or before October 1, 2021, and then on or before October 1 of every fourth year subsequently.

(3) The advisory committee's report shall include recommendations of the majority of the advisory committee, as well as specific recommendations of individual members of the advisory committee.

(4) Staff for the advisory committee shall be provided from the existing budget of the Department of Health and Human Services.

Section 170. Section **81-6-404**, which is renumbered from Section 78B-12-403 is renumbered and amended to read:

~~[78B-12-403]~~. **81-6-404. Expenses for per diem and travel.**

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

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- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 171. Section **81-7-101** is enacted to read:

CHAPTER 7. PAYMENT AND ENFORCEMENT OF SPOUSAL AND CHILD SUPPORT

81-7-101. Definitions for chapter.

As used in this chapter:

- (1) "Alimony" means the same as that term is defined in Section 81-4-101.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.
- (3) "Child support services" means the same as that term is defined in Section 26B-9-101.
- (4) "Obligee" means the same as that term is defined in Section 81-6-101.
- (5) "Obligor" means the same as that term is defined in Section 81-6-101.
- (6) "Support order" means the same as that term is defined in Section 81-6-101.
- (7) "Tribunal" means the same as that term is defined in Section 81-6-101.

Section 172. Section **81-7-102**, which is renumbered from Section 78B-12-112 is renumbered and amended to read:

~~[78B-12-112].~~ **81-7-102. Payment under child support or alimony order -- Judgment.**

(1) All monthly payments of child support [~~shall be~~] and alimony are due on the 1st day of each month [~~pursuant to Title 26B, Chapter 9, Part 2, Child Support Services, Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income Withholding in Non-IV-D Cases~~] in accordance with Title 26B, Chapter 9, Recovery Services and Administration of Child Support.

(2) For purposes of child support services and income withholding [~~pursuant to~~] described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the 1st day of the following month.

(3) For purposes other than those specified in Subsection (1), [~~support shall be~~] child

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support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month, unless the order or decree provides for a different time for payment.

~~[(3)]~~ (4) Each payment or installment of ~~[child or spousal support]~~ child support or alimony under any support order~~[-, as defined by Section 78B-12-102,]~~ is, on and after the date ~~[it]~~ the payment or installment is due:

(a) a judgment with the same attributes and effect of any judgment of a district court, except as provided in Subsection ~~[(4)]~~ (5);

(b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction; and

(c) not subject to retroactive modification by this or any other jurisdiction, except as provided in Subsection ~~[(4)]~~ (5).

~~[(4)]~~ (5) (a) A ~~[child or spousal support]~~ child support or alimony payment under a support order may be modified with respect to any period during which a modification is pending, but only from the date of service of the pleading on:

(i) the obligee~~[-]~~ if the obligor is the petitioner~~[-, or on]~~; or

(ii) the obligor~~[-]~~ if the obligee is the petitioner.

(b) If the tribunal orders that the support order should be modified, the effective date of the modification shall be the month following service on the ~~[parent]~~ party whose support is affected.

(c) Once the tribunal determines that a modification is appropriate, the tribunal shall order a judgment to be entered for any difference in the original order and the modified amount for the period from the service of the pleading until the final order of modification is entered.

~~[(5)]~~ (6) The judgment provided for in Subsection ~~[(3)(a)]~~ (4)(a), to be effective and enforceable as a lien against the real property interest of any third party relying on the public record, shall be docketed in the district court in accordance with Sections 78B-5-202 and 26B-9-214.

Section 173. Section **81-7-103**, which is renumbered from Section 30-3-3.5 is renumbered and amended to read:

~~[30-3-3.5].~~ **81-7-103. Collection fee for past due child support or alimony.**

(1) As used in this section:

(a) "Debtor" means a person obligated or allegedly obligated to pay a domestic

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relations debt.

(b) "Domestic relations debt" means an obligation or alleged obligation to pay past due child support or alimony.

(2) (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:

(i) the court issues a judgment requiring the payment of a domestic relations debt by the debtor;

(ii) imposing a collection fee on the debtor or in relation to the domestic relations debt is not prohibited or otherwise restricted by another federal or state law; and

(iii) the person owed the domestic relations debt has a contingency arrangement with an attorney to collect the domestic relations debt.

(b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:

(i) the principal amount due;

(ii) applicable interest;

(iii) a collection fee equal to the amount provided in the contingency agreement, except that the collection fee may not exceed the lesser of:

(A) the actual amount the person owed the domestic relations debt is required to pay for collection costs, regardless of whether that amount is a specific dollar amount or a percentage of the principal amount owed for the domestic relations debt; or

(B) 40% of the principal amount owed to the person for the domestic relations debt;

(iv) reasonable attorney fees; and

(v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).

(3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred at the time the person owed a domestic relations debt enters into an agreement with an attorney to collect the domestic relations debt.

(4) An obligation to pay a collection fee imposed under this section is in addition to any obligation to pay reasonable attorney fees that may exist.

(5) The Office of Recovery Services may not collect an order issued pursuant to Subsection (2).

Section 174. Section **81-8-101** is enacted to read:

CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT

81-8-101. Reserved.

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Reserved.

Section 175. Section **81-9-101**, which is renumbered from Section 30-3-10.1 is renumbered and amended to read:

CHAPTER 9. CUSTODY, PARENT-TIME, AND VISITATION

Part 1. General Provisions

~~[30-3-10.1].~~ **81-9-101. Definitions for chapter.**

As used in this chapter:

(1) (a) "Custodial responsibility" ~~[includes]~~ means all powers and duties relating to caretaking authority and decision-making authority for a minor child.

(b) "Custodial responsibility" includes physical custody, legal custody, parenting time, right to access, visitation, and authority to grant limited contact with a minor child.

(2) "Domestic violence" means the same as that term is defined in Section 77-36-1.

~~[(2) "Joint legal custody":]~~

~~[(a) means the sharing of the rights, privileges, duties, and powers of a parent by both parents, where specified;]~~

~~[(b) may include an award of exclusive authority by the court to one parent to make specific decisions;]~~

~~[(c) does not affect the physical custody of the child except as specified in the order of joint legal custody;]~~

~~[(d) is not based on awarding equal or nearly equal periods of physical custody of and access to the child to each of the parents, as the best interest of the child often requires that a primary physical residence for the child be designated; and]~~

~~[(e) does not prohibit the court from specifying one parent as the primary caretaker and one home as the primary residence of the child;]~~

~~[(3) "Joint physical custody":]~~

~~[(a) means the child stays with each parent overnight for more than 30% of the year, and both parents contribute to the expenses of the child in addition to paying child support;]~~

~~[(b) can mean equal or nearly equal periods of physical custody of and access to the child by each of the parents, as required to meet the best interest of the child;]~~

~~[(c) may require that a primary physical residence for the child be designated; and]~~

~~[(d) does not prohibit the court from specifying one parent as the primary caretaker and~~

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one home as the primary residence of the child.]

(3) "Joint legal custody" means the sharing of the rights, privileges, duties, and powers of a parent by both parents, where specified.

(4) "Joint physical custody" means the minor child stays with each parent overnight for more than 30% of the year and both parents contribute to the expenses of the minor child in addition to paying child support.

(5) (a) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the minor child.

(b) "Parenting functions" include:

(i) maintaining a loving, stable, consistent, and nurturing relationship with the minor child;

(ii) attending to the daily needs of the minor child, such as feeding, clothing, physical care, grooming, supervision, health care, day care, and engaging in other activities which are appropriate to the developmental level of the minor child and that are within the social and economic circumstances of the particular family;

(iii) attending to adequate education for the minor child, including remedial or other education essential to the best interest of the minor child;

(iv) assisting the minor child in developing and maintaining appropriate interpersonal relationships;

(v) exercising appropriate judgment regarding the minor child's welfare, consistent with the minor child's developmental level and family social and economic circumstances; and

(vi) providing for the financial support of the minor child.

(6) (a) "Parenting plan" means a plan for parenting a minor child.

(b) "Parenting plan" includes the allocation of parenting functions that are incorporated in any final decree or decree of modification including an action for dissolution of marriage, annulment, legal separation, or paternity.

~~[(4)]~~ (7) "Service member" means a member of a uniformed service.

(8) "Supervised parent-time" means parent-time that requires the noncustodial parent to be accompanied during parent-time by an individual approved by the court.

(9) "Surrogate care" means care by any individual other than the parent of the minor

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child.

[(5)] (10) "Uniformed service" means:

- (a) active and reserve components of the United States Armed Forces;
- (b) the United States Merchant Marine;
- (c) the commissioned corps of the United States Public Health Service;
- (d) the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
- (e) the National Guard of a state.

(11) "Uninterrupted time" means parent-time exercised by one parent without interruption at any time by the presence of the other parent.

(12) "Virtual parent-time" means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media, to supplement in-person visits between a noncustodial parent and a minor child or between a minor child and the custodial parent when the minor child is staying with the noncustodial parent.

Section 176. Section **81-9-102**, which is renumbered from Section 30-3-38 is renumbered and amended to read:

~~[30-3-38].~~ **81-9-102. Expedited Parent-time Enforcement Program.**

~~[(1) There is established an Expedited Parent-time Enforcement Program in the third judicial district to be administered by the Administrative Office of the Courts.]~~

[(2)] (1) As used in this section:

(a) "Mediator" means a person who:

(i) is qualified to mediate parent-time disputes under criteria established by the Administrative Office of the Courts; and

(ii) agrees to follow billing guidelines established by the Administrative Office of the Courts and this section.

(b) "Services to facilitate parent-time" or "services" means services designed to assist families in resolving parent-time problems through:

- (i) counseling;
- (ii) supervised parent-time;
- (iii) neutral drop-off and pick-up;

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- (iv) educational classes; and
- (v) other related activities.

(2) The Administrative Office of the Courts shall administer an Expedited Parent-time Enforcement Program in the third judicial district.

(3) (a) If a parent files a motion in the third district court alleging that court-ordered parent-time rights are being violated, the clerk of the court, after assigning the case to a judge, shall refer the case to the administrator of this program for assignment to a mediator, unless a parent is incarcerated or otherwise unavailable.

(b) Unless the court rules otherwise, a parent residing outside of the state is not unavailable.

(c) The director of the program for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.

~~[(b)]~~ (d) Upon receipt of a case, the mediator shall:

- (i) meet with the parents to address parent-time issues within 15 days of the motion being filed;
- (ii) assess the situation;
- (iii) facilitate an agreement on parent-time between the parents; and
- (iv) determine whether a referral to a service provider under Subsection ~~[(3)(c)]~~ (3)(e) is warranted.

~~[(c)]~~ (e) While a case is in mediation, a mediator may refer the parents to a service provider designated by the Department of Health and Human Services for services to facilitate parent-time if:

- (i) the services may be of significant benefit to the parents; or
- (ii) (A) a mediated agreement between the parents is unlikely; and
(B) the services may facilitate an agreement.

~~[(d)]~~ (f) At any time during mediation, a mediator shall terminate mediation and transfer the case to the administrator of the program for referral to the ~~[judge or court commissioner]~~ court to whom the case was assigned under Subsection (3)(a) if:

- (i) a written agreement between the parents is reached; or
- (ii) the parents are unable to reach an agreement through mediation and:
 - (A) the parents have received services to facilitate parent-time;

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(B) both parents object to receiving services to facilitate parent-time; or

(C) the parents are unlikely to benefit from receiving services to facilitate parent-time.

~~[(e)]~~ (g) Upon receiving a case from the administrator of the program, a ~~[judge or court commissioner]~~ court may:

(i) review the agreement of the parents and, if acceptable, sign it as an order;

(ii) order the parents to receive services to facilitate parent-time;

(iii) proceed with the case; or

(iv) take other appropriate action.

(4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a minor child who is the subject of a parent-time order against the other parent or a member of the other parent's household to a mediator or service provider, the mediator or service provider shall immediately report that information to:

(i) the ~~[judge assigned to the case who]~~ court ~~{ and the court }~~, which may immediately issue orders and take other appropriate action to resolve the allegation and protect the minor child; and

(ii) the Division of Child and Family Services within the Department of Health and Human Services in the manner required by Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports.

(b) If an allegation under Subsection (4)(a) is made against a parent with parent-time rights or a member of that parent's household, parent-time by that parent shall, pursuant to an order of the court, be supervised until:

(i) the allegation has been resolved; or

(ii) a court orders otherwise.

(c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to mediate parent-time problems and a service provider may continue to provide services to facilitate parent-time unless otherwise ordered by a court.

(5) (a) The Department of Health and Human Services may contract with one or more entities in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to provide:

(i) services to facilitate parent-time;

(ii) case management services; and

(iii) administrative services.

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(b) An entity who contracts with the Department of Health and Human Services under Subsection (5)(a) shall:

- (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and
- (ii) agree to follow billing guidelines established by the Department of Health and

Human Services and this section.

(6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:

- (i) reduced to a sum certain;
- (ii) divided equally between the parents; and
- (iii) charged against each parent taking into account the ability of that parent to pay

under billing guidelines adopted in accordance with this section.

(b) A [judge] court may order a parent to pay an amount in excess of that provided for in Subsection (6)(a) if the parent:

- (i) failed to participate in good faith in mediation or services to facilitate parent-time;

or

- (ii) made an unfounded assertion or claim of physical or sexual abuse of a minor child.

(c) (i) The cost of mediation and services to facilitate parent-time may be charged to parents at periodic intervals.

(ii) Mediation and services to facilitate parent-time may only be terminated on the ground of nonpayment if both parents are delinquent.

(7) (a) The Judicial Council may make rules to implement and administer the provisions of this program related to mediation.

(b) The Department of Health and Human Services may make rules to implement and administer the provisions of this program related to services to facilitate parent-time.

(8) (a) (i) The Administrative Office of the Courts shall adopt outcome measures to evaluate the effectiveness of the mediation component of this program.

