

**Family Law Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill addresses family law issues related to spousal support, child support, custody, and parent-time.

**Highlighted Provisions:**

This bill:

- defines terms;
- modifies the duties of the Office of Recovery Services with regard to spousal support;
- requires the director of the Office of Recovery Services to hold certain meetings for obligees and obligors and places a sunset date on the requirement;
- creates a reporting requirement for the director of the Office of Recovery Services and places a sunset date on the reporting requirement;
- addresses the collection of spousal support by the Office of Recovery Services after a child support obligation ends;
- allows a certain amount of money from a monthly child support payment to pass through to a family who is receiving public assistance on and after July 1, 2028;
- addresses the suspension of a driver license by the Office of Recovery Services, including the suspension of an individual's driver license when the individual is in arrears of at least \$10,000;
- requires a juvenile court to search and review the Xchange database before a postadjudication hearing for any records relating to an individual for whom the court is considering placing a minor or granting custody or parent-time;
- provides that a delinquent payment for child support accrues interest on and after July 1, 2027;
- requires a court to search and review records in the Xchange database when making a determination about custody or parent-time; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **7-1-1006**, as last amended by Laws of Utah 2023, Chapter 327
- 37 **26B-9-101**, as last amended by Laws of Utah 2025, Chapter 426
- 38 **26B-9-104**, as last amended by Laws of Utah 2025, Chapter 426
- 39 **26B-9-108**, as last amended by Laws of Utah 2025, Chapter 426
- 40 **26B-9-112**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 41 **26B-9-113**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 42 **26B-9-210**, as last amended by Laws of Utah 2024, Chapter 366
- 43 **26B-9-212**, as last amended by Laws of Utah 2024, Chapter 366
- 44 **26B-9-213**, as last amended by Laws of Utah 2025, Chapter 426
- 45 **26B-9-502**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 46 **63I-2-226**, as last amended by Laws of Utah 2025, Chapters 277, 414
- 47 **80-3-108**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 48 **81-7-101**, as enacted by Laws of Utah 2024, Chapter 366
- 49 **81-7-102**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 50 **81-9-204**, as last amended by Laws of Utah 2025, Chapter 426

51 ENACTS:

52 **26B-9-114**, Utah Code Annotated 1953



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

55 Section 1. Section **7-1-1006** is amended to read:

56 **7-1-1006 . Inapplicable to certain official investigations.**

- 57 (1) Sections 7-1-1002 and 7-1-1003 do not apply if an examination of a record is a part of
- 58 an official investigation by:
- 59 (a) local police;
- 60 (b) a sheriff;
- 61 (c) a peace officer;
- 62 (d) a city attorney;
- 63 (e) a county attorney;
- 64 (f) a district attorney;

- 65 (g) the attorney general;
- 66 (h) the Department of Public Safety;
- 67 (i) the Office of Recovery Services of the Department of Health and Human Services;
- 68 (j) the Insurance Department;
- 69 (k) the Department of Commerce;
- 70 (l) the Benefit Payment Control Unit or the Payment Error Prevention Unit of the
- 71 Department of Workforce Services;
- 72 (m) the state auditor;
- 73 (n) the State Tax Commission; or
- 74 (o) the Department of Health and Human Services or its designee, when undertaking an
- 75 official investigation to determine whether an individual qualifies for certain
- 76 assistance programs as provided in Section 26B-3-106.
- 77 (2) Except for the Office of Recovery Services, if a governmental entity listed in Subsection
- 78 (1) seeks a record, the entity shall obtain the record as follows:
- 79 (a) if the record is a nonprotected record, by request in writing that:
- 80 (i) certifies that an official investigation is being conducted; and
- 81 (ii) is signed by a representative of the governmental entity that is conducting the
- 82 official investigation; or
- 83 (b) if the record is a protected record, by obtaining:
- 84 (i) a subpoena authorized by statute;
- 85 (ii) other legal process:
- 86 (A) ordered by a court of competent jurisdiction; and
- 87 (B) served upon the financial institution; or
- 88 (iii) written permission from all account holders of the account referenced in the
- 89 record to be examined.
- 90 (3) If the Office of Recovery Services seeks a record, the Office of Recovery Services shall
- 91 obtain the record pursuant to:
- 92 (a) Subsection [~~26B-9-104(1)(g)~~] 26B-9-104(1)(h);
- 93 (b) Section 26B-9-205;
- 94 (c) Section 26B-9-208; or
- 95 (d) Title IV, Part D of the Social Security Act as codified in 42 U.S.C. 651 et seq.
- 96 (4) A financial institution may not give notice to an account holder or person named or
- 97 referenced within the record disclosed pursuant to Subsection (2)(a).
- 98 (5) In accordance with Section 7-1-1004, the governmental entity conducting the official

99 investigation that obtains a record from a financial institution under this section shall  
 100 reimburse the financial institution for costs reasonably and directly incurred by the  
 101 financial institution.

102 Section 2. Section **26B-9-101** is amended to read:

103 **26B-9-101 . Definitions.**

104 As used in this part:

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

107 (2) "Alleged father" means the same as that term is defined in Section 81-5-102.

108 (3) "Assistance" means public assistance.

109 (4) "Birth mother" means the same as that term is defined in Section 81-5-102.

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

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

116 (b) "Child support" includes spousal support if:

117 (i) the child resides with the spouse or former spouse receiving the spousal support;  
 118 and

119 (ii) the spousal support is collected with child support for the child.