(ii) [~~Progress reports shall be provided~~] The Administrative Office of the Courts shall provide progress reports to the Judiciary Interim Committee as requested by the committee.

(b) (i) The Department of Health and Human Services shall adopt outcome measures to evaluate the effectiveness of the services component of this program.

(ii) [~~Progress reports shall be provided~~] The Department of Health and Human Services shall provide progress reports to the Judiciary Interim Committee as requested by the

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committee.

(c) The Administrative Office of the Courts and the Department of Health and Human Services may adopt joint outcome measures and file joint reports to satisfy the requirements of Subsections ~~[(7)(a)]~~ (8)(a) and (b).

(9) The Department of Health and Human Services shall, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, apply for federal funds as available.

Section 177. Section **81-9-201** is enacted to read:

Part 2. Custody and Parent-time Between Parents

81-9-201. Definitions for part.

Reserved.

Section 178. Section **81-9-202**, which is renumbered from Section 30-3-33 is renumbered and amended to read:

~~[30-3-33].~~ **81-9-202. Advisory guidelines for a custody and parent-time arrangement.**

(1) In addition to the parent-time schedules provided in Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern ~~[all parent-time arrangements]~~ a custody and parent-time arrangement between parents.

~~[(1)]~~ (2) ~~[Parent-time schedules]~~ A parent-time schedule mutually agreed upon by both parents ~~[are]~~ is preferable to a court-imposed solution.

~~[(2)]~~ (3) ~~[The]~~ A parent-time schedule shall be used to maximize the continuity and stability of the minor child's life.

~~[(3)]~~ (4) ~~[Special consideration shall be given by each parent]~~ Each parent shall give special consideration to make the minor child available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the minor child or in the life of either parent which may inadvertently conflict with the parent-time schedule.

~~[(4)]~~ (5) (a) The court shall determine the responsibility for the pick up, delivery, and return of the ~~[child shall be determined by the court]~~ minor child when the parent-time order is entered~~[, and may be changed]~~.

(b) The court may change the responsibility described in Subsection (5)(a) at any time

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a subsequent modification is made to the parent-time order.

~~[(5)]~~ (c) If the noncustodial parent will be providing transportation, the custodial parent shall:

(i) have the minor child ready for parent-time at the time the minor child is to be picked up ~~[and shall]~~; and

(ii) be present at the custodial home or ~~[shall]~~ make reasonable alternate arrangements to receive the minor child at the time the minor child is returned.

~~[(6)]~~ (d) If the custodial parent will be transporting the minor child, the noncustodial parent shall:

(i) be at the appointed place at the time the noncustodial parent is to receive the minor child~~[-and]~~; and

(ii) have the minor child ready to be picked up at the appointed time and place~~[-]~~ or have made reasonable alternate arrangements for the custodial parent to pick up the minor child.

~~[(7)]~~ (6) ~~[Regular]~~ A parent may not interrupt regular school hours ~~[may not be interrupted]~~ for a school-age minor child for the exercise of parent-time ~~[by either parent]~~.

~~[(8)]~~ (7) The court may:

(a) make alterations in the parent-time schedule to reasonably accommodate the work schedule of both parents ~~[and may]~~; and

(b) increase the parent-time allowed to the noncustodial parent but may not diminish the standardized parent-time provided in Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and 81-9-304.

~~[(9)]~~ (8) The court may make alterations in the parent-time schedule to reasonably accommodate the distance between the parties and the expense of exercising parent-time.

~~[(10)]~~ (9) ~~[Neither parent-time nor child support is to be withheld due to either]~~ A parent may not withhold parent-time or child support due to the other parent's failure to comply with a court-ordered parent-time schedule.

~~[(11)]~~ (10) (a) The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the minor child is participating or being honored~~[-and the]~~.

(b) The noncustodial parent ~~[shall be]~~ is entitled to attend and participate fully in the

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functions described in Subsection (10)(a).

~~[(12)]~~ (c) The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records ~~[and shall be notified immediately by the custodial parent].~~

(d) A parent shall immediately notify the other parent in the event of a medical emergency.

~~[(13)]~~ (11) Each parent shall provide the other with the parent's current address and telephone number, email address, and other virtual parent-time access information within 24 hours of any change.

~~[(14)]~~ (12) (a) Each parent shall permit and encourage, during reasonable hours, reasonable and uncensored communications with the minor child, in the form of mail privileges and virtual parent-time if the equipment is reasonably available~~[, provided that if the parties].~~

(b) If the parents cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available~~;~~ by taking into consideration:

~~[(a)]~~ (i) the best interests of the minor child;

~~[(b)]~~ (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

~~[(c)]~~ (iii) any other factors the court considers material.

~~[(15)]~~ (13) (a) Parental care ~~[shall be]~~ is presumed to be better care for the minor child than surrogate care ~~[and the].~~

(b) The court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the ~~[children]~~ minor child, to provide the child care.

(c) Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.

~~[(16)]~~ (14) Each parent shall:

(a) provide all surrogate care providers with the name, current address, and telephone number of the other parent ~~[and shall];~~ and

(b) provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers unless the court for good cause orders otherwise.

~~[(17)]~~ (15) (a) Each parent ~~[shall be]~~ is entitled to an equal division of major religious

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holidays celebrated by the parents~~[, and the]~~.

(b) The parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the minor child on the religious holiday.

~~[(18)]~~ (16) If the minor child is on a different parent-time schedule than a sibling, based on Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and 81-9-304, the parents should consider if an upward deviation for parent-time with all the minor children so that parent-time is uniform between school aged and nonschool aged children, is appropriate.

~~[(19)]~~ (17) (a) When one or both parents are servicemembers or contemplating joining a uniformed service, the parents should resolve issues of custodial responsibility in the event of deployment as soon as practicable through reaching a voluntary agreement pursuant to Section 78B-20-201 or through court order obtained pursuant to ~~[Section 30-3-10]~~ this part.

(b) Servicemembers shall ensure their family care plan reflects orders and agreements entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and Visitation Act.

(18) (a) For emergency purposes, whenever the minor child travels with a parent, the parent shall provide the following information to the other parent:

(i) an itinerary of travel dates;

(ii) destinations;

(iii) places where the minor child or traveling parent can be reached; and

(iv) the name and telephone number of an available third person who would be knowledgeable of the minor child's location.

(b) Unchaperoned travel of a minor child under the age of five years is not recommended.

Section 179. Section **81-9-203**, which is renumbered from Section 30-3-10.9 is renumbered and amended to read:

~~[30-3-10.9].~~ **81-9-203. Custody and parent-time proceedings -- Requirements for parenting plan.**

(1) In a custody or parent-time proceeding that is not a divorce action, the court may require the parents to attend the mandatory educational course described in Section 81-4-106.

(2) (a) In a proceeding between parents regarding the custody or parent-time for a minor child, the parent shall file and serve a proposed parenting plan at the time of the filing of

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the parent's original petition or at the time of filing the parent's answer or counterclaim.

(b) In a proceeding in which a parent seeks to modify custody provisions or a parenting plan, the parent shall file the proposed parenting plan with the petition to modify or the answer or counterclaim to the petition to modify.

(c) A parent who desires joint legal custody shall file a proposed parenting plan in accordance with this section.

(3) If a parent files a proposed parenting plan in compliance with this section, the parent may move the court for an order of default to adopt the plan if the other parent fails to file a proposed parenting plan as required by this section.

(4) A parent may file and serve an amended proposed parenting plan according to the Utah Rules of Civil Procedure.

(5) The parent submitting a proposed parenting plan shall attach a verified statement that the plan is proposed by that parent in good faith.

(6) (a) Both parents may submit a parenting plan which has been agreed upon.

(b) The parents shall attach a verified statement to the parenting plan that is signed by both parents.

(7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad litem to represent the best interests of the minor child, who may, if necessary, file a separate parenting plan reflecting the best interests of the minor child.

(8) (a) If a parent is a service member, the parenting plan shall be consistent with Subsection (16).

(b) If a parent becomes a service member after a parenting plan is adopted, the parents shall amend the existing parenting plan as soon as practical to comply with Subsection (16).

~~(9)~~ (9) The objectives of a parenting plan are to:

(a) provide for the minor child's physical care;

(b) maintain the minor child's emotional stability;

(c) provide for the minor child's changing needs as the minor child grows and matures in a way that minimizes the need for future modifications to the parenting plan;

(d) set forth the authority and responsibilities of each parent with respect to the minor child consistent with the definitions outlined in this chapter;

(e) minimize the minor child's exposure to harmful parental conflict;

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(f) encourage the parents, where appropriate, to meet the responsibilities to their ~~[minor children]~~ minor child through agreements in the parenting plan rather than relying on judicial intervention; and

(g) protect the best interests of the minor child.

~~[(2)]~~ (10) (a) The parenting plan shall contain:

(i) provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the minor child~~[-and provisions];~~

(ii) provisions addressing notice and parent-time responsibilities in the event of the relocation of ~~[either party. It may contain other provisions comparable to those in Sections 30-3-5 and 30-3-10.3 regarding the welfare of the child.]~~ a party; and

(iii) a process for resolving disputes, unless precluded or limited by statute.

~~[(3) A process for resolving disputes shall be provided unless precluded or limited by statute.]~~

(b) A dispute resolution process under Subsection (10)(a)(iii) may include:

~~[(a)]~~ (i) counseling;

~~[(b)]~~ (ii) mediation or arbitration by a specified individual or agency; or

~~[(c)]~~ (iii) court action.

~~[(4)]~~ (c) In the dispute resolution process under Subsection (10)(b):

~~[(a)]~~ (i) preference shall be given to the provisions in the parenting plan;

~~[(b)]~~ (ii) parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

~~[(c)]~~ (iii) a written record shall be prepared of any agreement reached in counseling or mediation and provided to each party;

~~[(d)]~~ (iv) if arbitration becomes necessary, a written record shall be prepared and a copy of the arbitration award shall be provided to each party;

~~[(e)]~~ (v) if the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney fees and financial sanctions to the prevailing parent;

~~[(f)]~~ (vi) the district court has the right of review from the dispute resolution process; and

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~~[(g)]~~ (vii) the provisions of this Subsection ~~[(4)]~~ (10)(c) shall be set forth in any final decree or order.

~~[(5)]~~ (11) (a) Subject to the other provisions of this Subsection ~~[(5)]~~ (11), the parenting plan shall allocate decision-making authority to one or both parties regarding the minor child's education, healthcare, and religious upbringing.

(b) The parties may incorporate an agreement related to the care and growth of the minor child in these specified areas or in other areas into the plan ~~[, consistent with]~~ that are consistent with parenting functions and the criteria outlined in Subsection ~~[30-3-10.7(2) and Subsection (1)]~~ (9).

(c) Regardless of the allocation of decision-making in the parenting plan, ~~[either]~~ a parent may make emergency decisions affecting the health or safety of the minor child.

~~[(b)]~~ (d) A minor child's education plan shall designate the following:

(i) the home residence for purposes of identifying the appropriate school or another specific plan that provides for where the minor child will attend school;

(ii) which parent has authority to make education decisions for the minor child if the parents cannot agree; and

(iii) whether one or both parents have access to the minor child during school and authority to check the minor child out of school.

~~[(c)]~~ (e) ~~[If no education provision is included in the parent plan]~~ If an education provision is not included in the parenting plan:

(i) a parent with sole physical custody shall make the decisions listed in Subsection ~~[(5)(b)]~~ (11)(d);

(ii) in the event of joint physical custody when one parent has custody a majority of the time ~~[, pursuant to Subsection 30-3-10.3(4):]~~ as described in Subsection 81-9-205(10):

(A) the parent having the minor child the majority of the time shall make the decisions listed in Subsections ~~[(5)(b)(i)]~~ (11)(d)(i) and (ii); and

(B) both parents with joint physical custody shall have access to the minor child during school and authority to check the child out of school; or

(iii) in the event of joint physical custody when the parents have custody an equal amount of time:

(A) the court shall determine how the decisions listed in Subsections ~~[(5)(b)(i)]~~

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(11)(d)(i) and (ii) are made; and

(B) both parents with joint physical custody shall have access to the minor child during school and authority to check the minor child out of school.

~~[(6)]~~ (12) Each parent may make decisions regarding the day-to-day care and control of the minor child while the minor child is residing with that parent.

~~[(7)]~~ (13) When mutual decision-making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

~~[(8)]~~ (14) The parenting plan shall include a residential schedule that designates in which parent's home ~~[each]~~ a minor child shall reside on given days of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions.

~~[(9)]~~ (15) (a) If a parent fails to comply with a provision of the parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected.

(b) Failure to comply with a provision of the parenting plan or a child support order may result in a finding of contempt of court.

~~[(10)]~~ (16) (a) ~~[When one or both parents are servicemembers]~~ If a parent is a service member, the parenting plan shall contain provisions that address the foreseeable parenting and custodial issues likely to arise in the event of notification of deployment or other contingency, including long-term deployments, short-term deployments, death, incapacity, and noncombatant evacuation operations.

(b) The provisions in the parenting plan described in Subsection ~~[(10)(a)]~~ (16)(a) shall comport substantially with the requirements of an agreement made pursuant to Section 78B-20-201.

The following section is affected by a coordination clause at the end of this bill.

Section 180. Section **81-9-204**, which is renumbered from Section 30-3-10 is renumbered and amended to read:

~~[30-3-10].~~ **81-9-204. Custody and parent-time of a minor child -- Custody factors** ~~{--Evidence of domestic violence in a custody case}~~ **-- Preferences.**

~~[(1) If a married couple having one or more minor children are separated, or the married couple's marriage is declared void or dissolved, the court shall enter, and has~~

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~~continuing jurisdiction to modify, an order of custody and parent-time.]~~

(1) In a proceeding between parents in which the custody and parent-time of a minor child is at issue, the court shall consider the best interests of the minor child ~~{ in determining any form of custody and parent-time}~~.