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

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

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

126 (9) "Financial institution" means:

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

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

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

- 133 union as defined in 12 U.S.C. Sec. 1786(r);
- 134 (d) a broker-dealer as defined in Section 61-1-13; or
- 135 (e) any benefit association, insurance company, safe deposit company, money-market
- 136 mutual fund, or similar entity authorized to do business in the state.
- 137 (10) "Financial record" means the same as that term is defined in the Right to Financial
- 138 Privacy Act of 1978, 12 U.S.C. Sec. 3401.
- 139 (11)(a) "Income" means earnings, compensation, or other payment due to an individual,
- 140 regardless of source, whether denominated as wages, salary, commission, bonus, pay,
- 141 or contract payment, or denominated as advances on future wages, salary,
- 142 commission, bonus, pay, allowances, contract payment, or otherwise, including
- 143 severance pay, sick pay, and incentive pay.
- 144 (b) "Income" includes:
- 145 (i) all gain derived from capital assets, labor, or both, including profit gained through
- 146 sale or conversion of capital assets;
- 147 (ii) interest and dividends;
- 148 (iii) periodic payments made under pension or retirement programs or insurance
- 149 policies of any type;
- 150 (iv) unemployment compensation benefits;
- 151 (v) workers' compensation benefits; and
- 152 (vi) disability benefits.
- 153 (12) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.
- 154 (13) "IV-D child support services" means child support services.
- 155 (14) "New hire registry" means the centralized new hire registry created in Section
- 156 35A-7-103.
- 157 (15) "Obligee" means an individual, this state, another state, or other comparable
- 158 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support,
- 159 spousal support, or public assistance.
- 160 (16) "Obligor" means a person, firm, corporation, or the estate of a decedent owing money
- 161 to this state, to an individual, to another state, or other comparable jurisdiction in whose
- 162 behalf this state is acting.
- 163 (17) "Office" means the Office of Recovery Services.
- 164 (18) "Parentage" means the same as that term is defined in Section 81-5-102.
- 165 (19) "Public assistance" means:
- 166 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;

- 167 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;  
 168 (c) foster care maintenance payments under Part E of Title IV of the Social Security Act,  
 169 42 U.S.C. Sec. 670, et seq.;
- 170 (d) SNAP benefits as defined in Section 35A-1-102; or  
 171 (e) any other public funds expended for the benefit of a person in need of financial,  
 172 medical, food, housing, or related assistance.

173 (20) "Spousal support" means any obligation ordered by a tribunal for the support of a  
 174 spouse or former spouse.

175 (21) "Spousal support only case" means a case for which the office is collecting spousal  
 176 support for an obligee after the collection of child support has ended for that obligee as  
 177 described in Section 26B-9-114.

178 (22) "Support order" means a child support order.

179 ~~[(20)]~~ (23) "State case registry" means the central, automated record system maintained by  
 180 the office and the central, automated district court record system maintained by the  
 181 Administrative Office of the Courts, that contains records which use standardized data  
 182 elements, such as names, Social Security numbers and other uniform identification  
 183 numbers, dates of birth, and case identification numbers, with respect to:

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

187 Section 3. Section **26B-9-104** is amended to read:

188 **26B-9-104 . Duties of the Office of Recovery Services.**

189 (1) The office ~~[has the following duties]~~ shall:

190 (a) except as provided in Subsection (2), ~~[to]~~ provide child support services if:

- 191 (i) the office has received an application for child support services;  
 192 (ii) the state has provided public assistance; or  
 193 (iii) a child lives out of the home in the protective custody, temporary custody, or  
 194 custody or care of the state;

195 (b) for the purpose of collecting child support, ~~[to]~~ carry out the obligations of the  
 196 department contained in:

- 197 (i) this chapter;  
 198 (ii) Title 81, Chapter 5, Uniform Parentage Act;  
 199 (iii) Title 81, Chapter 6, Child Support;  
 200 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and

201 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;

202 (c) collect a spousal support only case as described in Section 26B-9-114;

203 [(e)] (d) [~~t~~]collect money due the department which could act to offset expenditures by

204 the state;

205 [(d)] (e) [~~t~~]cooperate with the federal government in programs designed to recover

206 health and social service funds;

207 [(e)] (f) [~~t~~]collect civil or criminal assessments, fines, fees, amounts awarded as

208 restitution, and reimbursable expenses owed to the state or any of [~~its~~] the state's

209 political subdivisions, if the office has contracted to provide collection services;

210 [(f)] (g) [~~t~~]implement income withholding for collection of child support in accordance

211 with Part 3, Income Withholding in IV-D Cases;

212 [(g)] (h) [~~t~~]enter into agreements with financial institutions doing business in the state

213 to develop and operate, in coordination with such financial institutions, a data match

214 system in the manner provided for in Section 26B-9-208;

215 [(h)] (i) [~~t~~]establish and maintain the state case registry in the manner required by the

216 Social Security Act, 42 U.S.C. Sec. 654a, [~~which shall include~~] that includes a record

217 in each case of:

218 (i) the amount of monthly or other periodic support owed under the order, and other

219 amounts, including arrearages, interest, late payment penalties, or fees, due or

220 overdue under the order;

221 (ii) any amount described in Subsection[~~(+)(h)(i)~~] (1)(i)(i) that has been collected;

222 (iii) the distribution of collected amounts;

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

224 and

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

226 [(+)] (j) [~~t~~]contract with the Department of Workforce Services to establish and

227 maintain the new hire registry created under Section 35A-7-103;

228 [(+)] (k) [~~t~~]determine whether an individual who has applied for or is receiving cash

229 assistance or Medicaid is cooperating in good faith with the office as required by

230 Section 26B-9-213;

231 [(k)] (l) [~~t~~]finance any costs incurred from collections, fees, General Fund

232 appropriation, contracts, and federal financial participation;

233 [(+)] (m) [~~t~~]provide notice to a noncustodial parent in accordance with Section

234 26B-9-207 of the opportunity to contest the accuracy of allegations by a custodial

235 parent of nonpayment of past-due child support, prior to taking action against a  
 236 noncustodial parent to collect the alleged past-due support;  
 237 ~~[(m)]~~ (n) ~~[tø-]~~review the child support guidelines, as that term is defined in Section  
 238 81-6-101, to ensure the application of the guidelines results in the determination of  
 239 appropriate child support award amounts; and  
 240 ~~[(n)]~~ (o) ~~[tø-]~~submit to the Judiciary Interim Committee, in accordance with Section  
 241 68-3-14, a summary of the review described in Subsection ~~[(1)(m)]~~ (1)(n) on or before  
 242 October 1, 2025, and every four years thereafter on or before October 1.

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

246 ~~[(a)]~~ (i) in the custody of the Division of Child and Family Services; and

247 ~~[(b)]~~ (ii) lives in the home of a custodial parent of the child for more than seven  
 248 consecutive days, regardless of whether:

249 ~~[(i)]~~ (A) the greater than seven consecutive day period starts during one month and  
 250 ends in the next month; and

251 ~~[(ii)]~~ (B) the child is living in the home on a trial basis.

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

255 ~~[(4)]~~ (3) To conduct the review described in Subsection ~~[(1)(m)]~~ (1)(n), the office may  
 256 consider input from the Judicial Council, members of the Utah State Bar Association  
 257 representing attorneys who practice family law, individuals with economic expertise,  
 258 and other interested parties.

259 Section 4. Section **26B-9-108** is amended to read:

260 **26B-9-108 . Director -- Powers of office -- Representation by county attorney or**  
 261 **attorney general -- Receipt of grants -- Rulemaking and enforcement -- Meetings.**

262 (1) The director of the office shall be appointed by the executive director.

263 (2) The office has power to administer oaths, certify to official acts, issue subpoenas, and to  
 264 compel witnesses and the production of books, accounts, documents, and evidence.

265 (3) The office has the power to seek administrative and judicial orders to require an obligor  
 266 who owes past-due support and is obligated to support a child receiving public  
 267 assistance to participate in appropriate work activities if the obligor is unemployed and  
 268 is not otherwise incapacitated.

- 269 (4) The office has the power to enter into reciprocal child support enforcement agreements  
 270 with foreign countries consistent with federal law and cooperative enforcement  
 271 agreements with Indian Tribes.
- 272 (5) The office has the power to pursue through court action the withholding, suspension,  
 273 and revocation of driver's licenses, professional and occupational licenses, and  
 274 recreational licenses of individuals owing overdue support or failing, after receiving  
 275 appropriate notice, to comply with subpoenas or orders relating to parentage or child  
 276 support proceedings pursuant to Section 78B-6-315.
- 277 (6)(a) It is the duty of the attorney general or the county attorney of any county in which  
 278 a cause of action can be filed, to represent the office.
- 279 (b) Neither the attorney general nor the county attorney represents or has an  
 280 attorney-client relationship with the obligee or the obligor in carrying out the duties  
 281 arising under this chapter.
- 282 (7) The office, with department approval, is authorized to receive any grants or stipends  
 283 from the federal government or other public or private source designed to aid the  
 284 efficient and effective operation of the recovery program.
- 285 (8) The office may adopt, amend, and enforce rules as may be necessary to carry out the  
 286 provisions of this chapter.
- 287 (9)(a) The director, or the director's designee, shall hold a meeting:
- 288 (i) at least twice per calendar year for obligors to provide feedback to the office on  
 289 the office's procedures and processes that impact obligors; and
- 290 (ii) at least twice per calendar year for obligees to provide feedback to the office on  
 291 the office's procedures and processes that impact obligees.
- 292 (b) The director shall provide a written report to the Health and Human Services Interim  
 293 Committee on or before November 30 of each year on:
- 294 (i) the feedback that the director has received under Subsection (9)(a) from obligors  
 295 and obligees; and
- 296 (ii) the steps that the office has taken to address the feedback from obligors and  
 297 obligees.

298 Section 5. Section **26B-9-112** is amended to read:

299 **26B-9-112 . Alternative payment by obligor through electronic funds transfer.**

- 300 (1)(a) The office may enter into a written alternative payment agreement with an obligor [  
 301 which] that provides for electronic payment of:
- 302 (i) [-]child support under Part 3, Income Withholding in IV-D Cases, or Part 4,

- 303                   Income Withholding in Non IV-D Cases[-] ; or
- 304                   (ii) spousal support for a spousal support only case under Section 26B-9-114.
- 305                   (b) Electronic payment shall be accomplished through an automatic withdrawal from the
- 306                   obligor's account at a financial institution.
- 307                   (2) The alternative payment agreement shall:
- 308                   (a) provide for electronic payment of child support or spousal support in lieu of income
- 309                   withholding;
- 310                   (b) specify the date on which electronic payments will be withdrawn from an obligor's
- 311                   account; and
- 312                   (c) specify the amount which will be withdrawn.
- 313                   (3) The office may terminate the agreement and initiate immediate income withholding, as
- 314                   defined in Section 26B-9-301, if:
- 315                   (a) required to meet federal or state requirements or guidelines;
- 316                   (b) funds available in the account at the scheduled time of withdrawal are insufficient to
- 317                   satisfy the agreement; or
- 318                   (c) requested by the obligor.
- 319                   (4)(a) If the payment amount requires adjusting, the office may initiate a new written
- 320                   agreement with the obligor.
- 321                   (b) If, for any reason, the office and obligor fail to agree on the terms, the office may
- 322                   terminate the agreement and initiate income withholding.
- 323                   (5) If an agreement is terminated for insufficient funds, a new agreement may not be
- 324                   entered into between the office and obligor for a period of at least 12 months.
- 325                   (6) The office shall make rules specifying eligibility requirements for obligors to enter into
- 326                   alternative payment agreements.

327                   Section 6. Section **26B-9-113** is amended to read:

328                   **26B-9-113 . Mandatory distribution to obligee through electronic funds transfer.**

329                   ~~[(1) Notwithstanding any provision of this chapter to the contrary, the office shall, except as~~

330                   ~~provided in Subsection (3), distribute child support payments, under Subsection~~

331                   ~~26B-9-312(2) or Section 26B-9-406, by electronic funds transfer.]~~

332                   (1) Notwithstanding any provision of this chapter to the contrary, and except as provided in

333                   Subsection (3), the office shall distribute:

- 334                   (a) a child support payment under Subsection 26B-9-312(2) or Section 26B-9-406 by
- 335                   electronic funds transfer; and
- 336                   (b) a spousal support payment for a spousal support only case under Section 26B-9-114