(2) The court shall determine whether an order for custody or parent-time is in the best interests of the minor child by a preponderance of the evidence.

~~[(2)] (3) [In determining any form of custody and parent-time under Subsection (1), the court shall consider the best interest of the child and may consider among other factors the court finds relevant, the following] ~~{To determine}~~ In determining the form of custody or parent-time that is in the best interests of the minor child, the court ~~{shall}~~ may consider the following factors for each parent:~~

(a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional abuse, involving the minor child, the parent, or a household member of the parent;

(b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the developmental needs of the minor child, including the minor child's:

(i) physical needs;

(ii) emotional needs;

(iii) educational needs;

(iv) medical needs; and

(v) any special needs;

(c) the parent's capacity and willingness to function as a parent, including:

(i) parenting skills;

(ii) co-parenting skills, including:

(A) ability to appropriately communicate with the other parent;

(B) ability to encourage the sharing of love and affection; and

(C) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration; and

(iii) ability to provide personal care rather than surrogate care;

(d) ~~[in accordance with Subsection (10);]~~ the past conduct and demonstrated moral

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character of the parent as described in Subsection (8);

(e) the emotional stability of the parent;

(f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other causes;

(g) whether the parent has intentionally exposed the minor child to pornography or ~~[material harmful to minors, as "material" and "harmful to minors" are]~~ material that is harmful to minors, as those terms are defined in Section 76-10-1201;

(h) the parent's reasons for having relinquished custody or parent-time in the past;

(i) duration and depth of desire for custody or parent-time;

(j) the parent's religious compatibility with the minor child;

(k) the parent's financial responsibility;

(l) the minor child's interaction and relationship with step-parents, extended family members of other individuals who may significantly affect the minor child's best interests;

(m) who has been the primary caretaker of the minor child;

(n) previous parenting arrangements in which the minor child has been happy and well-adjusted in the home, school, and community;

(o) the relative benefit of keeping siblings together;

(p) the stated wishes and concerns of the minor child, taking into consideration the minor child's cognitive ability and emotional maturity;

(q) the relative strength of the minor child's bond with the parent, meaning the depth, quality, and nature of the relationship between the parent and the minor child; and

(r) any other factor the court finds relevant.

~~[(3) There is a rebuttable presumption that joint legal custody, as defined in Section 30-3-10.1, is in the best interest of the child, except in cases when there is:]~~

~~[(a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional abuse involving the child, a parent, or a household member of the parent;]~~

~~[(b) special physical or mental needs of a parent or child, making joint legal custody unreasonable;]~~

~~[(c) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or]~~

~~[(d) any other factor the court considers relevant including those listed in this section]~~

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and Section 30-3-10.2.]

~~[(4) (a) The person who desires joint legal custody shall file a proposed parenting plan in accordance with Sections 30-3-10.8 and 30-3-10.9.]~~

~~[(b) A presumption for joint legal custody may be rebutted by a showing by a preponderance of the evidence that it is not in the best interest of the child.]~~

~~[(5)] (4) (a) A minor child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the minor child be heard and there is no other reasonable method to present the minor child's testimony.~~

(b) (i) The court may inquire ~~[of the child's]~~ and take into consideration the minor child's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the minor child's custody or parent-time otherwise.

(ii) The desires of a minor child who is 14 years old or older shall be given added weight, but is not the single controlling factor.

(c) (i) If an interview with a minor child is conducted by the court ~~[pursuant to]~~ in accordance with Subsection ~~[(5)(b)] (4)(b)~~, the interview shall be conducted by the ~~[judge]~~ court in camera.

(ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a minor child is the only method to ascertain the minor child's desires regarding custody.

~~[(6)] (5) (a) Except as provided in Subsection [(6)(b)] (5)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.~~

(b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:

(i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the minor child at issue; and

(ii) the parent with a disability lacks sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of

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the minor child at issue.

(c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.

~~[(7)]~~ (6) This section does not establish:

(a) a preference for either parent solely because of the gender of the parent~~[-]; or~~

~~[(8)]~~ (b) ~~[This section establishes neither a preference nor a presumption]~~ a preference for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the minor child.

~~[(9)]~~ (7) When an issue before the court involves custodial responsibility in the event of a deployment of ~~[one or both parents who are service members]~~ a parent who is a service member and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

~~[(10)]~~ (8) In considering the past conduct and demonstrated moral standards of each party under Subsection ~~[(2)(d)]~~ (3)(d) or any other factor a court finds relevant, the court may not:

(a) consider or treat a parent's lawful possession or use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently than the court would consider or treat the lawful possession or use of any prescribed controlled substance; or

(b) discriminate against a parent because of the parent's status as a:

(i) cannabis production establishment agent, as that term is defined in Section 4-41a-102;

(ii) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;

(iii) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or

(iv) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(9) (a) The court shall consider evidence of domestic violence if evidence of domestic violence is presented.

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(b) The court shall consider ~~f, r~~ as primary, the safety and well-being of the minor child and the parent who experiences domestic violence.

(c) ~~fAn~~A court shall consider an order issued by a court ~~f~~pursuant to~~r~~ in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, ~~fshall be considered~~as evidence of real harm or substantiated potential harm to the minor child.

(d) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regards to the application of Section 81-9-209.

(10) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the minor child:

(a) it is in the best interest of the minor child to have frequent, meaningful, and continuing access to each parent following separation or divorce;

(b) each parent is entitled to and responsible for frequent, meaningful, and continuing access with the parent's minor child consistent with the minor child's best interests; and

(c) it is in the best interest of the minor child to have both parents actively involved in parenting the minor child.

Section 181. Section **81-9-205**, which is renumbered from Section 30-3-10.2 is renumbered and amended to read:

~~[30-3-10.2]. 81-9-205. Presumption of joint legal custody -- Joint custody factors -- Order for joint custody.~~

~~[(1) The court may order joint legal custody or joint physical custody or both if one or both parents have filed a parenting plan in accordance with Section 30-3-10.8 and the court determines that joint legal custody or joint physical custody or both is in the best interest of the child.]~~

~~[(2) In determining whether the best interest of a child will be served by ordering joint legal custody or joint physical custody or both, the court shall consider the custody factors in Section 30-3-10 and the following factors:]~~

(1) The court may order joint legal custody or joint physical custody or both joint legal custody and joint physical custody if:

(a) one or both parents have filed a parenting plan as described in Section 81-9-203;
and

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(b) the court determines that, by a preponderance of the evidence, joint legal custody or joint physical custody or both joint legal custody and joint physical custody is in the best interest of the minor child in accordance with Subsection (5) and Section 81-9-204.

(2) (a) There is a rebuttable presumption that joint legal custody is in the best interest of the minor child, except in cases when there is:

(i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional abuse involving the minor child, a parent, or a household member of the parent;

(ii) special physical or mental needs of a parent or minor child, making joint legal custody unreasonable;

(iii) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or

(iv) any other factor the court considers relevant, including the factors described in Subsection (5) and Section 81-9-204.

(b) A presumption for joint legal custody may be rebutted by showing by a preponderance of the evidence that it is not in the best interest of the minor child.

(3) (a) Joint legal custody does not affect the physical custody of the minor child except as specified in the order of joint legal custody.

(b) Joint legal custody is not based on awarding equal or nearly equal periods of physical custody of and access to the minor child to each of the parents because the best interest of the minor child often requires that a primary physical residence for the minor child be designated.

(c) In ordering joint legal custody, the court:

(i) may include an award of exclusive authority by the court to one parent to make specific decisions regarding the minor child; and

(ii) is not prohibited from specifying one parent as the primary caretaker and one home as the primary residence of the minor child.

(4) (a) Joint physical custody may result in equal or nearly equal periods of physical custody of and access to the minor child by each of the parents to meet the best interest of the minor child.

(b) Joint physical custody may require that a physical residence for the minor child be designated.

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(c) In ordering joint physical custody, the court is not prohibited from specifying one parent as the primary caretaker and one home as the primary residence of the minor child.

(5) In addition to the factors described in Section 81-9-204, the court shall consider the following factors in determining whether joint legal custody, joint physical custody, or both joint legal custody and joint physical custody, is in the best interest of the minor child:

(a) whether the physical, psychological, and emotional needs and development of the minor child will benefit from joint legal custody or joint physical custody or both joint legal custody and joint physical custody;

(b) the ability of the parents to give first priority to the welfare of the minor child and reach shared decisions in the minor child's best interest;

(c) co-parenting skills, including:

(i) ability to appropriately communicate with the other parent;

(ii) ability to encourage the sharing of love and affection; and

(iii) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration; ~~and~~

(d) whether both parents participated in raising the minor child before the divorce;

(e) the geographical proximity of the homes of the parents;

(f) the preference of the minor child if the minor child is of sufficient age and capacity to reason so as to form an intelligent preference as to joint legal custody or joint physical custody or both joint legal custody and joint physical custody;

(g) the maturity of the parents and their willingness and ability to protect the minor child from conflict that may arise between the parents;

(h) the past and present ability of the parents to cooperate with each other and make decisions jointly; and

(i) any other factor the court finds relevant.

~~[(3) The determination of the best interest of the child shall be by a preponderance of the evidence.]~~

~~[(4)]~~ (6) The court shall inform both parties that an order for joint physical custody may preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment

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Support Act.

(7) An order of joint legal custody or joint physical custody shall provide terms the court determines appropriate, which may include specifying:

(a) the county of residence of the minor child, until altered by further order of the court, or the custodian who has the sole legal right to determine the residence of the minor child;

(b) that the parents shall exchange information concerning the health, education, and welfare of the minor child, and where possible, confer before making decisions concerning any of these areas;

(c) the rights and duties of each parent regarding the minor child's present and future physical care, support, and education;

(d) provisions to minimize disruption of the minor child's attendance at school and other activities, the minor child's daily routine, and the minor child's association with friends; and

(e) as necessary, the remaining parental rights, privileges, duties, and powers to be exercised by the parents solely, concurrently, or jointly.

(8) An order of joint legal custody or joint physical custody shall require the parenting plan contain a dispute resolution procedure that the parties agree to use:

(a) in accordance with Subsection 81-9-203(10); and

(b) before seeking enforcement or modification of the terms and conditions of the order of joint legal custody or joint physical custody through litigation, except in emergency situations requiring ex parte orders to protect the minor child.

(9) The court shall, where possible, include in the order the terms of the parenting plan provided in accordance with Section 81-9-203.

(10) Any parental rights not specifically addressed by the court order may be exercised by the parent having physical custody of the minor child the majority of the time.

(11) The appointment of joint legal or physical custodians does not impair or limit the authority of the court to order support of the ~~minor~~ child, as defined in Section 81-6-101, including payments by one custodian to the other.

(12) An order of joint legal custody, in itself, is not grounds for modifying a support order.

~~(5)~~ (13) The court may order that when possible the parties attempt to settle future

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disputes by a dispute resolution method before seeking enforcement or modification of the terms and conditions of the order of joint legal custody or joint physical custody through litigation, except in emergency situations requiring ex parte orders to protect the minor child.

Section 182. Section **81-9-206**, which is renumbered from Section 30-3-34 is renumbered and amended to read:

~~[30-3-34].~~ 81-9-206. Determination of parent-time schedule -- Parent-time factors.

- (1) If the parties are unable to agree on a parent-time schedule, the court may:
 - (a) establish a parent-time schedule; or
 - (b) order a parent-time schedule described in [~~Section 30-3-35, 30-3-35.1, 30-3-35.2, or 30-3-35.5~~] Part 3, Parent-time Schedules.
- (2) [~~The advisory guidelines as provided in Section 30-3-33 and the parent-time schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be considered~~] There is a presumption that the advisory guidelines described in Section 81-9-202 and the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which the noncustodial parent and the minor child [~~shall be~~] are entitled.
- (3) A court may consider the following when ordering a parent-time schedule:
 - (a) whether parent-time would endanger the minor child's physical health or mental health, or significantly impair the minor child's emotional development;
 - (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional abuse, involving the minor child, a parent, or a household member of the parent as described Subsection (4) and Section 81-9-204;
 - (c) the distance between the residency of the minor child and the noncustodial parent;
 - (d) a credible allegation of child abuse has been made;
 - (e) the lack of demonstrated parenting skills without safeguards to ensure the minor child's well-being during parent-time;
 - (f) the financial inability of the noncustodial parent to provide adequate food and shelter for the minor child during periods of parent-time;
 - (g) the preference of the minor child if the court determines the minor child is of sufficient maturity;
 - (h) the incarceration of the noncustodial parent in a county jail, secure youth

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corrections facility, or an adult corrections facility;

(i) shared interests between the minor child and the noncustodial parent;

(j) the involvement or lack of involvement of the noncustodial parent in the school, community, religious, or other related activities of the minor child;

(k) the availability of the noncustodial parent to care for the minor child when the custodial parent is unavailable to do so because of work or other circumstances;

(l) a substantial and chronic pattern of missing, canceling, or denying regularly scheduled parent-time;

(m) the minimal duration of and lack of significant bonding in the parents' relationship before the conception of the minor child;

(n) the parent-time schedule of siblings;

(o) the lack of reasonable alternatives to the needs of a nursing minor child; and

(p) any other criteria the court determines relevant to the best interests of the minor child.

(4) The court shall enter the reasons underlying the court's order for parent-time that:

(a) incorporates a parent-time schedule [~~provided in Section 30-3-35 or 30-3-35.5~~] described in Section 81-9-302 or 81-9-304; or

(b) provides more or less parent-time than a parent-time schedule [~~provided in Section 30-3-35 or 30-3-35.5~~] described in Section 81-9-302 or 81-9-304.

(5) A court may not order a parent-time schedule unless the court determines by a preponderance of the evidence that the parent-time schedule is in the best interest of the minor child.

(6) Once the parent-time schedule has been established, the parties may not alter the parent-time schedule except by mutual consent of the parties or a court order.