- 337           by electronic funds transfer.
- 338       (2) Distribution of [child support payments] a child support payment or spousal support  
 339           payment by electronic payment under this section shall be made to:
- 340           (a) an account of the obligee; or
- 341           (b) an account that may be accessed by the obligee through the use of an electronic  
 342           access card.
- 343       (3)(a) Subject to Subsection (3)(b), the office may make rules, pursuant to Title 63G,  
 344           Chapter 3, Utah Administrative Rulemaking Act, to allow exceptions to the  
 345           requirement to make distributions by electronic funds transfer under Subsection (1).
- 346       (b) The rules described in Subsection (3)(a) may only allow exceptions under  
 347           circumstances where:
- 348           (i) requiring distribution by electronic funds transfer would result in an undue  
 349           hardship to the office or a person; or
- 350           (ii) it is not likely that distribution will be made to the obligee on a recurring basis.
- 351       Section 7. Section **26B-9-114** is enacted to read:
- 352       **26B-9-114 . Collection of spousal support after child support ends.**
- 353       (1) An obligee may request that the office continue to collect spousal support on behalf of  
 354           the obligee if:
- 355           (a) the office has been collecting spousal support for the obligee as a part of child  
 356           support; and
- 357           (b) the office is no longer collecting child support for the obligee and has closed the case  
 358           related to the child support.
- 359       (2) Upon a request described in Subsection (1), the office shall collect spousal support until:
- 360           (a) the spousal support is no longer enforceable; or
- 361           (b) the obligee requests that the office no longer collect the spousal support on the  
 362           obligee's behalf.
- 363       (3) For a spousal support only case, the office shall collect and enforce spousal support for  
 364           the obligee in the same manner and to the same extent as child support, including:
- 365           (a) initiating and ordering income withholding in accordance with Part 3, Income  
 366           Withholding in IV-D Cases;
- 367           (b) subpoenaing financial or other information needed to enforce the spousal support  
 368           including:
- 369           (i) the name, address, and employer of an obligor that appears on the customer  
 370           records of public utilities and cable television companies; and

- 371 (ii) information held by financial institutions on such things as the assets and  
 372 liabilities of the obligor;
- 373 (c) requiring a public or private employer to promptly disclose information to the office  
 374 on the name, address, date of birth, social security number, employment status,  
 375 compensation, and benefits, including health insurance, of any person employed as  
 376 an employee or contractor by the employer;
- 377 (d) obtaining access to information in the records and automated databases of other state  
 378 and local government agencies;
- 379 (e) securing assets to satisfy spousal support that is past due by:
- 380 (i) intercepting or seizing periodic or lump-sum payments from:
- 381 (A) a state or local government agency, including unemployment compensation,  
 382 workers' compensation, and other benefits; and
- 383 (B) judgments, settlements, and lotteries; and
- 384 (ii) attaching and seizing assets of an obligor held in financial institutions;
- 385 (f) attaching public and private retirement funds if the obligor is:
- 386 (i) receiving periodic payments; or
- 387 (ii) has the authority to withdraw some or all of the funds; and
- 388 (g) imposing liens against real and personal property.
- 389 (4) Any action taken under Subsection (3) shall comply with the requirements described in  
 390 this chapter for taking that same action with regard to child support.

391 Section 8. Section **26B-9-210** is amended to read:

392 **26B-9-210 . Issuance or modification of an order to collect support for persons**  
 393 **not receiving public assistance.**

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

- 397 (1) an application for services provided under Title IV-D of the federal Social Security Act;  
 398 (2) the continued service provisions of Subsection [~~26B-9-213(5)~~] 26B-9-213(6); or  
 399 (3) the interstate provisions of Section 26B-9-209.

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

401 **26B-9-212 . Collection directly from responsible parent.**

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

405 parent's child.

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

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

411 (3)(a) The office may issue or modify an administrative order, subject to the procedural  
412 requirements of applicable law, that requires that obligee to pay to the office assigned  
413 support that an obligee receives and retains in violation of Subsection [26B-9-213(4)]  
414 26B-9-213(5) and may reduce to judgment any unpaid balance due.

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

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

421 Section 10. Section **26B-9-213** is amended to read:

422 **26B-9-213 . Duties of obligee after assignment of support rights.**

423 (1) [~~An~~] This section applies to an obligee whose rights to support have been assigned  
424 under Section 35A-3-108 as a condition of eligibility for public assistance[~~has the~~  
425 ~~following duties:~~] .

426 [~~(a)~~] (2)(a) Unless a good cause or other exception applies, the obligee shall, at the  
427 request of the office:

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

430 (A) establishing parentage; or

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

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

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

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

438 (c) The obligee may not do anything to prejudice the rights of the office to establish

439 parentage, enforce provisions requiring health insurance, or to establish and collect  
440 support.

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

444 ~~[(2)]~~ (3)~~[(a)]~~ The office shall determine and redetermine, when appropriate, whether an  
445 obligee has cooperated with the office as required by Subsection ~~[(1)(a)]~~ (2)(a).

446 ~~[(b)]~~ (4) If the office determines that an obligee has not cooperated as required by  
447 Subsection ~~[(1)(a)]~~ (2)(a), the office shall:

448 ~~[(i)]~~ (a) forward the determination and the basis for it to the Department of Workforce  
449 Services, which shall inform the department of the determination, for a determination  
450 of whether compliance by the obligee should be excused on the basis of good cause  
451 or other exception; and

452 ~~[(ii)]~~ (b) send to the obligee:

453 ~~[(A)]~~ (i) a copy of the notice; and

454 ~~[(B)]~~ (ii) information that the obligee may, within 15 days of notice being sent:

455 ~~[(F)]~~ (A) contest the office's determination of noncooperation by filing a written  
456 request for an adjudicative proceeding with the office; or

457 ~~[(H)]~~ (B) assert that compliance should be excused on the basis of good cause or  
458 other exception by filing a written request for a good cause exception with the  
459 Department of Workforce Services.

460 ~~[(3)]~~ (5) The office's right to recover is not reduced or terminated if an obligee agrees to  
461 allow the obligor to change the court or administratively ordered manner or amount of  
462 payment of support regardless of whether that agreement is entered into before or after  
463 public assistance is furnished on behalf of a child.

464 ~~[(4)]~~ (6)(a) If an obligee receives direct payment of assigned support from an obligor, the  
465 obligee shall immediately deliver that payment to the office.

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

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

- 473 (7) On and after July 1, 2028, the office shall distribute to an obligee, as allowed by the  
 474 pass through requirements described in 42 U.S.C. Sec. 657:  
 475 (a) for a family with one child, \$100 or the entire amount of the monthly child support  
 476 payment if the monthly child support payment is less than \$100; and  
 477 (b) for a family of two or more children, \$200 or the entire amount of the monthly child  
 478 support payment if the monthly child support payment is less than \$200.

- 479 ~~[(5)]~~ (8)(a) If public assistance furnished on behalf of a child is terminated, the office  
 480 may continue to provide parentage establishment and support collection services.  
 481 (b) Unless the obligee notifies the office to discontinue these services, the obligee is  
 482 considered to have accepted and is bound by the rights, duties, and liabilities of an  
 483 obligee who has applied for those services.