(7) (a) If the court orders parent-time and a protective order or stalking injunction is still in place, the court shall consider whether to order the parents to conduct parent-time pick-up and transfer through a third party.

(b) The parent who is the stated victim in the protective order or stalking injunction may submit to the court, and the court shall consider, the name of a person considered suitable to act as the third party.

(c) If the court orders the parents to conduct parent-time through a third party, the

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parenting plan shall specify the time, day, place, manner, and the third party to be used to implement the exchange.

(8) If there is a protective order, stalking injunction, or the court finds that a parent has committed domestic violence, the court shall:

(a) consider the impact of domestic violence in awarding parent-time; and

(b) make specific findings regarding the award of parent-time.

(9) Upon a specific finding by the court of the need for peace officer enforcement, the court may include a provision in an order for parent-time that authorizes a peace officer to enforce the order for parent-time.

(10) When parent-time has not taken place for an extended period of time and the minor child lacks an appropriate bond with the noncustodial parent, both parents shall consider the possible adverse effects upon the minor child and gradually reintroduce an appropriate parent-time plan for the noncustodial parent.

Section 183. Section **81-9-207**, which is renumbered from Section 30-3-34.5 is renumbered and amended to read:

~~[30-3-34.5].~~ **81-9-207. Supervised parent-time.**

~~[(1) Considering the fundamental liberty interests of parents and children, it is the policy of this state that divorcing parents have unrestricted and unsupervised access to their children. When necessary to protect a child and no less restrictive means is reasonably available however, a court may order supervised parent-time if the court finds evidence that the child would be subject to physical or emotional harm or child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the noncustodial parent if left unsupervised with the noncustodial parent.]~~

(1) If it is necessary to protect a minor child and there is no less restrictive means reasonably available, a court may order supervised parent-time if the court finds evidence that the minor child would be subject to physical or emotional harm or child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the noncustodial parent if left unsupervised with the noncustodial parent.

(2) (a) A court that orders supervised parent-time shall give preference to persons suggested by the parties to supervise, including relatives.

(b) If the court finds that the persons suggested by the parties are willing to supervise,

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and are capable of protecting the [~~children~~] minor child from physical or emotional harm, or child abuse, the court shall authorize the persons to supervise parent-time.

[~~(3)~~] (c) If the court is unable to authorize any persons to supervise parent-time [~~pursuant to Subsection (2)~~], the court may require that the noncustodial parent seek the services of a professional individual or agency to exercise their supervised parent-time.

[~~(4)~~] (3) At the time supervised parent-time is imposed, the court shall consider:

(a) whether the cost of professional or agency services is likely to prevent the noncustodial parent from exercising parent-time; and

(b) whether the requirement for supervised parent-time should expire after a set period of time.

[~~(5)~~] (4) (a) The court shall, in its order for supervised parent-time, provide specific goals and expectations for the noncustodial parent to accomplish before unsupervised parent-time may be granted.

(b) The court shall schedule one or more follow-up hearings to revisit the issue of supervised parent-time.

[~~(6)~~] (5) A noncustodial parent may, at any time, petition the court to modify the order for supervised parent-time if the noncustodial parent can demonstrate that the specific goals and expectations set by the court [~~in Subsection (5)~~] as described in Subsection (4) have been accomplished.

The following section is affected by a coordination clause at the end of this bill.

Section 184. Section **81-9-208**, which is renumbered from Section 30-3-10.4 is renumbered and amended to read:

[~~30-3-10.4~~]. 81-9-208. Modification or termination of a custody or parent-time order -- Noncompliance with a parent-time order.

(1) The court has continuing jurisdiction to make subsequent changes to modify:

(a) custody of a minor child if there is a showing of a substantial and material change in circumstances since the entry of the order; and

(b) parent-time for a minor child if there is a showing that there is a change in circumstances since the entry of the order.

[~~(1)~~] (2) On the petition of one or both of the parents, or the joint legal or physical custodians if they are not the parents, the court may, after a hearing, modify or terminate an

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order that established joint legal custody or joint physical custody if:

(a) the verified petition or accompanying affidavit initially alleges that admissible evidence will show that there has been a substantial and material change in the circumstances of the minor child or one or both parents or joint legal or physical custodians [~~have materially and substantially changed~~] since the entry of the order to be modified;

(b) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child; and

(c) (i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection [~~30-3-10.3(7)~~] 81-9-205(8); or

(ii) if no dispute resolution procedure is contained in the order that established joint legal custody or joint physical custody, the court orders the parents to participate in a dispute resolution procedure in accordance with Subsection [~~30-3-10.2(5)~~] 81-9-205(13) unless the parents certify that, in good faith, they have used a dispute resolution procedure to resolve their dispute.

[~~(2)~~] (3) (a) In determining whether the best interest of a minor child will be served by either modifying or terminating the joint legal custody or joint physical custody order, the court shall, in addition to other factors the court considers relevant, consider the factors [~~outlined in Section 30-3-10 and Subsection 30-3-10.2(2)~~] described in Sections 81-9-204 and 81-9-205.

(b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:

(i) a [~~material and substantial~~] substantial and material change of circumstance has occurred; and

(ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child.

(c) The court shall give substantial weight to the existing joint legal custody or joint physical custody order when the minor child is thriving, happy, and well-adjusted.

[~~(3)~~] (4) The court shall, in every case regarding a petition for termination of a joint legal custody or joint physical custody order, consider reasonable alternatives to preserve the existing order in accordance with [~~Subsection 30-3-10(3)~~] Section 81-9-204.

(5) The court may modify the terms and conditions of the existing order in accordance with [~~Subsection 30-3-10(8)~~] this chapter and may order the parents to file a parenting plan in

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accordance with ~~[this chapter]~~ Section 81-9-203.

~~[(4)]~~ (6) A parent requesting a modification from sole custody to joint legal custody or joint physical custody or both, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan with the petition to modify in accordance with Section ~~[30-3-10.8]~~ 81-9-203.

~~[(5) If the court finds that an action under this section is filed or answered frivolously and in a manner designed to harass the other party, the court shall assess attorney fees as costs against the offending party.]~~

~~[(6)]~~ (7) If an issue before the court involves custodial responsibility in the event of deployment of one or both parents who are service members, and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

(8) If the court finds that an action to modify custody or parent-time is filed or answered frivolously and, in a manner, designed to harass the other party, the court shall assess attorney fees as costs against the offending party.

(9) If a petition to modify custody or parent-time provisions of a court order is made and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by the prevailing party in that action if the court determines that the petition was without merit and not asserted or defended against in good faith.

(10) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a visitation order by a grandparent or other member of the immediate family where a visitation or parent-time right has been previously granted by the court, the court:

(a) may award to the prevailing party:

(i) actual attorney fees incurred;

(ii) the costs incurred by the prevailing party because of the other party's failure to

provide or exercise court-ordered visitation or parent-time, including:

(A) court costs;

(B) child care expenses;

(C) transportation expenses actually incurred;

(D) lost wages, if ascertainable; or

(E) counseling for a parent or a minor child if ordered or approved by the court; or

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(iii) any other appropriate equitable remedy; and

(b) shall award reasonable make-up parent-time to the prevailing party, unless make-up parent-time is not in the best interest of the minor child.

Section 185. Section **81-9-209**, which is renumbered from Section 30-3-37 is renumbered and amended to read:

~~[30-3-37].~~ 81-9-209. Notice of relocation -- Effect of relocation on parent-time schedule.

(1) ~~[For purposes of this section]~~ As used in this section, "relocation" means moving 150 miles or more from the residence of the other parent.

(2) The relocating parent shall provide ~~[60 days advance]~~ written notice ~~[of the intended relocation]~~ to the other parent at least 60 days before the day on which the relocating parent intends to relocate.

(3) The written notice of relocation under Subsection (2) shall contain statements affirming ~~[the following]:~~

(a) the parent-time provisions in Subsection ~~[(6)]~~ (9) or a parent-time schedule approved by both parties will be followed; and

(b) ~~[neither parent will]~~ that a parent will not interfere with the other's parental rights pursuant to court ordered parent-time arrangements~~;~~ or the parent-time schedule approved by both parties.

~~[(3)]~~ (4) The court shall, upon motion of any party or upon the court's own motion, schedule a hearing with notice to:

(a) review the notice of relocation and ~~[parent-time schedule as provided in Section 30-3-35]~~ the relevant parent-time schedule under Section 81-8-302 or 81-8-304; and

(b) make appropriate orders regarding the parent-time schedule and costs for parent-time transportation.

~~[(4)]~~ (5) In a hearing to review the notice of relocation, the court shall, in determining if the relocation of a custodial parent is in the best interest of the minor child, consider any other factors that the court considers relevant to the determination.

(6) If the court determines that relocation is not in the best interest of the minor child, and the custodial parent relocates, the court may order a change of custody.

~~[(5)]~~ (7) (a) If the court finds that the relocation is in the best interest of the minor

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child, the court shall determine the parent-time schedule and allocate the transportation costs that will be incurred for the minor child to visit the noncustodial parent.

(b) In making [~~its determination~~] a determination under Subsection (7)(a), the court shall consider:

- ~~[(a)]~~ (i) the reason for the parent's relocation;
- ~~[(b)]~~ (ii) the additional costs or difficulty to both parents in exercising parent-time;
- ~~[(c)]~~ (iii) the economic resources of both parents; and
- ~~[(d)]~~ (iv) other factors the court considers necessary and relevant.

(8) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regard to the application of this section.

~~[(6)]~~ (9) Unless otherwise ordered by the court, upon the relocation [~~, as defined in Subsection (1);~~] of one of the parties, the following schedule [~~shall be the minimum requirements for parent-time for children 5 to 18 years of age~~] is the minimum parent-time the noncustodial parent is entitled to a minor child who is five to 18 years old:

(a) in years ending in an odd number, the minor child shall spend the following holidays with the noncustodial parent:

- (i) Thanksgiving holiday beginning Wednesday until Sunday; and
- (ii) Spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;

(b) in years ending in an even number, the minor child shall spend the following holidays with the noncustodial parent:

- (i) the entire winter school break period; and
- (ii) the Fall school break beginning the last day of school before the holiday until the day before school resumes;

(c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks [~~The children should be returned to the custodial home no later than seven days before school begins; however, this week shall be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period~~]; and

(d) one weekend per month, at the option and expense of the noncustodial parent.

(10) For extended parent-time under Subsection (9)(c), the minor child should be

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returned to the custodial home no later than seven days before school begins, except that this week is counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period.

~~[(7)]~~ (11) (a) The court may also set a parent-time schedule for ~~[children under the age of five]~~ a minor child who is younger than five years old.

(b) The schedule shall take into consideration the following:

~~[(a)]~~ (i) the age of the minor child;

~~[(b)]~~ (ii) the developmental needs of the minor child;

~~[(c)]~~ (iii) the distance between the parents' homes;

~~[(d)]~~ (iv) the travel arrangements and cost;

~~[(e)]~~ (v) the level of attachment between the minor child and the noncustodial parent;

and

~~[(f)]~~ (vi) any other factors relevant to the best interest of the minor child.

~~[(8)]~~ (12) The noncustodial parent's monthly weekend entitlement is subject to the following restrictions.

(a) (i) If the noncustodial parent has not designated a specific weekend for parent-time, the noncustodial parent shall receive the last weekend of each month unless a holiday assigned to the custodial parent falls on that particular weekend.

(ii) If a holiday assigned to the custodial parent falls on the last weekend of the month, the noncustodial parent ~~[shall be]~~ is entitled to the next to the last weekend of the month.

(b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends into or through the first weekend of the next month, that weekend shall be considered the noncustodial parent's monthly weekend entitlement for that month.

(c) If a minor child is out of school for teacher development days or snow days after the ~~[children begin]~~ minor child begins the school year, or other days not included in the list of holidays in Subsection ~~[(6)]~~ (9) and those days are contiguous with the noncustodial parent's monthly weekend parent-time, those days shall be included in the weekend parent-time.

~~[(9)]~~ (13) The custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent.

~~[(10)]~~ (14) In the event finances and distance preclude the exercise of minimum parent-time for the noncustodial parent during the school year, the court should consider

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awarding more time for the noncustodial parent during the summer time if it is in the best interests of the ~~[children]~~ the minor child.

~~[(11)]~~ (15) (a) Upon the motion of any party, the court may order uninterrupted parent-time with the noncustodial parent for a minimum of 30 days during extended parent-time, unless the court finds it is not in the best ~~[interests]~~ interest of the minor child.

(b) If the court orders uninterrupted parent-time during a period not covered by this section, ~~[it]~~ the court shall specify in its order which parent is responsible for the minor child's travel expenses.

~~[(12)]~~ (16) (a) Unless otherwise ordered by the court the relocating party shall be responsible for all the minor child's travel expenses relating to Subsections ~~[(6)(a)]~~ (9)(a) and (b) and 1/2 of the minor child's travel expenses relating to Subsection ~~[(6)(c)]~~ (9)(c), provided the noncustodial parent is current on all support obligations.

(b) If the noncustodial parent has been found in contempt for not being current on all support obligations, the noncustodial parent ~~[shall be]~~ is responsible for all of the minor child's travel expenses under Subsection ~~[(6)]~~ (9), unless the court rules otherwise.

(c) ~~[Reimbursement by either]~~ A responsible party shall make a reimbursement to the other for the minor child's travel expenses ~~[shall be made]~~ within 30 days of receipt of documents detailing those expenses.

~~[(13)]~~ (17) The court may apply this provision to any preexisting decree of divorce.

~~[(14)]~~ (18) Any action under this section may be set for an expedited hearing.

~~[(15)]~~ (19) A parent who fails to comply with the notice of relocation in Subsection (2) ~~[shall be]~~ is in contempt of the court's order.

Section 186. Section **81-9-301** is enacted to read:

Part 3. Parent-time Schedules

81-9-301. Definitions for part.

As used in this part:

(1) "Juneteenth National Freedom Day" means the day on which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.

(2) "Weekends" include, for a parent-time schedule under Sections 81-9-302 and 81-9-303, any snow days, teacher development days, or other days when school is not

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scheduled and that are contiguous to the weekend period.

Section 187. Section **81-9-302**, which is renumbered from Section 30-3-35 is renumbered and amended to read:

~~[30-3-35].~~ 81-9-302. Minimum schedule for parent-time for a minor child five to 18 years old.

~~[(1) As used in this section:]~~

~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.]~~

~~[(b) "Weekends" include any snow days, teacher development days, or other days when school is not scheduled and that are contiguous to the weekend period.]~~

~~[(2)]~~ (1) The parent-time schedule in this section applies to a minor child who is five to 18 years old.

~~[(3)]~~ (2) If the parties do not agree to a parent-time schedule for a minor child described in Subsection ~~[(2)]~~ (1), the following schedule is considered the minimum parent-time to which the noncustodial parent is entitled to the minor child:

(a) (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or

(ii) at the election of the noncustodial parent, one weekday to be specified by the noncustodial parent or the court:

(A) beginning at the time that the minor child's school is regularly dismissed and ending at 8:30 p.m.; or

(B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at 9 a.m. and ending at 8:30 p.m.;

(b) (i) beginning on the first weekend after entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or

(ii) at the election of the noncustodial parent and beginning on the first weekend after the entry of the decree, alternating weekends:

(A) beginning at the time that the minor child's school is regularly dismissed on Friday and ending on Sunday at 7 p.m.; or

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(B) if school is not in session, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m. and ending on Sunday at 7 p.m.;

(c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection [~~(13)~~] (12); and

(d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection [~~(4)~~] (3).

[~~(4)~~] (3) (a) For extended parent-time with the minor child under Subsection [~~(3)~~]~~(d)~~ (2)~~(d)~~ and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with the minor child, which may be consecutive, when school is not in session for summer break.

(b) For the four weeks of extended parent-time for a noncustodial parent under Subsection [~~(4)~~]~~(a)~~ (3)~~(a)~~:

(i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the noncustodial parent; and

(ii) two weeks, which may be consecutive, may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.

(c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks, which may be consecutive, when school is not in session for summer break.

[~~(5)~~] (4) (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of extended parent-time for summer break under Subsection [~~(4)~~] (3).

(b) For the notification requirement under Subsection [~~(5)~~]~~(a)~~ (4)~~(a)~~:

(i) in odd-numbered years:

(A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

(B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

(ii) in even-numbered years:

(A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

(B) the noncustodial parent shall provide notice to the custodial parent by May 15.

(c) (i) If a parent fails to provide a notification within the time periods described in Subsection [~~(5)~~]~~(b)~~ (4)~~(b)~~, the complying parent may determine the schedule for summer break

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for the noncomplying parent.

(ii) If both parents fail to provide notice within the time periods described in Subsection [~~(5)(b)~~] (4)(b), the first parent to provide notice may determine the schedule for summer break for the other parent.

(d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection [~~(4)(b)(ii)~~] (3)(b)(ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.

[~~(6)~~] (5) (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.

(b) An election by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.

[~~(7)~~] (6) (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:

(i) the holiday schedule for Mother's Day or Father's Day under Subsection [~~(13)~~] (12);

(ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection [~~(4)~~] (3) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;

(iii) the holiday schedule for any holiday under Subsection [~~(13)~~] (12) that is not Father's Day, Mother's Day, or the minor child's birthday;

(iv) extended parent-time under Subsection [~~(4)~~] (3); and

(v) the schedule for weekday or weekend parent-time.

(b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.

[~~(8)~~] (7) A stepparent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the minor child for parent-time if the custodial parent is aware of the identity of the individual and the noncustodial parent will be with the minor child

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by 7 p.m.

~~[(9)]~~ (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

~~[(10)]~~ (9) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.

~~[(11)]~~ (10) (a) Telephone contact shall be at reasonable hours and for a reasonable duration.

(b) (i) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.

(ii) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

- (A) the best interests of the minor child;
 - (B) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (C) any other factors the court considers material.
- (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

~~[(12)]~~ (11) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the ~~[natural or adopted]~~ children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

~~[(13)]~~ (12) The following table is the holiday schedule for parent-time under this section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday

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<p>Dr. Martin Luther King Jr. 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 Dr. Martin Luther King Jr. Day.</p>	<p>Odd years</p>	<p>Even years</p>
<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 at 7 p.m. on the day before school resumes.</p>	<p>Even years</p>	<p>Odd years</p>
<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Odd years</p>	<p>Even years</p>

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<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>
<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>
<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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<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>

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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
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
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
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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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
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
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
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
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

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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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Section 188. Section **81-9-303**, which is renumbered from Section 30-3-35.1 is renumbered and amended to read:

~~[30-3-35.1].~~ 81-9-303. Optional schedule for parent-time for a minor child five to 18 years old.

~~[(1) As used in this section:]~~

~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance with Section 63G-1-301.]~~

~~[(b) "Weekends" include any snow days, teacher development days, or other days when school is not scheduled and that are contiguous to the weekend period.]~~

~~[(2)]~~ (1) (a) The optional parent-time schedule in this section applies to a minor child who is five to 18 years old.

(b) For purposes of calculating child support, the optional parent-time schedule in this section is 145 overnights.

(c) Any impact on child support shall be consistent with joint physical custody~~[, as defined in Section 78B-12-102].~~

~~[(3)]~~ (2) The parents and the court may consider the increased parent-time schedule in this section as a minimum parent-time schedule when the parties agree or the noncustodial parent can demonstrate:

- (a) the noncustodial parent has been actively involved in the minor child's life;
- (b) the parties can communicate effectively regarding the minor child or the noncustodial parent has a plan to accomplish effective communications regarding the minor child;
- (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- (d) the increased parent-time would be in the best interest of the minor child; and
- (e) any other factor the court considers relevant.

~~[(4)]~~ (3) In determining whether a noncustodial parent has been actively involved in the

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minor child's life, the court shall consider:

- (a) demonstrated responsibility in caring for the minor child;
- (b) involvement in childcare;
- (c) presence or volunteer efforts in the minor child's school and at extracurricular

activities;

- (d) assistance with the minor child's homework;
- (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- (f) bonding with the minor child; and
- (g) any other factor the court considers relevant.

~~[(5)]~~ (4) In determining whether a noncustodial parent has the ability to facilitate the increased parent-time, the court shall consider:

(a) the geographic distance between the residences of the parents and the distance between the parents' residences and the minor child's school;

(b) the noncustodial parent's ability to assist with after school care;

(c) the health of the minor child and the noncustodial parent in accordance with Subsection ~~[30-3-10(6)]~~ 81-9-204(5);

(d) flexibility of employment or another schedule of the noncustodial parent;

(e) ability to provide appropriate playtime with the minor child;

(f) history and ability of the noncustodial parent to implement a flexible schedule for the minor child;

(g) physical facilities of the noncustodial parent's residence; and

(h) any other factor the court considers relevant.

~~[(6)]~~ (5) If the parties agree or the court enters an order for the optional parent-time schedule under this section, a parenting plan in compliance with ~~[Sections 30-3-10.7 through 30-3-10.10]~~ Section 81-9-203 shall be filed with any order incorporating the optional parent-time schedule described in Subsection ~~[(7)]~~ (6).

~~[(7)]~~ (6) The following schedule is considered the optional parent-time to which the noncustodial parent is entitled to the minor child:

(a) (i) one weekday evening to be specified by the noncustodial parent or the court or Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon delivering the minor child to school or at 8 a.m. if there is no school; or

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(ii) at the election of the noncustodial parent, one weekday specified by the noncustodial parent or the court:

(A) beginning at the time the minor child's school is regularly dismissed until the following day upon delivering the minor child to school or at 8 a.m. if there is no school; or

(B) if there is no school, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and ending on the following day upon delivering the minor child to school or at 8 a.m. if there is no school;

(b) (i) beginning the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or

(ii) at the election of the noncustodial parent, beginning the first weekend after the entry of the decree, alternating weekends:

(A) beginning at the time the minor child's school is regularly dismissed on Friday and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school; or

(B) if there is no school, the noncustodial parent is available to be with the minor child, and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m. and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;

(c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection [~~(16)~~] (15); and

(d) extended parent-time with the minor child when school is not in session for summer break in accordance with Subsection [~~(8)~~] (7).

[~~(8)~~] (7) (a) For extended parent-time with the minor child under Subsection [~~(7)~~(~~d~~)] (~~(6)~~(~~d~~)) and at the election of the noncustodial parent, the noncustodial parent is entitled up to four weeks of parent-time with the minor child, which may be consecutive, when school is not in session for summer break.

(b) For the four weeks of extended parent-time for a noncustodial parent under Subsection [~~(8)~~(~~a~~)] (7)(a):

(i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the

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noncustodial parent; and

(ii) two weeks, which may be consecutive, may be interrupted by the custodial parent for a weekday visit on the same day on which the noncustodial parent is granted weekday day parent-time.

(c) A custodial parent is entitled to uninterrupted parent-time with the minor child for two weeks, which may be consecutive, when school is not in session for summer break.

~~[(9)]~~ (8) (a) Each parent shall provide notification to the other parent of the parent's plans for the exercise of parent-time for summer break under Subsection ~~[(8)]~~ (7).

(b) For the notification requirement under Subsection ~~[(9)(a)]~~ (8)(a):

(i) in odd-numbered years:

(A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

(B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

(ii) in even-numbered years:

(A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

(B) the noncustodial parent shall provide notice to the custodial parent by May 15.

(c) (i) If a parent fails to provide a notification within the time periods described in Subsection ~~[(9)(b)]~~ (8)(b), the complying parent may determine the schedule for summer break for the noncomplying parent.

(ii) If both parents fail to provide notice within the time periods described in Subsection ~~[(9)(b)]~~ (8)(b), the first parent to provide notice may determine the schedule for summer break for the other parent.

(d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under Subsection ~~[(8)(b)(ii)]~~ (7)(b)(ii), the custodial parent shall provide notification to the noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which the custodial parent receives notification of the noncustodial parent's plans for the exercise of interrupted extended parent-time.

~~[(10)]~~ (9) (a) An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, except that the election may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the minor child's schedule.

(b) An election by either parent concerning parent-time shall be made a part of the

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decree and made a part of the parent-time order.

~~[(11)]~~ (10) (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:

- (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);
 - (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection ~~[(8)]~~ (7) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;
 - (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not Father's Day, Mother's Day, or the minor child's birthday;
 - (iv) extended parent-time under Subsection ~~[(8)]~~ (7); and
 - (v) the schedule for weekday or weekend parent-time.
- (b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.

~~[(12)]~~ (11) A stepparent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the minor child for parent-time if the custodial parent is aware of the identity of the individual and the noncustodial parent will be with the minor child by 7 p.m.

~~[(13)]~~ (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

~~[(14)]~~ (13) If there is more than one minor child and the minor children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the minor children may remain together for the holiday period beginning the first evening that all minor children's schools are dismissed for the holiday and ending the evening before any minor child returns to school.

~~[(15)]~~ (14) If there is a minor child five to 18 years old and a minor child under five years old and both minor children are the ~~[natural or adopted]~~ children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule under this section.

~~[(16)]~~ (15) The following table is the holiday schedule for parent-time under this section.

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Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
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:</p> <p>(a) upon delivering of the <u>minor</u> child to school on the day following Dr. Martin Luther King Jr. Day; or</p> <p>(b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.</p>	Odd years	Even years

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<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>
<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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<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>
<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>
<p>Father's Day</p>	<p>(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.</p>	<p>All years if noncustodial parent is the father or other parent designated in the order.</p>	<p>All years if custodial parent is the father or other parent designated in the order.</p>

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<p>Juneteenth National Freedom Day</p>	<p>(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.</p>	<p>Even years</p>	<p>Odd years</p>
<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>

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<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>
<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>
<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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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
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
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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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
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
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
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

Section 189. Section **81-9-304**, which is renumbered from Section 30-3-35.5 is renumbered and amended to read:

~~[30-3-35.5].~~ 81-9-304. Minimum schedule for parent-time for a minor child under five years old.

~~[(1) As used in this section, "Juneteenth National Freedom Day" means the day on which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance~~

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~~with Section 63G-1-301.]~~

~~[(2)]~~ (1) The parent-time schedule in this section applies to a minor child who is younger than five years old.

~~[(3)]~~ (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections ~~[(4) through (9)]~~ (3) through (8) are considered the minimum parent-time to which the noncustodial parent is entitled to the minor child.

~~[(4)]~~ (3) For a minor child who is younger than five months old, the noncustodial parent is entitled to:

(a) three two-hour visits every week; and

(b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection ~~[(16)]~~ (15).

~~[(5)]~~ (4) For a minor child who is at least five months old but younger than nine months old, the noncustodial parent is entitled to:

(a) three three-hour visits every week; and

(b) two hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection ~~[(16)]~~ (15).

~~[(6)]~~ (5) For a minor child who is at least nine months old but younger than 12 months old, the noncustodial parent is entitled to ~~[the child]~~:

(a) one eight-hour visit every week;

(b) one three-hour visit every week; and

(c) eight hours for each holiday granted to the noncustodial parent in accordance with the holiday schedule under Subsection ~~[(16)]~~ (15).

~~[(7)]~~ (6) For a minor child who is at least 12 months old but younger than 18 months old, the noncustodial parent is entitled to:

(a) one three-hour visit every week;

(b) one eight-hour visit on alternating weekends to be specified by the noncustodial parent or court;

(c) an overnight visit on opposite weekends from Subsection ~~[(7)(b)]~~ (6)(b) beginning at 6 p.m. on Friday and ending at noon on Saturday; and

(d) eight hours for each holiday granted to the noncustodial parent in the holiday schedule under Subsection ~~[(16)]~~ (15).