484 Section 11. Section **26B-9-502** is amended to read:

485 **26B-9-502 . Suspension of driver license for child support delinquency --**  
 486 **Reinstatement.**

- 487 ~~[(1) Subject to the provisions of this section, the office may order the suspension of a~~  
 488 ~~person's driver license if the person is delinquent on a child support obligation.]~~  
 489 ~~[(2) Before ordering a suspension of a person's driver license, the office shall serve the~~  
 490 ~~person with a "notice of intent to suspend driver license."]~~  
 491 (1) An individual who is delinquent on a child support obligation is subject to the  
 492 suspension of the individual's driver license as described in this section.  
 493 (2) Before the office orders a suspension of an individual's driver license under this section,  
 494 the office shall serve an individual with a notice that the office intends to suspend the  
 495 individual's driver license.  
 496 (3) The notice described in Subsection (2) shall:  
 497 (a) be personally served or served by certified mail;  
 498 (b) except as otherwise provided in this section, comply with Title 63G, Chapter 4,  
 499 Administrative Procedures Act;  
 500 (c) state the amount that the ~~[person]~~ individual is in arrears on the ~~[person's]~~ individual's  
 501 child support obligation; and  
 502 (d) state that, if the ~~[person]~~ individual desires to contest the suspension of the ~~[person's]~~  
 503 individual's driver license, the ~~[person]~~ individual must request an informal  
 504 adjudicative proceeding with the office within 30 days after the day on which the  
 505 notice is mailed or personally served on the individual.  
 506 (4)(a) The office shall hold an informal adjudicative proceeding to determine whether [a

507 ~~person's]~~ an individual's driver license should be suspended if the [person] individual  
508 requests a hearing within 30 days after the day on which the notice described in  
509 Subsection (2) is mailed or personally served on the [person] individual.

510 (b) The informal adjudicative proceeding described in Subsection (4)(a), and any appeal  
511 of the decision rendered in that proceeding, shall comply with Title 63G, Chapter 4,  
512 Administrative Procedures Act.

513 (5) ~~Except as provided in [Subsection (6)]~~ Subsections (6) and (7), the office may order that [  
514 a person's] an individual's driver license be suspended if:

515 (a) ~~[if, after the notice described in Subsection (2) is mailed or personally served, the~~  
516 ~~person]~~

517 (i) the individual is in arrears on the individual's child support obligation; and

518 (ii) the individual fails to request an informal adjudicative proceeding within the time  
519 period described in Subsection (4)(a) after the notice described in Subsection (2)  
520 is mailed or personally served on the individual; or

521 (b) following the informal adjudicative proceeding described in Subsection (4)(a)~~;~~ if:

522 (i) the presiding officer finds that the [person] individual is delinquent on a child  
523 support obligation; and

524 (ii) the finding described in Subsection (5)(b)(i):

525 (A) is not timely appealed; or

526 (B) is upheld after a timely appeal becomes final.

527 (6) Except as provided in Subsection (7), the office shall order that an individual's driver  
528 license be suspended if:

529 (a)(i) the individual becomes delinquent at least \$10,000 on or after May 6, 2026, on  
530 the individual's child support obligation;

531 (ii) the individual has not made a full monthly payment toward the individual's child  
532 support obligation for 60 days; and

533 (iii) the individual fails to request an informal adjudicative proceeding within the  
534 time period described in Subsection (4)(a) after the notice described in Subsection  
535 (2) is mailed or personally served on the individual; or

536 (b) following the informal adjudicative proceeding described in Subsection (4)(a):

537 (i) the presiding officer finds that the individual became delinquent at least \$10,000  
538 on or after May 6, 2026, on the individual's child support obligation; and

539 (ii) the individual has not made a full monthly payment towards the individual's child  
540 support obligation within 60 days before the day on which the the notice described

541                   in Subsection (2) was mailed or personally served on the individual; and

542                   (iii) the finding described in Subsection (6)(b)(i) or (ii):

543                   (A) is not timely appealed; or

544                   (B) is upheld after a timely appeal becomes final.

545 [(6)] (7) The office may not order the suspension of [a person's] an individual's driver license

546 under Subsection (5) or (6) if the [person] individual:

547                   (a) pays the full amount that the [person] individual is in arrears on the [person's]

548 individual's child support obligation;

549                   (b) subject to Subsection [(8)] (9):

550                   (i) enters into a payment agreement with the office for the payment of the [person's]

551 individual's current child support obligation and all arrears; and

552                   (ii) complies with the agreement described in Subsection [(6)(b)(i)] (7)(b)(i) for any

553 initial compliance period required by the agreement;

554                   (c) obtains a judicial order staying enforcement of the [person's] individual's child

555 support obligation or the amount in arrears; or

556                   (d) is not currently delinquent on a child support obligation.

557 [(7)] (8) The office shall rescind an order made by the office to suspend [a] an individual's

558 driver license if the [person] individual:

559                   (a) pays the full amount that the [person] individual is in arrears on the [person's]

560 individual's child support obligation;

561                   (b) subject to Subsection [(8)] (9):

562                   (i) enters into a payment agreement with the office for the payment of the [person's]

563 individual's current child support obligation and all arrears; and

564                   (ii) complies with the agreement described in Subsection [(7)(b)(i)] (8)(b)(i) for any

565 initial compliance period required by the agreement;

566                   (c) obtains a judicial order staying enforcement of the [person's] individual's child

567 support obligation or the amount in arrears; or

568                   (d) is not currently delinquent on a child support obligation.

569 [(8)] (9) [~~For purposes of Subsections (6)(b) and (7)(b), the~~] For an agreement described in

570 Subsection (7)(b) or (8)(b), the office shall diligently strive to enter into a fair and

571 reasonable payment agreement that takes into account the [person's] individual's

572 employment and financial ability to make payments[~~, provided that~~] if there is a

573 reasonable basis to believe that the [person] individual will comply with the agreement.

574 [(9)] (10)(a) [~~If, after the office seeks to suspend a person's driver license under this~~

575 ~~section, it is determined that the person is not delinquent]~~ If it is determined that an  
 576 individual is not delinquent on a child support obligation after the office seeks to  
 577 suspend the individual's driver license under this section, the office shall refund to the [  
 578 ~~person]~~ individual any noncustodial parent income withholding fee that was collected  
 579 from the [~~person]~~ individual during the erroneously alleged delinquency.

580 (b) Subsection [~~(9)(a)~~] (10)(a) does not apply if the [~~person]~~ individual described in  
 581 Subsection [~~(9)(a)~~] (10)(a) is otherwise in arrears on a child support obligation.

582 [~~(10)~~] (11)(a) ~~[A person whose driver license is ordered suspended pursuant to this~~  
 583 ~~section]~~ If the office suspends an individual's driver license under this section, the  
 584 individual may file a request with the office, on a form provided by the office, to  
 585 have the office rescind the order of suspension if:

586 (i) the [~~person]~~ individual claims that, since the time of the suspension, circumstances  
 587 have changed such that the [~~person]~~ individual is entitled to have the order of  
 588 suspension rescinded under Subsection [~~(7)~~] (8); and

589 (ii) the office has not rescinded the order of suspension.

590 (b) [~~The office shall respond, in writing, to a person described in Subsection (10);]~~ The  
 591 office shall:

592 (i) respond, in writing, to a request described in Subsection (11)(a) within 10 days  
 593 after the day on which the request is filed with the office[~~, stating~~] ; and

594 (ii) state in the response whether the [~~person]~~ individual is entitled to have the order  
 595 of suspension rescinded.

596 (c) If an individual submits a request described in Subsection (11)(a) and the office  
 597 determines[~~, under Subsection (10)(b);]~~ that an order to suspend [~~a person's~~] the  
 598 individual's driver license should be rescinded, the office shall immediately rescind  
 599 the order.

600 (d) If an individual submits a request described in Subsection (11)(a) and the office  
 601 determines[~~, under Subsection (10)(b);]~~ that an order to suspend [~~a person's~~] the  
 602 individual's driver license should not be rescinded:

603 (i) the office shall[~~, as part of the response described in Subsection (10)(b), notify the~~  
 604 ~~person, in writing, of the reasons for that determination]~~ include the reasons for  
 605 that determination in the response described in Subsection (11)(b); and

606 (ii) the [~~person described in this Subsection (10)(d)]~~ individual may, within 15 days  
 607 after the day on which the office sends the response described in Subsection [  
 608 ~~(10)(b)~~] (11)(b), appeal the determination of the office to [~~district court]~~ a court

609 with jurisdiction.

610 (e) The office may not require that ~~[a person]~~ an individual file the request described in [  
611 ~~Subsection (10)(a)]~~ this Subsection (11) before the office orders that an order of  
612 suspension is rescinded, if the office has already determined that the order of  
613 suspension should be rescinded under Subsection ~~[(7)]~~ (8).

614 ~~[(H)]~~ (12) The office may make rules, in accordance with Title 63G, Chapter 3, Utah  
615 Administrative Rulemaking Act, to:

616 (a) implement the provisions of this part; and

617 (b) determine when the arrears described in Subsections ~~[(6) and (7)]~~ (7) and (8) are  
618 considered paid.

619 Section 12. Section **63I-2-226** is amended to read:

620 **63I-2-226 . Repeal dates: Titles 26 through 26B.**

621 (1) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, 2025.

622 (2) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review  
623 Board, is repealed July 1, 2025.

624 (3) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --  
625 Membership -- Compensation -- Duties, is repealed July 1, 2026.

626 (4) Section 26B-2-243, Data collection and reporting requirements concerning incidents of  
627 abuse, neglect, or exploitation, is repealed July 1, 2027.

628 (5) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and  
629 genetic testing, is repealed July 1, 2030.

630 (6) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed  
631 July 1, 2025.

632 (7) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is  
633 repealed July 1, 2025.

634 (8) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance  
635 Program, is repealed July 1, 2027.

636 (9) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician  
637 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.

638 (10) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan  
639 Repayment Program, is repealed July 1, 2026.

640 (11) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician  
641 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.

642 (12) Section 26B-5-117, Early childhood mental health support grant program, is repealed

643 January 2, 2025.

644 (13) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,  
645 is repealed July 1, 2025.

646 (14) Section 26B-6-414, Respite care services, is repealed July 1, 2025.

647 (15) Section 26B-7-120, Invisible condition alert program education and outreach, is  
648 repealed July 1, 2025.

649 (16) Subsection 26B-9-108(9), regarding public meetings on office procedures and  
650 processes, is repealed on July 1, 2029.

651 Section 13. Section **80-3-108** is amended to read:

652 **80-3-108 . Requirements for postadjudication hearing -- Presence and statement**  
653 **of the minor -- Court record review.**

654 (1) As used in this section, "postadjudication hearing" means:

655 (a) a dispositional hearing;

656 (b) a permanency hearing; or

657 (c) a review hearing, except a drug court review hearing.

658 (2) A minor shall be present at any postadjudication hearing in a case relating to the abuse,  
659 neglect, or dependency of the minor, unless the juvenile court determines that:

660 (a) requiring the minor to be present at the postadjudication hearing would be  
661 detrimental to the minor or impractical; or

662 (b) the minor is not sufficiently mature to articulate the minor's wishes in relation to the  
663 hearing.

664 (3) A juvenile court may, in the juvenile court's discretion, order that a minor described in  
665 Subsection (2) be present at a hearing that is not a postadjudication hearing.

666 (4)(a) Except as provided in Subsection (4)(b), at any hearing in a case relating to the  
667 abuse, neglect, or dependency of a minor, when the minor is present at the hearing,  
668 the juvenile court shall:

669 (i) ask the minor whether the minor desires the opportunity to address the juvenile  
670 court or testify; and

671 (ii) if the minor desires an opportunity to address the juvenile court or testify, allow  
672 the minor to address the juvenile court or testify.

673 (b) Subsection (4)(a) does not apply if the juvenile court determines that:

674 (i) it would be detrimental to the minor to comply with Subsection (4)(a); or

675 (ii) the minor is not sufficiently mature to articulate the minor's wishes in relation to  
676 the hearing.

- 677 (c) Subject to applicable court rules, the juvenile court may allow the minor to address  
678 the court in camera.
- 679 (d) If a minor who is 14 years old or older desires an opportunity to address the juvenile  
680 court or testify, the juvenile court shall give the minor's desires added weight, but  
681 may not treat the minor's desires as the single controlling factor in a postadjudication  
682 hearing or other hearing described in Subsection (3).
- 683 (e) For the purpose of establishing the fact of abuse, neglect, or dependency, the juvenile  
684 court may, in the juvenile court's discretion, consider evidence of statements made by  
685 a child under eight years old to an individual in a trust relationship.
- 686 (5) [~~This section does~~] Subsections (2) through (4) do not prohibit a minor from being  
687 present at a hearing that the minor is not required to be at under this section or by court  
688 order, unless the juvenile court orders otherwise.
- 689 (6)(a) Before a postadjudication hearing, the court shall search and review records in the  
690 Xchange database relating to any individual with whom the court is considering  
691 placing the minor or granting custody or parent-time of the minor.
- 692 (b) The court may only consider relevant records described in Subsection (6)(a) when  
693 making a determination about placement, custody, or parent-time at a  
694 postadjudication hearing.

695 Section 14. Section **81-7-101** is amended to read:

696 **81-7-101 . Definitions for chapter.**

697 As used in this chapter:

- 698 (1) "Alimony" means the same as that term is defined in Section 81-4-101.
- 699 (2) "Child support" means the same as that term is defined in Section 81-6-101.
- 700 (3) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 701 (4) "Delinquent" means a payment for child support that is overdue.
- 702 [~~(4)~~] (5) "Obligee" means the same as that term is defined in Section 81-6-101.
- 703 [~~(5)~~] (6) "Obligor" means the same as that term is defined in Section 81-6-101.
- 704 [~~(6)~~] (7) "Support order" means the same as that term is defined in Section 81-6-101.
- 705 [~~(7)~~] (8) "Tribunal" means the same as that term is defined in Section 81-6-101.

706 Section 15. Section **81-7-102** is amended to read:

707 **81-7-102 . Payment under child support or alimony order -- Judgment.**

- 708 (1) All monthly payments of child support and alimony are due on the 1st day of each  
709 month in accordance with Title 26B, Chapter 9, Recovery Services and Administration  
710 of Child Support.

- 711 (2) For purposes of child support services and income withholding described in Title 26B,  
712 Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income  
713 Withholding in IV-D Cases, child support is not considered past due until the 1st day of  
714 the following month.
- 715 (3) For purposes other than those specified in Subsection (1), child support is payable 1/2  
716 by the 5th day of each month and 1/2 by the 20th day of that month, unless the order or  
717 decree provides for a different time for payment.
- 718 (4) Each payment or installment of child support or alimony under any support order is, on  
719 and after the date the payment or installment is due:
- 720 (a) a judgment with the same attributes and effect of any judgment of a district court,  
721 except as provided in Subsection (5);
- 722 (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction;  
723 and
- 724 (c) not subject to retroactive modification by this or any other jurisdiction, except as  
725 provided in Subsection (5).
- 726 (5)(a) A child support or alimony payment under a support order may be modified with  
727 respect to any period during which a modification is pending, but only from the date  
728 of service of the pleading on:
- 729 (i) the obligee if the obligor is the petitioner; or  
730 (ii) the obligor if the obligee is the petitioner.
- 731 (b) If the tribunal orders that the support order should be modified, the effective date of  
732 the modification shall be the month following service on the party whose support is  
733 affected.
- 734 (c) Once the tribunal determines that a modification is appropriate, the tribunal shall  
735 order a judgment to be entered for any difference in the original order and the  
736 modified amount for the period from the service of the pleading until the final order  
737 of modification is entered.
- 738 (6) The judgment provided for in Subsection (4)(a), to be effective and enforceable as a lien  
739 against the real property interest of any third party relying on the public record, shall be  
740 docketed in the district court in accordance with Sections 78B-5-202 and 26B-9-214.
- 741 (7)(a) On and after July 1, 2027, interest shall accrue on a child support payment that is  
742 delinquent:
- 743 (i) at a rate of 6%; and
- 744 (ii) from the date on which the child support payment becomes delinquent until the

745 date on which the child support payment is paid.

746 (b) Interest only accrues under Subsection (7)(a) on the principal amount owed for child  
 747 support.

748 Section 16. Section **81-9-204** is amended to read:

749 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**

750 **Preferences.**

- 751 (1) In a proceeding between parents in which the custody and parent-time of a minor child  
 752 is at issue, the court shall consider the best interests of the minor child in determining  
 753 any form of custody and parent-time.
- 754 (2) The court shall determine whether an order for custody or parent-time is in the best  
 755 interests of the minor child by a preponderance of the evidence.
- 756 (3) In determining any form of custody and parent-time under Subsection (1), the court  
 757 shall consider:
- 758 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic  
 759 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a  
 760 household member of the parent;
- 761 (b) whether the parent has intentionally exposed the minor child to:
- 762 (i) pornography; or
- 763 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in  
 764 Section 76-5c-101; and
- 765 (c) whether custody and parent-time would endanger the minor child's health or physical  
 766 or psychological safety.
- 767 (4) In determining the form of custody and parent-time that is in the best interests of the  
 768 minor child, the court may consider, among other factors the court finds relevant, the  
 769 following for each parent:
- 770 (a) evidence of psychological maltreatment;
- 771 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the  
 772 developmental needs of the minor child, including the minor child's:
- 773 (i) physical needs;
- 774 (ii) emotional needs;
- 775 (iii) educational needs;
- 776 (iv) medical needs; and
- 777 (v) any special needs;
- 778 (c) the parent's capacity and willingness to function as a parent, including:

- 779 (i) parenting skills;
- 780 (ii) co-parenting skills, including:
- 781 (A) ability to appropriately communicate with the other parent;
- 782 (B) ability to encourage the sharing of love and affection; and
- 783 (C) willingness to allow frequent and continuous contact between the minor child
- 784 and the other parent, except that, if the court determines that the parent is
- 785 acting to protect the minor child from domestic violence, neglect, or abuse, the
- 786 parent's protective actions may be taken into consideration; and
- 787 (iii) ability to provide personal care rather than surrogate care;
- 788 (d) the past conduct and demonstrated moral character of the parent [~~as described in~~
- 789 ~~Subsection (9)] in accordance with Subsection (10);~~
- 790 (e) the emotional stability of the parent;
- 791 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 792 drinking, or other causes;
- 793 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 794 (h) duration and depth of desire for custody or parent-time;
- 795 (i) the parent's religious compatibility with the minor child;
- 796 (j) the parent's financial responsibility;
- 797 (k) the child's interaction and relationship with step-parents, extended family members
- 798 of other individuals who may significantly affect the minor child's best interests;
- 799 (l) who has been the primary caretaker of the minor child;
- 800 (m) previous parenting arrangements in which the minor child has been happy and
- 801 well-adjusted in the home, school, and community;
- 802 (n) the relative benefit of keeping siblings together;
- 803 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 804 minor child's cognitive ability and emotional maturity;
- 805 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 806 quality, and nature of the relationship between the parent and the minor child; and
- 807 (q) any other factor the court finds relevant.
- 808 (5)(a) Before making a determination about custody or parent-time, the court shall
- 809 search and review records in the Xchange database relating to each parent.
- 810 (b) The court may only consider relevant records described in Subsection (5)(a) when
- 811 making a determination about custody or parent-time.
- 812 [~~(5)~~] (6)(a) A minor child may not be required by either party to testify unless the trier of

813 fact determines that extenuating circumstances exist that would necessitate the  
814 testimony of the minor child be heard and there is no other reasonable method to  
815 present the minor child's testimony.

816 (b)(i) The court may inquire and take into consideration the minor child's desires  
817 regarding future custody or parent-time schedules, but the expressed desires are  
818 not controlling and the court may determine the minor child's custody or  
819 parent-time otherwise.

820 (ii) The desires of a minor child who is 14 years old or older shall be given added  
821 weight, but is not the single controlling factor.

822 (c)(i) If an interview with a minor child is conducted by the court in accordance with  
823 Subsection [~~(5)~~(b)] (6)(b), the interview shall be conducted by the court in camera.

824 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
825 finds that an interview with a minor child is the only method to ascertain the  
826 minor child's desires regarding custody.

827 [~~(6)~~] (7)(a) Except as provided in Subsection [~~(6)~~(b)] (7)(b), a court may not discriminate  
828 against a parent due to a disability, as defined in Section 57-21-2, in awarding  
829 custody or determining whether a substantial change has occurred for the purpose of  
830 modifying an award of custody.

831 (b) The court may not consider the disability of a parent as a factor in awarding custody  
832 or modifying an award of custody based on a determination of a substantial change in  
833 circumstances, unless the court makes specific findings that:

834 (i) the disability significantly or substantially inhibits the parent's ability to provide  
835 for the physical and emotional needs of the minor child at issue; and

836 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
837 available to supplement the parent's ability to provide for the physical and  
838 emotional needs of the minor child at issue.

839 (c) Nothing in this section may be construed to apply to adoption proceedings under  
840 Chapter 13, Adoption.

841 [~~(7)~~] (8) This section does not establish:

842 (a) a preference for either parent solely because of the gender of the parent; or

843 (b) a preference for or against joint physical custody or sole physical custody, but allows  
844 the court and the family the widest discretion to choose a parenting plan that is in the  
845 best interest of the minor child.

846 [~~(8)~~] (9) When an issue before the court involves custodial responsibility in the event of a

847 deployment of a parent who is a service member and the service member has not yet  
848 been notified of deployment, the court shall resolve the issue based on the standards in  
849 Sections 81-10-306 through 81-10-309.

850 ~~[(9)]~~ (10) In considering the past conduct and demonstrated moral standards of each party  
851 under Subsection (4)(d) or any other factor a court finds relevant, the court may not:

852 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
853 dosage form, a cannabis product in a medicinal dosage form, or a medical  
854 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production  
855 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid  
856 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently  
857 than the court would consider or treat the lawful possession or use of any  
858 prescribed controlled substance; or

859 (ii) discriminate against a parent because of the parent's status as a:

860 (A) cannabis production establishment agent, as that term is defined in Section  
861 4-41a-102;

862 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;

863 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;  
864 or

865 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,  
866 Cannabinoid Research and Medical Cannabis; or

867 (b) discriminate against a parent based upon the parent's agreement or disagreement with  
868 a minor child of the couple's:

869 (i) assertion that the minor child's gender identity is different from the minor child's  
870 biological sex;

871 (ii) practice of having or expressing a different gender identity than the minor child's  
872 biological sex; or

873 (iii) sexual orientation.

874 ~~[(10)]~~ (11)(a) The court shall consider evidence of domestic violence if evidence of  
875 domestic violence is presented.

876 (b) The court shall consider as primary, the safety and well-being of the minor child and  
877 the parent who experiences domestic violence.

878 (c) A court shall consider an order issued by a court in accordance with Title 78B,  
879 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or  
880 substantiated potential harm to the minor child.

881 (d) If a parent relocates because of an act of domestic violence or family violence by the  
882 other parent, the court shall make specific findings and orders with regards to the  
883 application of Section 81-9-209.

884 ~~[(11)]~~ (12) Absent a showing by a preponderance of evidence of real harm or substantiated  
885 potential harm to the minor child:

- 886 (a) it is in the best interest of the minor child to have frequent, meaningful, and  
887 continuing access to each parent following separation or divorce;
- 888 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing  
889 access with the parent's minor child consistent with the minor child's best interests;  
890 and
- 891 (c) it is in the best interest of the minor child to have both parents actively involved in  
892 parenting the minor child.

893 ~~[(12)]~~ (13) Notwithstanding any other provision of this chapter, the court may not grant  
894 custody or parent-time of a minor child to a parent convicted of a sexual offense, as  
895 defined in Section 77-37-2, that resulted in the conception of the minor child unless:

- 896 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents  
897 to custody or parent-time and the court determines it is in the best interest of the  
898 minor child to award custody or parent-time to the convicted parent; or
- 899 (b) after the date of the conviction, the convicted parent and the nonconvicted parent  
900 cohabit and establish a mutual custodial environment for the minor child.

901 ~~[(13)]~~ (14) A denial of custody or parent-time under Subsection ~~[(12)]~~ (13) does not:

- 902 (a) terminate the parental rights of the parent denied parent-time or custody; or  
903 (b) affect the obligation of the convicted parent to financially support the minor child.

904 Section 17. **Effective Date.**

905 This bill takes effect on May 6, 2026.