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~~[(8)]~~ (7) For a minor child who is at least 18 months old but younger than three years old, the noncustodial parent is entitled to:

(a) one weekday evening to be specified by the noncustodial parent or the court:

(i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

(ii) if the minor child is being cared for during the day outside the minor child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the minor child is picked up from the caregiver and ending at 8:30 p.m.;

(b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

(c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection ~~[(16)]~~ (15); and

(d) extended parent-time for two one-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:

(i) one week of uninterrupted parent-time for the noncustodial parent; and

(ii) one week of interrupted parent-time where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection ~~[(8)(a)]~~ (7)(a).

~~[(9)]~~ (8) For a minor child who is at least three years old but younger than five years old, the noncustodial parent is entitled to:

(a) one weekday evening to be specified by the noncustodial parent or the court:

(i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

(ii) if the minor child is being cared for during the day outside the minor child's regular place of residence and with advance notice to the custodial parent, beginning at the time that the minor child is picked up from the caregiver and ending at 8:30 p.m.;

(b) beginning on the first weekend after the entry of the decree, alternating weekends beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

(c) each holiday granted to the noncustodial parent in accordance with the holiday schedule described in Subsection ~~[(16)]~~ (15); and

(d) extended parent-time for two two-week periods, separated by at least four weeks, at the option of the noncustodial parent, as follows:

(i) two weeks of uninterrupted parent-time, which may be consecutive, for the

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noncustodial parent; and

(ii) two weeks of interrupted parent-time, which may be consecutive, where the custodial parent may have an equal amount of weekday parent-time as the noncustodial parent on the same day on which the noncustodial parent is granted weekday parent-time under Subsection ~~[(9)(a)]~~ (8)(a).

~~[(10)]~~ (9) For a minor child who is at least 18 months old but younger than five years old, the custodial parent is entitled to one week of uninterrupted extended parent-time.

~~[(11)]~~ (10) (a) For a minor child who is nine months old or older, the noncustodial parent shall have at least two times a week:

(i) brief telephone contact at reasonable hours and for a reasonable duration; and

(ii) virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, at reasonable hours and for reasonable duration.

(b) If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

(i) the best interests of the minor child;

(ii) each parent's ability to handle any additional expenses for virtual parent-time; and

(iii) any other factors the court considers material.

(c) Virtual parent-time supplements, but does not replace, in-person parent-time.

~~[(12)]~~ (11) For a minor child who is younger than nine months old, unless the parents agree otherwise, parent-time should take place in the home of the custodial parent, an established child-care setting, or other environment familiar to the minor child.

~~[(13)]~~ (12) (a) Changes may not be made to the parent-time schedule under this section, except that if a conflict arises in the parent-time schedule, the following order of precedence shall be applied when determining which parent is entitled to parent-time:

(i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);

(ii) the holiday schedule for the minor child's birthday, unless a parent is exercising uninterrupted extended parent-time under Subsection ~~[(8)(d), (9)(d), or (10)]~~ (7)(d), (8)(d), or (9) and takes the minor child away from that parent's residence during the uninterrupted extended parent-time;

(iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not

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Father's Day, Mother's Day, or the minor child's birthday;

(iv) extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~] (7)(d), (8)(d), or (9); and

(v) the schedule for weekday or weekend parent-time.

(b) A parent exercising parent-time for the minor child's birthday may bring other siblings along for the minor child's birthday.

~~[(14)]~~ (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time shall be responsible for the minor child's attendance at school for that school day.

~~[(15)]~~ (14) A parent shall notify the other parent at least 30 days in advance of the parent's plans for the exercise of extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~] (7)(d), (8)(d), or (9).

~~[(16)]~~ (15) The following table is the holiday schedule for parent-time under this 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

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<p>President's Day</p>	<p>(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on President's Day.</p>	<p>Even years</p>	<p>Odd years</p>
<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Odd years</p>	<p>Even years</p>
<p>Memorial Day</p>	<p>(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.</p>	<p>Even years</p>	<p>Odd years</p>
<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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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.
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
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
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

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Labor Day	<p>(1) Holiday begins on Friday at:</p> <p>(a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or</p> <p>(b) 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
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
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
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
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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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
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
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
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
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

Section 190. Section **81-9-305**, which is renumbered from Section 30-3-35.2 is renumbered and amended to read:

~~[30-3-35.2]~~. 81-9-305. Equal parent-time schedule.

(1) (a) A court may order the equal parent-time schedule described in this section if the court determines that:

- (i) the equal parent-time schedule is in the minor child's best interest;
- (ii) each parent has been actively involved in the minor child's life; and
- (iii) each parent can effectively facilitate the equal parent-time schedule.

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(b) To determine whether each parent has been actively involved in the minor child's life, the court shall consider:

- (i) each parent's demonstrated responsibility in caring for the minor child;
- (ii) each parent's involvement in child care;
- (iii) each parent's presence or volunteer efforts in the minor child's school and at extracurricular activities;
- (iv) each parent's assistance with the minor child's homework;
- (v) each parent's involvement in preparation of meals, bath time, and bedtime for the minor child;
- (vi) each parent's bond with the minor child; and
- (vii) any other factor the court considers relevant.

(c) To determine whether each parent can effectively facilitate the equal parent-time schedule, the court shall consider:

- (i) the geographic distance between the residence of each parent and the distance between each residence and the minor child's school;
- (ii) each parent's ability to assist with the minor child's after school care;
- (iii) the health of the minor child and each parent, consistent with Subsection ~~[30-3-10(6)]~~ 81-9-204(5);
- (iv) the flexibility of each parent's employment or other schedule;
- (v) each parent's ability to provide appropriate playtime with the minor child;
- (vi) each parent's history and ability to implement a flexible schedule for the minor ~~child~~ child;
- (vii) physical facilities of each parent's residence; and
- (viii) any other factor the court considers relevant.

(2) (a) If the parties agree to or the court orders the equal parent-time schedule described in this section, a parenting plan in accordance with ~~[Sections 30-3-10.7 through 30-3-10.10]~~ Section 81-9-203 shall be filed with an order incorporating the equal parent-time schedule.

(b) An order under this section shall result in 182 overnights per year for one parent, and 183 overnights per year for the other parent.

(c) Under the equal parent-time schedule, ~~[neither parent is]~~ a parent is not considered

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to have the minor child the majority of the time for the purposes of Subsection [~~30-3-10.3(4) or 30-3-10.9(5)(c)(ii)~~] 81-9-203(11)(e)(ii) or 81-9-205(10).

(d) Child support for the equal parent-time schedule shall be consistent with Section [~~78B-12-208~~] 81-6-206.

(e) [(†)] A court shall determine which parent receives 182 overnights and which parent receives 183 overnights for parent-time.

~~[(ii) For the purpose of calculating child support under Section 78B-12-208, the amount of time to be spent with the parent who has the lower gross monthly income is considered 183 overnights, regardless of whether the parent receives 182 overnights or 183 overnights under Subsection (2)(c)(i).]~~

(3) (a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time schedule is as follows:

(i) one parent shall exercise parent-time starting Monday morning and ending 1 Wednesday morning;

(ii) the other parent shall exercise parent-time starting Wednesday morning and ending Friday morning; and

(iii) each parent shall alternate weeks exercising parent-time starting Friday morning and ending Monday morning.

(b) The child exchange shall take place:

(i) at the time the minor child's school begins; or

(ii) if school is not in session, at 9 a.m.

(4) (a) The parents may create a holiday schedule.

(b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the court shall:

(i) order the holiday schedule described in Section [~~30-3-35~~] 81-9-302 or 81-9-304;

and

(ii) designate which parent shall exercise parent-time for each holiday described in Section [~~30-3-35~~] 81-9-302 or 81-9-304.

(5) (a) Each year, a parent may designate two consecutive weeks to exercise uninterrupted parent-time during the summer when school is not in session.

(b) (i) One parent may make a designation at any time and the other parent may make a

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designation after May 1.

(ii) A parent shall make a designation at least 30 days before the day on which the designated two-week period begins.

(c) The court shall designate which parent may make the earlier designation described in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the earlier designation in an odd numbered year.

(d) The two consecutive weeks described in Subsection (5)(a) take precedence over all holidays except for Mother's Day and Father's Day.

Section 191. Section **81-9-401**, which is renumbered from Section 30-5-1 is renumbered and amended to read:

Part 4. Custody and Visitation by Individual Other than a Parent

~~[30-5-1].~~ 81-9-401. Definitions for part.

As used in this ~~[act]~~ part:

(1) "District court" means the district court with proper jurisdiction over the ~~[grandchild]~~ minor child.

(2) "Grandchild" means the minor child with respect to whom a grandparent is seeking visitation rights under this ~~[chapter]~~ part.

(3) "Grandparent" means an individual whose child, either by blood, marriage, or adoption, is the parent of the grandchild.

(4) "Individual other than a parent" means an individual who is not a parent and is related to the minor child by marriage or blood, including:

(a) siblings;

(b) aunts;

(c) uncles;

(d) grandparents;

(e) current or former step-parents; or

(f) any of the individuals described in Subsections (4)(a) through (d) in a step relationship to the minor child.

Section 192. Section **81-9-402**, which is renumbered from Section 30-5a-103 is renumbered and amended to read:

~~[30-5a-103].~~ 81-9-402. Custody and visitation for individuals other than a

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parent -- Venue.

(1) (a) In accordance with Section 80-2a-201, it is the public policy of this state that a parent retain the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

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

(2) A court may find the presumption in Subsection (1) rebutted and grant custodial or visitation rights to an individual other than a parent who, by clear and convincing evidence, establishes that:

(a) the individual has intentionally assumed the role and obligations of a parent;

(b) the individual and the minor child have formed a substantial emotional bond and created a parent-child type relationship;

(c) the individual substantially contributed emotionally or financially to the minor ~~child's~~ child's well being;

(d) the assumption of the parental role is not the result of a financially compensated surrogate care arrangement;

(e) the continuation of the relationship between the individual and the minor child is in the minor child's best interest;

(f) the loss or cessation of the relationship between the individual and the minor child would substantially harm the minor child; and

(g) the parent:

(i) is absent; or

(ii) is found by a court to have abused or neglected the minor child.

(3) ~~[A proceeding under this chapter may be commenced by filing a verified petition, or petition supported by an affidavit,]~~ Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350, an individual shall file a verified petition, or a petition supported by an affidavit, for custodial or visitation rights to the minor child in the juvenile court if a matter is pending in the juvenile court, or in the district court in the county where the minor child:

(a) currently resides; or

(b) lived with a parent or an individual other than a parent who acted as a parent within

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six months before the commencement of the action.

(4) ~~[A proceeding under this chapter may be filed]~~ An individual may file a petition under this section in a pending divorce, parentage action, or other proceeding, including a proceeding in the juvenile court involving custody of or visitation with a minor child.

(5) The petition shall include detailed facts supporting the petitioner's right to file the petition including the criteria set forth in Subsection (2) and residency information ~~[as set forth]~~ described in Section 78B-13-209.

(6) ~~[A proceeding under this chapter may not be filed]~~ An individual may not file a petition under this section against a parent who is actively serving outside the state in any branch of the military.

(7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the ~~[rules of civil procedure]~~ Utah Rules of Civil Procedure on all of the following:

- (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- (b) any individual who has court-ordered custody or visitation rights;
- (c) the minor child's guardian;
- (d) the guardian ad litem, if one has been appointed;
- (e) an individual or agency that has physical custody of the minor child or that claims to have custody or visitation rights; and
- (f) any other individual or agency that has previously appeared in any action regarding custody of or visitation with the minor child.

(8) The court may order a custody evaluation to be conducted in any ~~[action brought under this chapter]~~ proceeding brought under this section.

(9) The court may enter temporary orders in ~~[an action brought under this chapter]~~ a proceeding brought under this section pending the entry of final orders.

(10) Except as provided in Subsection (11), a court may not grant custody of a minor ~~child~~ child under this section to an individual:

- (a) who is not the parent of the ~~[child and]~~ minor child; and
- (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no contest to a felony or attempted felony involving conduct that constitutes any of the following:

~~(a)~~ (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114;

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- ~~[(b)]~~ (ii) child abuse homicide, as described in Section 76-5-208;
- ~~[(c)]~~ (iii) child kidnapping, as described in Section 76-5-301.1;
- ~~[(d)]~~ (iv) human trafficking of a child, as described in Section 76-5-308.5;
- ~~[(e)]~~ (v) sexual abuse of a minor, as described in Section 76-5-401.1;
- ~~[(f)]~~ (vi) rape of a child, as described in Section 76-5-402.1;
- ~~[(g)]~~ (vii) object rape of a child, as described in Section 76-5-402.3;
- ~~[(h)]~~ (viii) sodomy on a child, as described in Section 76-5-403.1;
- ~~[(i)]~~ (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- ~~[(j)]~~ (x) sexual exploitation of a minor, as described in Section 76-5b-201;
- ~~[(k)]~~ (xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- ~~[(l)]~~ (xii) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (10).

(11) (a) As used in this Subsection (11), "disqualifying offense" means an offense listed in Subsection (10) that prevents a court from granting custody except as provided in this Subsection (11).

(b) An individual described in Subsection (10) may only be considered for custody of a minor child if the following criteria are met by clear and convincing evidence:

- (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- (ii) at least 10 years have elapsed from the day on which the individual is successfully released from prison, jail, parole, or probation related to a disqualifying offense;
- (iii) during the 10 years before the day on which the individual files a petition with the court seeking custody the individual has not been convicted, plead guilty, or plead no contest to an offense greater than an infraction or traffic violation that would likely impact the health, safety, or well-being of the minor child;
- (iv) the individual can provide evidence of successful treatment or rehabilitation directly related to the disqualifying offense;
- (v) the court determines that the risk related to the disqualifying offense is unlikely to cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at any time in the future when considering all of the following:

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- (A) the minor child's age;
- (B) the minor child's gender;
- (C) the minor child's development;
- (D) the nature and seriousness of the disqualifying offense;
- (E) the preferences of a minor child who is 12 years old or older;
- (F) any available assessments, including custody evaluations, parenting assessments, psychological or mental health assessments, and bonding assessments; and
- (G) any other relevant information;
- (vi) the individual can provide evidence of the following:
 - (A) the relationship with the minor child is of long duration;
 - (B) that an emotional bond exists with the minor child; and
 - (C) that custody by the individual who has committed the disqualifying offense ensures the best interests of the minor child are met;
- (vii) (A) there is no other responsible relative known to the court who has or likely could develop an emotional bond with the minor child and does not have a disqualifying offense; or
 - (B) if there is a responsible relative known to the court that does not have a disqualifying offense, Subsection (11)(d) applies; and
- (viii) that the continuation of the relationship between the individual with the disqualifying offense and the minor child could not be sufficiently maintained through any type of visitation if custody were given to the relative with no disqualifying offense described in Subsection (11)(d).
- (c) The individual with the disqualifying offense bears the burden of proof regarding why placement with that individual is in the best interest of the minor child over another responsible relative or equally situated individual who does not have a disqualifying offense.
- (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to the court who does not have a disqualifying offense:
 - (i) preference for custody is given to a relative who does not have a disqualifying offense; and
 - (ii) before the court may place custody with the individual who has the disqualifying offense over another responsible, willing, and able relative:

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(A) an impartial custody evaluation shall be completed; and

(B) a guardian ad litem shall be assigned.

(12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final decision on custody has not been made and to a case filed on or after March 25, 2017.

Section 193. Section **81-9-403**, which is renumbered from Section 30-5-2 is renumbered and amended to read:

~~[30-5-2]~~. **81-9-403. Visitation rights of grandparents.**

(1) In accordance with the provisions and requirements of this section:

(a) a grandparent has standing to bring an action requesting visitation in district court by petition; and

(b) a grandparent may file a petition for visitation rights in the juvenile court or district court where a divorce proceeding or other proceeding involving custody and visitation issues is pending.

(2) (a) In accordance with Section 80-2a-201, it is the public policy of this state that a parent retains the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of [~~the parent's children~~] a minor child of the parent.

(b) A court shall presume that a parent's decision in regard to grandparent visitation is in the best interest of the parent's minor child.

(3) A court may find the presumption in Subsection (2)(b) rebutted if the grandparent, by clear and convincing evidence, establishes that:

(a) the grandparent has filled the role of custodian or caregiver to the grandchild that:

(i) is in a manner akin to a parent; and

(ii) the loss of the relationship between the grandparent and the grandchild would cause substantial harm to the grandchild; or

(b) both parents are unfit or incompetent in a manner that causes potential harm to the grandchild.

(4) (a) If the court finds the presumption in Subsection (2)(b) is rebutted, the court may consider whether grandparent visitation is in the best interest of the grandchild.

(b) If the court considers whether grandparent visitation is in the best interest of the child, the court shall take into account the totality of the circumstances, including:

(i) the reasonableness of the parent's decision to deny grandparent visitation;

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- (ii) the age of the grandchild;
- (iii) the death or unavailability of a parent; and
- (iv) if the grandchild is 14 years old or older, the grandchild's desires regarding visitation after the court inquires of the grandchild.

(5) If the court finds the presumption in Subsection (2)(b) is rebutted and grandparent visitation is in the best interest of the grandchild, the court may issue an order for grandparent visitation.

(6) ~~[The]~~ Notwithstanding Section 81-9-404, the adoption of a grandchild by the grandchild's stepparent does not diminish or alter visitation rights previously ordered under this section.

(7) On the petition of a grandparent or the legal custodian of a grandchild the court may, after a hearing, modify an order regarding grandparent visitation if:

(a) the circumstances of the grandchild, the grandparent, or the custodian have materially and substantially changed since the entry of the order to be modified, or the order has become unworkable or inappropriate under existing circumstances; and

(b) the court determines that a modification is appropriate based upon the factors set forth in Subsections (3) and (4).

(8) A grandparent may petition the court to remedy a parent's wrongful noncompliance with a visitation order.

Section 194. Section **81-9-404**, which is renumbered from Section 30-5a-104 is renumbered and amended to read:

~~**[30-5a-104].**~~ **81-9-404. Exceptions to visitation by nonparent.**

This ~~[chapter]~~ part may not be used to seek, obtain, maintain or continue custody of, or visitation with, a minor child who has been relinquished for adoption, or adopted ~~[pursuant to an order of a court of competent jurisdiction]~~ in accordance with a court order.

Section 195. **Repealer.**

This bill repeals:

Section **26B-9-227, Determination of parental liability.**

Section **30-1-5, Marriage solemnization -- Before unauthorized person -- Validity.**

Section **30-1-9.1, Parental consent to prohibited marriage of minor -- Penalty.**

Section **30-1-10, Affidavit before the clerk -- Penalty.**

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Section 30-1-11, Return of license after ceremony -- Failure -- Penalty.

Section 30-1-13, Solemnization without license -- Penalty.

Section 30-1-14, Acting without authority -- Penalty.

Section 30-1-15, Solemnization of prohibited marriage -- Penalty.

Section 30-1-16, Misconduct of county clerk -- Penalty.

Section 30-1-17.2, Action to determine validity of marriage -- Orders relating to parties, property, and children -- Presumption of paternity in marriage.

Section 30-1-17.3, Age as basis of action to determine validity of marriage -- Refusal to grant annulment.

Section 30-3-2, Right of husband to divorce.

Section 30-3-4, Pleadings -- Decree -- Use of affidavit -- Private records.

Section 30-3-5, Disposition of property -- Maintenance and health care of parties and children -- Division of debts -- Court to have continuing jurisdiction -- Custody and parent-time -- Alimony -- Nonmeritorious petition for modification.

Section 30-3-5.1, Provision for income withholding in child support order.

Section 30-3-5.4, Designation of primary and secondary health, dental, or hospital insurance coverage.

Section 30-3-7, When decree becomes absolute.

Section 30-3-8, Remarriage -- When unlawful.

Section 30-3-10.3, Terms of joint legal or physical custody order.

Section 30-3-10.5, Payments of support, maintenance, and alimony.

Section 30-3-10.7, Parenting plan -- Definitions.

Section 30-3-10.8, Parenting plan -- Filing -- Modifications.

Section 30-3-10.10, Parenting plan -- Domestic violence.

Section 30-3-10.17, Social security number in court records.

Section 30-3-11.1, Family Court Act -- Purpose.

Section 30-3-11.2, Appointment of counsel for child.

Section 30-3-18, Waiting period for hearing after filing for divorce -- Exemption -- Use of counseling and education services not to be construed as condonation or promotion.

Section 30-3-32, Parent-time -- Definitions -- Considerations for parent-time --

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Relocation.

Section 30-3-36, Special circumstances.

Section 30-5a-101, Title.

Section 30-5a-102, Definitions.

Section 30-8-1, Title.

Section 63I-1-230, Repeal dates: Title 30.

Section 75-2b-101, Title.

Section 78B-12-101, Title.

Section 78B-12-104, Continuing jurisdiction.

Section 78B-12-106, Ward of state -- Natural or adoptive parent has primary obligation to support -- Right of third party to recover support.

Section 78B-12-107, Duty of obligor regardless of presence or residence of obligee.

Section 78B-12-108, Support follows the child.

Section 78B-12-110, Appeals.

Section 78B-12-111, Court order -- Medical expenses of dependent children -- Assigning responsibility for payment -- Insurance coverage -- Income withholding.

Section 78B-12-116, Social Security number in court records.

Section 78B-12-117, Rights are in addition to those presently existing.

Section 78B-12-202, Determination of amount of support -- Rebuttable guidelines.

Section 78B-12-204, Adjusted gross income.

Section 78B-12-205, Calculation of obligations.

Section 78B-12-206, Income in excess of tables.

Section 78B-12-207, Obligation -- Adjusted gross income used.

Section 78B-12-208, Joint physical custody -- Obligation calculations.

Section 78B-12-209, Split custody -- Obligation calculations.

Section 78B-12-211, Limitation on amount of support ordered.

Section 78B-12-212.1, Pregnancy expenses.

Section 78B-12-213, Determination of parental liability.

Section 78B-12-215, Child care costs.

Section 78B-12-219, Adjustment when child becomes emancipated.

Section 196. Effective date.

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(1) Except as provided in Subsection (2), this bill takes effect on September 1, 2024.

(2) The actions affecting Section 78A-5a-103 (Effective 10/01/24) take effect on October 1, 2024.

Section 197. Coordinating S.B. 95 with H.B. 134.

If S.B. 95, Domestic Relations Recodification, and H.B. 134, Marriage Modifications, both pass and become law, the Legislature intends that, on September 1, 2024:

(1) Section 30-1-2.2 be repealed; and

(2) Section 30-1-2.4 enacted in H.B.134 be renumbered to Section 81-2-405.

Section 198. Coordinating S.B. 95 with H.B. 140.

If S.B. 95, Domestic Relations Recodification, and H.B. 140, Amendments to Custody and Parent-time, both pass and become law, the Legislature intends that, on September 1, 2024:

(1) all references to the term "child" in Subsection 30-3-33(18) in H.B. 140 change to "minor child"; and

(2) Subsections 30-3-10.4(1) and (2) in H.B. 140 be amended to read:

"(1) The court has continuing jurisdiction to make subsequent changes to modify:

(a) custody of a minor child if there is a showing of a substantial and material change in circumstances since the entry of the order; and

(b) parent-time for a minor child if there is a showing that there is a change in circumstances since the entry of the order.

(2) A substantial and material change in circumstances under Subsection (1)(a) includes a showing by a parent that the other parent:

(a) resides with an individual or provides an individual with access to the minor child; and

(b) knows that the individual:

(i) is required to register as a sex offender or a kidnap offender for an offense against a minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;

(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse Offender Registry; or

(iii) has been convicted of:

(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-114, or 76-5-208;

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(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses;

(C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

(D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation Act; or

(E) an offense that is substantially similar to an offense under Subsections (2)(b)(iii)(A) through (D).".

Section 199. Coordinating S.B. 95 with H.B. 157.

If S.B. 95, Domestic Relations Recodification, and H.B. 157, Child Custody Factor Amendments, both pass and become law, the Legislature intends that, on September 1, 2024, all references to "child" in Subsection 30-3-10(10)(b) in H.B. 157 change to "minor child."

Section 200. Coordinating S.B. 95 with H.B. 328.

If S.B. 95, Domestic Relations Recodification, and H.B. 328, Victims of Sexual Offenses Amendments, both pass and become law, the Legislature intends that, on September 1, 2024, all references to "child" in Subsections 30-3-10(11) and 30-3-10(12) in H.B. 328 change to "minor child."

Section 201. Coordinating S.B. 95 with H.B. 337.

If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to Mandatory Courses for Family Law Actions, both pass and become law, the Legislature intends that, on September 1, 2024:

(1) the changes to Subsection 81-9-208(2)(c)(i) in S.B. 95 supersede the changes to Subsection 30-3-10.4(1)(c)(i) in H.B. 337;

(2) Section 30-3-11.3 be renumbered to Section 81-9-103 and be amended to read:

"~~[30-3-11.3.]~~ **81-9-103. Mandatory parenting course for parties in a divorce or parentage action.**

(1) The Judicial Council shall approve and implement:

(a) a mandatory parenting course [~~for divorcing parents~~] in all judicial districts~~[- The mandatory course is designed to educate and sensitize divorcing parties to their children's needs both during and after the divorce process.]~~ for married parties in a divorce action determining issues of child custody and parent-time; and

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(b) a mandatory parenting course in all judicial districts for unmarried parties in a parentage action determining issues of child custody and parent-time.

(2) The Judicial Council shall adopt rules to implement and administer [this program:] the mandatory parenting courses described in Subsection (1).

[(3) (a) As a prerequisite to receiving a divorce decree, both parties are required to attend a mandatory course on their children's needs after filing a complaint for divorce and receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived, the court may permit the divorce action to proceed.]

[(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory educational course for divorcing parents required by this section.]

[(4) The court may require unmarried parents to attend this educational course when those parents are involved in a visitation or custody proceeding before the court.]

[(5)] (3) [The mandatory course shall instruct both parties:] The mandatory parenting courses shall educate and sensitize parties to the needs of the parties' minor child during and after the court process, including instructing the parties:

(a) about [divorce and its impacts] the impact of the court process, and its outcome, on:

(i) [their child or children] the minor child;

(ii) [their] the family relationship; and

(iii) [their financial responsibilities for their child or children] the financial responsibilities of the parties to the minor child; and

(b) that domestic violence has a harmful effect on [children] a minor child and family relationships.

[(6)] (4) (a) [The course] The mandatory parenting course may be provided through live instruction, video instruction, or an online provider.

(b) The online and video options under Subsection (4)(a) must be formatted as interactive presentations that ensure active participation and learning by the [parent] party.

[(7)] (5) (a) The Administrative Office of the Courts shall administer [the course pursuant to] the mandatory parenting courses, in accordance with Title 63G, Chapter 6a, Utah

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Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts.

(b) The contracts shall provide for the recoupment of administrative expenses through the costs charged to individual parties[, pursuant to Subsection (9)] as described in Subsection (7).

~~[(8)]~~ (6) A certificate of completion constitutes evidence to the court of [course] completion of a parenting course under this section by the parties.

~~[(9)]~~ (7) (a) Each party shall pay the [costs of the] cost of the parenting course to the independent contractor providing the course at the time and place of the course.

(b) A fee of \$8 shall be collected, as part of [the course] a parenting course fee paid by each participant, and deposited in the Children's Legal Defense Account, described in Section 51-9-408.

~~[(b)]~~ (c) Each party who is unable to pay the [costs of the] cost of a parenting course may attend the parenting course, without payment, upon a prima facie showing of indigency as evidenced by an affidavit of indigency filed in the [district] court in accordance with Section 78A-2-302. [In those situations, the independent contractor shall be reimbursed for the independent contractor's costs from the appropriation to the Administrative Office of the Courts for "Mandatory Educational Course for Divorcing Parents Program." Before a decree of divorce may be entered, the court shall make a final review and determination of indigency and may order the payment of the costs if so determined.]

(d) The Administrative Office of the Courts shall use appropriations from the Children's Legal Defense Account to reimburse an independent contractor for the costs of a party who is unable to pay for a parenting course under Subsection (7)(c).

~~[(10)]~~ Appropriations from the General Fund to the Administrative Office of the Courts for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to pay the costs of an indigent parent who makes a showing as provided in Subsection (9)(b).]

~~[(11)]~~ (8) The Administrative Office of the Courts shall:

(a) adopt a program to evaluate the effectiveness of [the mandatory educational course; Progress reports shall be provided if requested by the Judiciary Interim Committee.] the mandatory parenting courses; and

(b) provide progress reports to the Judiciary Interim Committee if requested.";

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(3) Section 30-3-11.4 be renumbered to Section 81-4-105, except the changes within Section 30-3-11.4 in H.B. 337 supersede the changes within Section 30-3-11.4 in S.B. 95;

(4) Subsection 81-4-401(2) enacted in S.B. 95 be amended to read:

"(2) "Mandatory courses" means:

(a) the mandatory divorce orientation course described in Section 81-4-105; and

(b) the mandatory parenting course described in Section 81-9-103.";

(5) Subsection 51-9-408(3)(a)(i) be amended to read:

"(i) implementing the mandatory courses described in Sections 81-4-105 and 81-9-103 and the mediation program for child custody or parent-time;" and

(6) the reference in Subsection 78B-15-610(4)(a) in H.B. 337 to "Subsection 30-3-11.3(1)(b)" be changed to "Subsection 81-9-103(1)(b)."

Section 202. Coordinating S.B. 95 with S.B. 81.

If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk Amendments, both pass and become law, the Legislature intends that, on September 1, 2024:

(1) Subsection 81-2-303(3)(b) in S.B. 95 be amended to read:

"(b) The Department of Health~~[- Bureau of Vital Records and Health]~~ and Human Services, Office of Vital Records and Statistics shall, upon request, supply the social security numbers to the Department of Health and Human Services, Office of Recovery Services ~~[within the Department of Human Services].~~;"

(2) Subsection 81-2-303(4) in S.B. 95 be amended to read:

"(4) (a) A county clerk may not issue a marriage license until the county clerk receives:

(i) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and

(ii) if one of the parties will not be physically present in the state at the time of solemnization of the marriage, an affidavit from each party applying for the marriage license, stating that the party consents to personal jurisdiction of the state, and of the county issuing the marriage license, for the purposes of filing a divorce or annulment of the marriage.

(b) A county clerk shall file and preserve each affidavit provided under this section.

(c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official

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Matters.";

(3) Subsection 81-2-305(5) in S.B. 95 be amended to read:

"(5) (a) Within 30 days after the day on which a marriage is solemnized, the individual solemnizing the marriage shall return the marriage license to the county clerk that issued the marriage license with a certificate of the marriage over the individual's signature stating the date and place of solemnization and the names of two or more witnesses present at the marriage.

(b) An individual described in Subsection (5)(a) who fails to return the license is guilty of an infraction.

(c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.";

(4) Subsection 81-2-408(3)(b) in S.B. 95 be amended to read:

"(b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be construed to validate a marriage that:

(i) is prohibited or void under Section 81-2-403; or

(ii) fails to meet the requirements of Section 81-2-302, as validated by a court with jurisdiction."; and

(5) the reference in Section 30-1-7 in S.B. 81 to "Subsection 30-1-10(1)" be changed to "Subsection 81-2-303(4)(a)."

Section 203. Coordinating S.B. 95 with S.B. 81 and H.B. 337 if all pass and become law.

If S.B. 95, Domestic Relations Recodification, S.B. 81, County Clerk Amendments, and H.B. 337, Amendments to Mandatory Courses for Family Law Actions, all pass and become law, the Legislature intends that, on September 1, 2024:

(1) Section 81-4-104 (renumbered from Section 30-3-4.5) in S.B. 95 be amended to read:

~~"[30-3-4.5]~~ **81-4-104. Temporary separation order.**

~~[(1) A petitioner may file an action for a temporary separation order without filing a petition for divorce by filing a petition for temporary separation and motion for temporary orders if:]~~

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~~[(a) the petitioner is lawfully married to the respondent; and]~~

~~[(b) both parties are residents of the state for at least 90 days prior to the date of filing.]~~

~~(1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:~~

~~(a) the individual is lawfully married to the individual from whom the separation is sought; and~~

~~(b) (i) both parties are residents of the state for at least 90 days before the day on which the action is filed; or~~

~~(ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).~~

~~(2) The temporary orders are valid for one year [from the date of the hearing,] after the day on which the hearing for the order is held or until one of the following occurs:~~

~~(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or~~

~~(b) the case is dismissed.~~

~~(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.~~

~~[(4) Both parties shall attend the divorce orientation course described in Section 30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days of being served, for respondent.]~~

~~[(5) Service shall be made upon respondent, together with a 20-day summons, in accordance with the rules of civil procedure.]~~

~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either party files a petition for divorce within one year from the date of filing the petition for temporary separation, the separation filing fee shall be credited towards the filing fee for the divorce.]~~

~~(4) (a) If the parties to the temporary separation action have a minor child, the parties shall attend the divorce orientation course described in Section 81-4-105:~~

~~(i) for the petitioner, within 60 days after the day on which the petition is filed; and~~

~~(ii) for the respondent, within 30 days after the day on which the respondent is served.~~

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(b) If the parties to the temporary separation action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.

(c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.

(d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.

(5) For a party that is unable to pay the costs of the divorce orientation course, and before the court enters a decree of divorce in the action, the court shall:

(a) make a final determination of indigency; and

(b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.

(6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the temporary separation petition until the moving party completes the divorce orientation course.

(b) It is an affirmative defense in a temporary separation action that a party has not completed the divorce orientation course and the action may not continue until a party has complied with the divorce orientation course.

(7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the divorce orientation course, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

(b) If the requirement is waived, the court may permit the temporary separation action to proceed.

(8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.

(9) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce."; and

(2) Section 81-4-402 enacted in S.B. 95 be amended to read:

"81-4-402. Petition for divorce -- Divorce proceeding -- Temporary orders.

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(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;

(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; or

(c) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).

(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) If the parties to the divorce action have a minor child, the parties shall attend the mandatory courses:

(i) for the petitioner, within 60 days after the day on which the petition is filed; and

(ii) for the respondent, within 30 days after the day on which the respondent is served.

(b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.

(c) The clerk of the court shall provide notice to a petitioner of the requirement for the mandatory courses.

(d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.

(5) For a party that is unable to pay the costs of the mandatory courses, and before the court enters a decree of divorce in the action, the court shall:

(a) make a final determination of indigency; and

(b) order the party to pay the costs of the mandatory courses if the court determines the party is not indigent.

(6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of

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Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.

(b) It is an affirmative defense in a divorce action that a party has not completed the mandatory courses and the action may not continue until a party has complied with the mandatory courses.

(7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the mandatory courses, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, or feasible, or in the best interest of the parties.

(b) If the requirement is waived, the court may permit the divorce action to proceed.

(8) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce."

Section 204. Coordinating S.B. 95 with S.B. 81 if H.B. 337 does not pass and become law.

If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk Amendments, both pass and become law, and H.B. 337, Amendments to Mandatory Courses for Family Law Actions, does not pass and become law, the Legislature intends that, on September 1, 2024:

(1) Section 81-4-104 (renumbered from Section 30-3-4.5) in S.B. 95 be amended to read:

~~"[(1) A petitioner may file an action for a temporary separation order without filing a petition for divorce by filing a petition for temporary separation and motion for temporary orders if:]~~

~~[(a) the petitioner is lawfully married to the respondent; and]~~

~~[(b) both parties are residents of the state for at least 90 days prior to the date of filing.]~~

(1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:

(a) the individual is lawfully married to the individual from whom the separation is sought; and

(b) (i) both parties are residents of the state for at least 90 days before the day on which

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the action is filed; or

(i) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).

(2) The temporary orders are valid for one year [from the date of the hearing] after the day on which the hearing for the order is held, or until one of the following occurs:

(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or

(b) the case is dismissed.

(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.

(4) (a) [Both] If the parties have a minor child, the parties shall attend the divorce orientation course described in Section [30-3-11.4] 81-4-105 within:

(i) 60 days of the filing of the petition, for the petitioner[~~-, and within~~]; and

(ii) 45 days of being served, for the respondent.

(b) The clerk of the court shall provide notice to the petitioner of the requirement for the divorce orientation course.

(c) The petition shall include information regarding the divorce orientation course when the petition is served on the respondent.

(d) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the petition for temporary separation, until the moving party completes the divorce orientation course.

(e) The court may waive the requirement for the parties to attend the mandatory courses under this Subsection (4), on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

(5) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.

(6) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce.

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~~[(5) Service shall be made upon respondent, together with a 20-day summons, in accordance with the rules of civil procedure.]~~

~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either party files a petition for divorce within one year from the date of filing the petition for temporary separation, the separation filing fee shall be credited towards the filing fee for the divorce.]"; and~~

(2) Section 81-4-402 enacted in S.B. 95 be amended 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;

(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; or

(c) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(4)(a)(ii).

(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.

(b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the mandatory divorce orientation course described in Section 81-4-105.

(c) The clerk of the court shall provide notice to a petitioner of the requirement for the

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mandatory courses.

(d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.

(e) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.

(5) (a) The court may waive the requirement for the parties to attend the mandatory courses under Subsection (4), on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

(b) If the requirement is waived, the court may permit the divorce action to proceed.

(6) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce."

Section 205. Coordinating S.B. 95 with H.B. 337 if S.B. 81 does not pass and become law.

If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to Mandatory Courses for Family Law Actions, both pass and become law, and S.B. 81, County Clerk Amendments, does not pass and become law, the Legislature intends that, on September 1, 2024:

(1) Section 81-4-104 (renumbered from Section 30-3-4.5) in S.B. 95 be amended to read:

"~~[30-3-4.5].~~ **81-4-104. Temporary separation order.**

(1) ~~[A petitioner]~~ An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:

(a) the ~~[petitioner]~~ individual is lawfully married to the ~~[respondent]~~ individual from whom the separation is sought; and

(b) both parties are residents of the state for at least 90 days ~~[prior to the date of filing]~~ before the day on which the action is filed.

(2) The temporary orders are valid for one year ~~[from the date of the hearing,]~~ after the day on which the hearing for the order is held or until one of the following occurs:

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(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or

(b) the case is dismissed.

(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.

[(4) Both parties shall attend the divorce orientation course described in Section 30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days of being served, for respondent.]

[(5) Service shall be made upon respondent, together with a 20-day summons, in accordance with the rules of civil procedure.]

[(6) The fee for filing the petition for temporary separation orders is \$35. If either party files a petition for divorce within one year from the date of filing the petition for temporary separation, the separation filing fee shall be credited towards the filing fee for the divorce.]

(4) (a) If the parties to the temporary separation action have a minor child, the parties shall attend the divorce orientation course described in Section 81-4-105:

(i) for the petitioner, within 60 days after the day on which the petition is filed; and

(ii) for the respondent, within 30 days after the day on which the respondent is served.

(b) If the parties to the temporary separation action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.

(c) The clerk of the court shall provide notice to a petitioner of the divorce orientation course requirement.

(d) A petition shall include information regarding the divorce orientation course requirement when the petition is served on the respondent.

(5) For a party that is unable to pay the costs of the divorce orientation course, and before the court enters a decree of divorce in the action, the court shall:

(a) make a final determination of indigency; and

(b) order the party to pay the costs of the divorce orientation course if the court determines the party is not indigent.

(6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to

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the temporary separation petition until the moving party completes the divorce orientation course.

(b) It is an affirmative defense in a temporary separation action that a party has not completed the divorce orientation course and the action may not continue until a party has complied with the divorce orientation course.

(7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the divorce orientation course, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

(b) If the requirement is waived, the court may permit the temporary separation action to proceed.

(8) The petitioner shall serve the petition for a temporary separation order in accordance with the Utah Rules of Civil Procedure.

(9) If a party files for divorce within one year after the day on which the petition for temporary separation is filed, the filing fee for a petition for temporary separation shall be credited towards the filing fee for a divorce."; and

(2) Section 81-4-402 enacted in S.B. 95 be amended to read:

"81-4-402. Petition for divorce -- Divorce proceeding -- 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).

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(4) (a) If the parties to the divorce action have a minor child, the parties shall attend the mandatory courses:

(i) for the petitioner, within 60 days after the day on which the petition is filed; and

(ii) for the respondent, within 30 days after the day on which the respondent is served.

(b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the divorce orientation course described in Section 81-4-105.

(c) The clerk of the court shall provide notice to a petitioner of the requirement for the mandatory courses.

(d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.

(5) For a party that is unable to pay the costs of the mandatory courses, and before the court enters a decree of divorce in the action, the court shall:

(a) make a final determination of indigency; and

(b) order the party to pay the costs of the mandatory courses if the court determines the party is not indigent.

(6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.

(b) It is an affirmative defense in a divorce action that a party has not completed the mandatory courses and the action may not continue until a party has complied with the mandatory courses.

(7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the mandatory courses, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, or feasible, or in the best interest of the parties.

(b) If the requirement is waived, the court may permit the divorce action to proceed.

(8) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce."