

Todd Weiler proposes the following substitute bill:

Domestic Relations Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Stephanie Gricius

LONG TITLE

General Description:

This bill amends provisions related to domestic relations.

Highlighted Provisions:

This bill:

- ▶ amends definitions for, and the use of, "parent" and "natural parent" throughout the Utah Code to reflect the definition of a parent-child relationship under Title 81, Chapter 5, Uniform Parentage Act;
- ▶ creates definitions related to the definition of "parent";
- ▶ requires the Office of Recovery Services to review the requirements for calculating a minimal child support award for a child support order and to report to the Judiciary Interim Committee regarding the review;
- ▶ clarifies language regarding the parent-child relationship for purposes of intestate succession;
- ▶ provides that the district court of each judicial district assign any case or proceeding involving the same child or family to a single judge;
- ▶ modifies the requirements for a marriage license with regard to parties that are not physically present in the state in the same location as the officiant;
- ▶ provides that a man is not presumed to be the father of a child in certain circumstances;
- ▶ addresses the authority of a court to deny a motion for genetic testing, or disregard genetic test results, in a parentage proceeding;
- ▶ defines terms related to child support;
- ▶ modifies the requirements for child care expenses in a child support order, including the requirements for a minimal child care award;
- ▶ provides that the base child support award is automatically adjusted for the remaining children in the child support order when parental rights to a child are terminated for the

- 29 parent who is obligated to pay child support;
- 30 ▶ creates a table for the purposes of establishing a minimal child care award for certain
- 31 child support orders entered or modified on or after January 1, 2027;
- 32 ▶ clarifies the list of offenses requiring notification when a parent is residing with an
- 33 individual, or providing an individual with access to the parent's minor child, who has
- 34 been convicted of an offense;
- 35 ▶ provides that a court may not require a parent in a custody and parent-time proceeding to
- 36 disclose the parent's address if the parent relocated due to domestic violence or family
- 37 violence by the other parent;
- 38 ▶ addresses the establishment and modification of a parent-time schedule;
- 39 ▶ clarifies the list of offenses related to when a court may order supervised parent-time;
- 40 ▶ clarifies, for purposes of modifying custody due to a substantial and material change, the
- 41 list of offenses for when a parent is residing with an individual, or providing an
- 42 individual with access to the parent's minor child, and the parent knows that the
- 43 individual has been convicted of an offense;
- 44 ▶ addresses a change of custody or parent-time for a minor child who turns five years old;
- 45 ▶ addresses make-up parent-time when a parent has been denied parent-time due to an
- 46 investigation by the Division of Child and Family Services;
- 47 ▶ modifies the parent-time requirements upon the relocation of a parent;
- 48 ▶ addresses telephone contact and virtual parent-time for a noncustodial parent when a
- 49 parent relocates;
- 50 ▶ requires the time periods for extended parent-time by a parent for summer break or
- 51 off-track time to be consecutive;
- 52 ▶ modifies the parent-time schedules to address consistency issues;
- 53 ▶ modifies the parent-time schedules for Mother's Day and Father's Day;
- 54 ▶ removes Columbus Day and Veterans Day as holidays in the parent-time schedules;
- 55 ▶ clarifies the list of offenses regarding when a court cannot grant custody to an individual
- 56 who is convicted, pleads guilty, or pleads no contest to an offense;
- 57 ▶ makes technical and conforming corrections;
- 58 ▶ includes a coordination clause to modify a term if this bill and H.B. 30, Human
- 59 Trafficking, Exploitation, and Smuggling Amendments, both pass and become law;
- 60 ▶ includes a coordination clause to address a substantive conflict with the parent-time
- 61 schedule for Juneteenth National Freedom Day if this bill and H.B. 309, Juneteenth

62 Observance Amendments, both pass and become law; and
 63 ▸ includes a coordination clause to address make-up parent-time requirements in H.B. 304,
 64 Protective Order Amendments.

65 **Money Appropriated in this Bill:**

66 None

67 **Other Special Clauses:**

68 This bill provides coordination clauses.

69 **Utah Code Sections Affected:**

70 AMENDS:

71 **13-76-101**, as enacted by Laws of Utah 2025, Chapter 446
 72 **26B-3-222**, as last amended by Laws of Utah 2024, Chapter 247
 73 **26B-8-301**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 74 **26B-9-104**, as last amended by Laws of Utah 2025, Chapter 426
 75 **53-29-101**, as enacted by Laws of Utah 2025, Chapter 291
 76 **53-29-201**, as enacted by Laws of Utah 2025, Chapter 291
 77 **53-29-202**, as enacted by Laws of Utah 2025, Chapter 291
 78 **53-29-203**, as enacted by Laws of Utah 2025, Chapter 291
 79 **53-29-205**, as enacted by Laws of Utah 2025, Chapter 291
 80 **53-29-307**, as renumbered and amended by Laws of Utah 2025, Chapter 291
 81 **53-29-405**, as enacted by Laws of Utah 2025, Chapter 291
 82 **53-30-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 83 **53E-1-102**, as last amended by Laws of Utah 2025, Chapter 343
 84 **53E-3-907**, as renumbered and amended by Laws of Utah 2018, Chapter 1
 85 **53E-3-1204**, as enacted by Laws of Utah 2025, Chapter 438
 86 **53H-11-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 87 Chapter 8
 88 **59-10-1005**, as last amended by Laws of Utah 2022, Chapter 456
 89 **63A-17-806**, as last amended by Laws of Utah 2025, Chapter 494
 90 **75-2-114**, as last amended by Laws of Utah 2025, Chapter 426
 91 **75-2-705**, as enacted by Laws of Utah 1998, Chapter 39
 92 **76-2-409**, as enacted by Laws of Utah 2020, Chapter 411
 93 **76-5-301.2**, as last amended by Laws of Utah 2025, Chapter 426
 94 **76-5-404.1**, as last amended by Laws of Utah 2025, Chapters 223, 320
 95 **78A-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 3

- 96 **78A-6-104**, as last amended by Laws of Utah 2025, Chapter 426
- 97 **78B-7-102**, as last amended by Laws of Utah 2025, Chapters 212, 332
- 98 **80-1-102**, as last amended by Laws of Utah 2025, Chapter 426
- 99 **81-1-101**, as last amended by Laws of Utah 2025, Chapter 426
- 100 **81-2-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 101 **81-2-303**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 102 **81-2-403**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 103 **81-4-104**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 104 **81-5-102**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 105 **81-5-204**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 106 **81-5-608**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 107 **81-5-609**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 108 **81-5-705**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 109 **81-6-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 11
- 110 **81-6-202**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 111 **81-6-213**, as enacted by Laws of Utah 2024, Chapter 366
- 112 **81-9-202**, as last amended by Laws of Utah 2025, Chapter 426
- 113 **81-9-204**, as last amended by Laws of Utah 2025, Chapter 426
- 114 **81-9-206**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 115 **81-9-207**, as last amended by Laws of Utah 2025, Chapter 284
- 116 **81-9-208**, as last amended by Laws of Utah 2025, Chapter 426
- 117 **81-9-209**, as last amended by Laws of Utah 2025, Chapter 426
- 118 **81-9-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 119 **81-9-303**, as last amended by Laws of Utah 2025, Chapter 426
- 120 **81-9-304**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 121 **81-9-402**, as last amended by Laws of Utah 2025, Chapter 426
- 122 **81-13-204**, as enacted by Laws of Utah 2025, Chapter 426
- 123 **81-13-205**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 124 **81-13-207**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 125 **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426
- 126 **81-13-213**, as renumbered and amended by Laws of Utah 2025, Chapter 426

127 ENACTS:

128 **81-6-306**, Utah Code Annotated 1953

129 REPEALS AND REENACTS:

130 **81-6-209**, as last amended by Laws of Utah 2025, Chapter 479

131 REPEALS:

132 **81-6-209.5**, as enacted by Laws of Utah 2025, Chapter 479

133 **Utah Code Sections affected by Coordination Clause:**

134 **53-29-202 (05/06/26)**, as enacted by Laws of Utah 2025, Chapter 291

135 **53-29-203 (05/06/26)**, as enacted by Laws of Utah 2025, Chapter 291

136 **81-9-208 (05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

137 **81-9-302 (01/01/27)**, as as renumbered and amended by Laws of Utah 2024, Chapter 366

138 **81-9-303 (01/01/27)**, as as last amended by Laws of Utah 2025, Chapter 426

139 **81-9-304 (01/01/27)**, as as renumbered and amended by Laws of Utah 2024, Chapter 366

140

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

142 Section 1. Section **13-76-101** is amended to read:

143 **13-76-101 . Definitions.**

144 As used in this chapter:

- 145 (1) "Age category" means one of the following categories of individuals based on age:
- 146 (a) "child" which means an individual who is under 13 years old;
- 147 (b) "younger teenager" which means an individual who is at least 13 years old and under
- 148 16 years old;
- 149 (c) "older teenager" which means an individual who is at least 16 years old and under 18
- 150 years old; or
- 151 (d) "adult" which means an individual who is at least 18 years old.
- 152 (2) "Age category data" means information about a user's age category that is:
- 153 (a) collected by an app store provider; and
- 154 (b) shared with a developer.
- 155 (3) "Age rating" means a classification that provides an assessment of the suitability of an
- 156 app's content for different age groups.
- 157 (4) "App" means a software application or electronic service that a user may run or direct
- 158 on a mobile device.
- 159 (5) "App store" means a publicly available website, software application, or electronic
- 160 service that allows users to download apps from third-party developers onto a mobile
- 161 device.
- 162 (6) "App store provider" means a person that owns, operates, or controls an app store that
- 163 allows users in the state to download apps onto a mobile device.

- 164 (7) "Content description" means a description of the specific content elements that informed
165 an app's age rating.
- 166 (8) "Developer" means a person that owns or controls an app made available through an
167 app store in the state.
- 168 (9) "Division" means the Division of Consumer Protection, established in Section 13-2-1.
- 169 (10) "Knowingly" means to act with actual knowledge or to act with knowledge fairly
170 inferred based on objective circumstances.
- 171 (11) "Minor" means an individual under 18 years old.
- 172 (12) "Minor account" means an account with an app store provider that:
- 173 (a) is established by an individual who the app store provider has determined is under 18
174 years old through the app store provider's age verification methods; and
- 175 (b) requires affiliation with a parent account.
- 176 (13) "Mobile device" means a phone or general purpose tablet that:
- 177 (a) provides cellular or wireless connectivity;
- 178 (b) is capable of connecting to the ~~[Internet]~~ internet;
- 179 (c) runs a mobile operating system; and
- 180 (d) is capable of running apps through the mobile operating system.
- 181 (14) "Mobile operating system" means software that:
- 182 (a) manages mobile device hardware resources;
- 183 (b) provides common services for mobile device programs;
- 184 (c) controls memory allocation; and
- 185 (d) provides interfaces for applications to access device functionality.
- 186 (15) "Parent" means, with respect to a minor, any of the following individuals who have
187 legal authority to make decisions on behalf of the minor:
- 188 ~~[(a) an individual with a parent-child relationship under Section 78B-15-201;]~~
- 189 (a) an individual who has a parent-child relationship, as defined in Section 81-5-102,
190 with the minor;
- 191 (b) a legal guardian; or
- 192 (c) an individual with legal custody.
- 193 (16) "Parent account" means an account with an app store provider that:
- 194 (a) is verified to be established by an individual who the app store provider has
195 determined is at least 18 years old through the app store provider's age verification
196 methods; and
- 197 (b) may be affiliated with one or more minor accounts.

198 (17) "Parental consent disclosure" means the following information that an app store
199 provider is required to provide to a parent before obtaining parental consent:
200 (a) if the app store provider has an age rating for the app or in-app purchase, the app's or
201 in-app purchase's age rating;
202 (b) if the app store provider has a content description for the app or in-app purchase, the
203 app's or in-app purchase's content description;
204 (c) a description of:
205 (i) the personal data collected by the app from a user; and
206 (ii) the personal data shared by the app with a third party; and
207 (d) if personal data is collected by the app, the methods implemented by the developer to
208 protect the personal data.

209 (18) "Significant change" means a material modification to an app's terms of service or
210 privacy policy that:

211 (a) changes the categories of data collected, stored, or shared;
212 (b) alters the app's age rating or content descriptions;
213 (c) adds new monetization features, including:
214 (i) in-app purchases; or
215 (ii) advertisements; or
216 (d) materially changes the app's:
217 (i) functionality; or
218 (ii) user experience.

219 (19) "Verifiable parental consent" means authorization that:

220 (a) is provided by an individual who the app store provider has verified is an adult;
221 (b) is given after the app store provider has clearly and conspicuously provided the
222 parental consent disclosure to the individual; and
223 (c) requires the parent to make an affirmative choice to:
224 (i) grant consent; or
225 (ii) decline consent.

226 Section 2. Section **26B-3-222** is amended to read:

227 **26B-3-222 . Medicaid waiver expansion for extraordinary care reimbursement.**

228 (1) As used in this section:

229 (a) "Existing home and community-based services waiver" means an existing home and
230 community-based services waiver in the state that serves an individual:
231 (i) with an acquired brain injury;

- 232 (ii) with an intellectual or physical disability; or
233 (iii) who is 65 years old or older.
- 234 (b) "Guardian" means a person appointed by a court to manage the affairs of a living
235 individual.
- 236 (c) "Parent" means~~[a biological parent, adoptive parent, or step-parent of an individual]~~ :
237 (i) an individual who has a parent-child relationship, as defined in Section 81-5-102,
238 with the other individual; or
239 (ii) a step-parent of the individual.
- 240 (d) "Personal care services" means a service that:
241 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,
242 nursing facility, intermediate care facility, or institution for mental diseases;
243 (ii) is authorized for an individual described in Subsection (1)(d)(i) in accordance
244 with a plan of treatment;
245 (iii) is provided by an individual who is qualified to provide the services; and
246 (iv) is furnished in a home or another community-based setting.
- 247 (e) "Waiver enrollee" means an individual who is enrolled in an existing home and
248 community-based services waiver.
- 249 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an
250 existing home and community-based services waiver to implement a program to offer
251 reimbursement to an individual who provides personal care services that constitute
252 extraordinary care to a waiver enrollee who is the individual's spouse.
- 253 (3) If CMS approves the amendment described in Subsection (2), the department shall
254 implement the program described in Subsection (2).
- 255 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
256 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection
257 (2).
- 258 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an
259 existing home and community-based services waiver to implement a program to offer
260 reimbursement to an individual who provides personal care services that constitute
261 extraordinary care to a waiver enrollee to whom the individual is a parent or guardian.
- 262 (6) If CMS approves the amendment described in Subsection (5), the department shall
263 implement the program described in Subsection (5).
- 264 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
265 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection

266 (5).

267 Section 3. Section **26B-8-301** is amended to read:

268 **26B-8-301 . Definitions.**

269 As used in this part:

270 (1) "Adult" means an individual who is at least 18 years old.

271 (2) "Agent" means an individual:

272 (a) authorized to make health care decisions on the principal's behalf by a power of
273 attorney for health care; or

274 (b) expressly authorized to make an anatomical gift on the principal's behalf by any
275 other record signed by the principal.

276 (3) "Anatomical gift" means a donation of all or part of a human body to take effect after
277 the donor's death for the purpose of transplantation, therapy, research, or education.

278 (4) "Decedent" means:

279 (a) a deceased individual whose body or part is or may be the source of an anatomical
280 gift; and

281 (b) includes:

282 (i) a stillborn infant; and

283 (ii) subject to restrictions imposed by law other than this part, a fetus.

284 (5)(a) "Disinterested witness" means:

285 (i) a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or
286 guardian of the individual who makes, amends, revokes, or refuses to make an
287 anatomical gift; or

288 (ii) another adult who exhibited special care and concern for the individual.

289 (b) "Disinterested witness" does not include a person to which an anatomical gift could
290 pass under Section 26B-8-310.

291 (6)(a) "Document of gift" means a donor card or other record used to make an
292 anatomical gift. [~~The term~~]

293 (b) "Document of gift" includes a statement or symbol on a driver license, identification
294 card, or donor registry.

295 (7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

296 (8) "Donor registry" means a database that contains records of anatomical gifts and
297 amendments to or revocations of anatomical gifts.

298 (9) "Driver license" means a license or permit issued by the Driver License Division of the
299 Department of Public Safety, to operate a vehicle, whether [~~or not~~]conditions are

- 300 attached to the license or permit.
- 301 (10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or
302 state law to engage in the recovery, screening, testing, processing, storage, or
303 distribution of human eyes or portions of human eyes.
- 304 (11) "Guardian":
- 305 (a) means a person appointed by a court to make decisions regarding the support, care,
306 education, health, or welfare of an individual; and
- 307 (b) does not include a guardian ad litem.
- 308 (12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility
309 operated as a hospital by the United States, a state, or a subdivision of a state.
- 310 (13) "Identification card" means an identification card issued by the Driver License
311 Division of the Department of Public Safety.
- 312 (14) "Know" means to have actual knowledge.
- 313 (15) "Minor" means an individual who is under 18 years~~[-of age]~~ old.
- 314 (16) "Organ procurement organization" means a person designated by the Secretary of the
315 United States Department of Health and Human Services as an organ procurement
316 organization.
- 317 (17) "Parent" means~~[-a parent whose parental rights have not been terminated.]~~ , with
318 respect to a minor, an individual:
- 319 (a) who has a parent-child relationship, as defined in Section 81-5-102, with the minor;
320 and
- 321 (b) whose parental rights have not been terminated.
- 322 (18)(a) "Part" means an organ, an eye, or tissue of a human being. [~~The term~~]
- 323 (b) "Part" does not include the whole body.
- 324 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
325 limited liability company, association, joint venture, public corporation, government or
326 governmental subdivision, agency, or instrumentality, or any other legal or commercial
327 entity.
- 328 (20) "Physician" means an individual authorized to practice medicine or osteopathy under
329 the law of any state.
- 330 (21) "Procurement organization" means an eye bank, organ procurement organization, or
331 tissue bank.
- 332 (22) "Prospective donor":
- 333 (a) means an individual who is dead or near death and has been determined by a

- 334 procurement organization to have a part that could be medically suitable for
335 transplantation, therapy, research, or education; and
- 336 (b) does not include an individual who has made a refusal.
- 337 (23) "Reasonably available" means able to be contacted by a procurement organization
338 without undue effort and willing and able to act in a timely manner consistent with
339 existing medical criteria necessary for the making of an anatomical gift.
- 340 (24) "Recipient" means an individual into whose body a decedent's part has been or is
341 intended to be transplanted.
- 342 (25) "Record" means information that is inscribed on a tangible medium or that is stored in
343 an electronic or other medium and is retrievable in perceivable form.
- 344 (26) "Refusal" means a record created under Section 26B-8-306 that expressly states an
345 intent to bar other persons from making an anatomical gift of an individual's body or
346 part.
- 347 (27) "Sign" means, with the present intent to authenticate or adopt a record:
- 348 (a) to execute or adopt a tangible symbol; or
- 349 (b) to attach to or logically associate with the record an electronic symbol, sound, or
350 process.
- 351 (28) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
352 United States Virgin Islands, or any territory or insular possession subject to the
353 jurisdiction of the United States.
- 354 (29) "Technician":
- 355 (a) means an individual determined to be qualified to remove or process parts by an
356 appropriate organization that is licensed, accredited, or regulated under federal or
357 state law; and
- 358 (b) includes an enucleator.
- 359 (30)(a) "Tissue" means a portion of the human body other than an organ or an eye.
- 360 (b) [~~The term~~] "Tissue" does not include blood unless the blood is donated for the
361 purpose of research or education.
- 362 (31) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or
363 state law to engage in the recovery, screening, testing, processing, storage, or
364 distribution of tissue.
- 365 (32) "Transplant hospital" means a hospital that furnishes organ transplants and other
366 medical and surgical specialty services required for the care of transplant patients.
- 367 Section 4. Section **26B-9-104** is amended to read:

368 **26B-9-104 . Duties of the Office of Recovery Services.**

- 369 (1) The office [~~has the following duties~~] shall:
- 370 (a) except as provided in Subsection (2), [~~tø~~]provide child support services if:
- 371 (i) the office has received an application for child support services;
- 372 (ii) the state has provided public assistance; or
- 373 (iii) a child lives out of the home in the protective custody, temporary custody, or
- 374 custody or care of the state;
- 375 (b) for the purpose of collecting child support, [~~tø~~]carry out the obligations of the
- 376 department contained in:
- 377 (i) this chapter;
- 378 (ii) Title 81, Chapter 5, Uniform Parentage Act;
- 379 (iii) Title 81, Chapter 6, Child Support;
- 380 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and
- 381 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;
- 382 (c) [~~tø~~]collect money due the department which could act to offset expenditures by the
- 383 state;
- 384 (d) [~~tø~~]cooperate with the federal government in programs designed to recover health
- 385 and social service funds;
- 386 (e) [~~tø~~]collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
- 387 and reimbursable expenses owed to the state or any of [~~its~~] the state's political
- 388 subdivisions, if the office has contracted to provide collection services;
- 389 (f) [~~tø~~]implement income withholding for collection of child support in accordance with
- 390 Part 3, Income Withholding in IV-D Cases;
- 391 (g) [~~tø~~]enter into agreements with financial institutions doing business in the state to
- 392 develop and operate, in coordination with such financial institutions, a data match
- 393 system in the manner provided for in Section 26B-9-208;
- 394 (h) [~~tø~~]establish and maintain the state case registry in the manner required by the
- 395 Social Security Act, 42 U.S.C. Sec. 654a, [~~which shall include~~] that includes a record
- 396 in each case of:
- 397 (i) the amount of monthly or other periodic support owed under the order, and other
- 398 amounts, including arrearages, interest, late payment penalties, or fees, due or
- 399 overdue under the order;
- 400 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 401 (iii) the distribution of collected amounts;

- 402 (iv) the birth date of any child for whom the order requires the provision of support;
 403 and
- 404 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 405 (i) ~~[tø]~~contract with the Department of Workforce Services to establish and maintain the
 406 new hire registry created under Section 35A-7-103;
- 407 (j) ~~[tø]~~determine whether an individual who has applied for or is receiving cash
 408 assistance or Medicaid is cooperating in good faith with the office as required by
 409 Section 26B-9-213;
- 410 (k) ~~[tø]~~finance any costs incurred from collections, fees, General Fund appropriation,
 411 contracts, and federal financial participation;
- 412 (l) ~~[tø]~~provide notice to a noncustodial parent in accordance with Section 26B-9-207 of
 413 the opportunity to contest the accuracy of allegations by a custodial parent of
 414 nonpayment of past-due child support, ~~[prior to]~~ before taking action against a
 415 noncustodial parent to collect the alleged past-due support;
- 416 (m) ~~[tø]~~review the child support guidelines, as that term is defined in Section 81-6-101,
 417 to ensure the application of the guidelines results in the determination of appropriate
 418 child support award amounts; ~~[and]~~
- 419 (n) review the requirements for calculating a minimal child care award under Title 81,
 420 Chapter 6, Child Support, to ensure the application of the requirements results in the
 421 determination of appropriate minimal child care awards; and
- 422 ~~[(n)]~~ (o) [tø]submit to the Judiciary Interim Committee, in accordance with Section
 423 68-3-14, a summary of the ~~[review described in Subsection (1)(m) on or before~~
 424 ~~October 1, 2025]~~ reviews described in Subsections (1)(m) and (n) on or before
 425 October 1, 2029, and every four years thereafter on or before October 1.
- 426 (2) The office may not provide child support services to the Division of Child and Family
 427 Services for a calendar month when the child to whom the child support services relate
 428 is:
- 429 (a) in the custody of the Division of Child and Family Services; and
- 430 (b) lives in the home of a custodial parent of the child for more than seven consecutive
 431 days, regardless of whether:
- 432 (i) the greater than seven consecutive day period starts during one month and ends in
 433 the next month; and
- 434 (ii) the child is living in the home on a trial basis.
- 435 (3) The Division of Child and Family Services is not entitled to child support, for a child to

436 whom the child support relates, for a calendar month when child support services may
437 not be provided under Subsection (2).

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

442 Section 5. Section **53-29-101** is amended to read:

443 **53-29-101 . Definitions.**

444 As used in this chapter:

445 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
446 Safety established in Section 53-10-201.

447 (2) "Certificate of eligibility" means the certificate issued by the bureau described in
448 Section 53-29-207.

449 (3) "Child" means an individual who is younger than 18 years old.

450 [~~(3)~~] (4) "Child abuse offender" means an individual who meets the requirements under
451 Subsection 53-29-202(2)(a).

452 [~~(4)~~] (5)(a) "Convicted" means a plea or conviction of:

453 (i) guilty;

454 (ii) guilty with a mental illness; or

455 (iii) no contest.

456 (b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a
457 plea is held in abeyance pursuant to a plea in abeyance agreement as defined in
458 Section 77-2a-1.

459 (c) "Convicted" does not include:

460 (i) a withdrawn or dismissed plea in abeyance;

461 (ii) a diversion agreement; or

462 (iii) an adjudication of a minor for an offense under Section 80-6-701.

463 [~~(5)~~] (6) "Division" means the Division of Juvenile Justice and Youth Services.

464 [~~(6)~~] (7) "Employed" means employment that is full time or part time, whether financially
465 compensated, volunteered, or for the purpose of government or educational benefit.

466 [~~(7)~~] (8) "Kidnap offender" means an individual who meets the requirements under
467 Subsection 53-29-202(2)(c).

468 [~~(8)~~] (9) "Offender" means an individual who qualifies as a sex offender, a kidnap offender,
469 or a child abuse offender as described in Section 53-29-202.

- 470 ~~[(9)]~~ (10)(a) "Online identifier" means any electronic mail, chat, instant messenger,
 471 social networking, or similar name used for ~~[Internet]~~ internet communication.
- 472 (b) "Online identifier" does not include date of birth, social security number, PIN
 473 number, or ~~[Internet]~~ internet passwords.
- 474 (11)(a) "Parent" means, with respect to a child, an individual who has a parent-child
 475 relationship, as defined in Section 81-5-102, with the child.
- 476 (b) "Parent" includes a noncustodial parent of the child.
- 477 ~~[(10)]~~ (12) "Primary residence" means the location where an offender regularly resides, even
 478 if the offender intends to move to another location or return to another location at a
 479 future date.
- 480 ~~[(11)]~~ (13) "Registrable offense" means an offense described in Subsection 53-29-202(1).
- 481 ~~[(12)]~~ (14) "Registration website" means the Sex, Kidnap, and Child Abuse Offender
 482 Notification and Registration website described in Section 53-29-404.
- 483 ~~[(13)]~~ (15) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry
 484 maintained by the department and created in Section 53-29-102 to monitor and track
 485 offenders.
- 486 ~~[(14)]~~ (16) "Registry office" means the office within the department that manages the Sex,
 487 Kidnap, and Child Abuse Offender Registry.
- 488 ~~[(15)]~~ (17) "Sex offender" means an individual who meets the requirements under
 489 Subsection 53-29-202(2)(b).
- 490 ~~[(16)]~~ (18) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to
 491 registration in any jurisdiction.
- 492 Section 6. Section **53-29-201** is amended to read:
- 493 **53-29-201 . Definitions.**
- 494 As used in this part:
- 495 (1) "Court" means a state, federal, or military court.
- 496 (2) "External jurisdiction" means:
- 497 (a) a state of the United States not including Utah;
- 498 (b) the United States federal government;
- 499 (c) Indian country;
- 500 (d) a United States territory;
- 501 (e) the United States military; or
- 502 (f) Canada, Australia, New Zealand, or the United Kingdom.
- 503 (3) "Indian country" means:

- 504 (a) all land within the limits of an Indian reservation under the jurisdiction of the United
 505 States government, regardless of the issuance of any patent, and includes
 506 rights-of-way running through the reservation;
- 507 (b) all dependent Indian communities within the borders of the United States whether
 508 within the original or subsequently acquired territory, and whether [~~or not~~] within
 509 the limits of a state; and
- 510 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
 511 not been extinguished, including rights-of-way running through the allotments.

512 [~~(4) "Natural parent" means a minor's biological or adoptive parent, including the minor's~~
 513 ~~nonecustodial parent.]~~

514 [~~(5)~~] (4) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,
 515 Driving Under the Influence and Reckless Driving.

516 Section 7. Section **53-29-202** is amended to read:

517 **53-29-202 . Registrable offenses -- Status as a sex offender, kidnap offender, and**
 518 **child abuse offender established.**

519 (1) An individual is an offender described in Subsection (2) and subject to the requirements,
 520 restrictions, and penalties described in this chapter if the individual:

521 (a) has been convicted in this state of:

522 (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);

523 (ii) child torture under Section 76-5-109.4;

524 (iii) a felony or class A misdemeanor violation of enticing a minor under Section
 525 76-5-417;

526 (iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;

527 (v) human trafficking for sexual exploitation under Section 76-5-308.1;

528 (vi) human trafficking of a child for sexual exploitation under Subsection
 529 76-5-308.5(4)(b);

530 (vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;

531 (viii) human trafficking of a vulnerable adult for sexual exploitation under Section
 532 76-5-311;

533 (ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided
 534 in Subsection 76-5-401(3)(b) or (c);

535 (x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense
 536 unless the individual was younger than 21 years old at the time of the offense then
 537 on the individual's second offense;

- 538 (xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 539 (xii) rape under Section 76-5-402;
- 540 (xiii) rape of a child under Section 76-5-402.1;
- 541 (xiv) object rape under Section 76-5-402.2;
- 542 (xv) object rape of a child under Section 76-5-402.3;
- 543 (xvi) a felony violation of forcible sodomy under Section 76-5-403;
- 544 (xvii) sodomy on a child under Section 76-5-403.1;
- 545 (xviii) forcible sexual abuse under Section 76-5-404;
- 546 (xix) sexual abuse of a child under Section 76-5-404.1;
- 547 (xx) aggravated sexual abuse of a child under Section 76-5-404.3;
- 548 (xxi) aggravated sexual assault under Section 76-5-405;
- 549 (xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is
- 550 younger than 18 years old and the offense is committed on or after May 10, 2011;
- 551 (xxiii) sexual exploitation of a minor under Section 76-5b-201;
- 552 (xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 553 (xxv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- 554 (xxvi) incest under Section 76-7-102;
- 555 (xxvii) lewdness under Section 76-5-419, if the individual has been convicted of the
- 556 offense four or more times;
- 557 (xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of
- 558 the offense four or more times;
- 559 (xxix) any combination of convictions of lewdness under Section 76-5-419, and of
- 560 sexual battery under Section 76-5-418, that total four or more convictions;
- 561 (xxx) lewdness involving a child under Section 76-5-420;
- 562 (xxxi) a felony or class A misdemeanor violation of:
- 563 (A) voyeurism under Section 76-12-306;
- 564 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 565 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 566 (xxxii) aggravated exploitation of prostitution under Section 76-5d-208;
- 567 (xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not
- 568 the ~~natural~~ parent of the child victim;
- 569 (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the [
- 570 ~~natural~~]parent of the child victim;
- 571 (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the [

- 572 ~~natural~~]parent of the child victim;
- 573 (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not
- 574 the ~~natural~~]parent of the child victim;
- 575 (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the [
- 576 ~~natural~~]parent of the child victim;
- 577 (xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if
- 578 the offender was not the ~~natural~~]parent of the child victim;
- 579 (xxxix) aggravated human trafficking for labor under Section 76-5-310, if the
- 580 offender was not the ~~natural~~]parent of the child victim;
- 581 (xl) aggravated human smuggling under Section 76-5-310.1, if the offender was not
- 582 the ~~natural~~]parent of the child victim;
- 583 (xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the
- 584 offender was not the ~~natural~~]parent of the child victim; or
- 585 (xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense
- 586 listed in Subsections (1)(a)(i) through (xl);
- 587 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or
- 588 conspiracy to commit a criminal offense in an external jurisdiction that is
- 589 substantially equivalent to the offense listed in Subsection (1)(a); and
- 590 (ii)(A) is a Utah resident; or
- 591 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month
- 592 period, regardless of whether the individual intends to permanently reside in
- 593 this state;
- 594 (c)(i)(A) is required to register on a registry in an external jurisdiction for
- 595 individuals who have committed an offense listed in Subsection (1)(a) or a
- 596 substantially equivalent offense;
- 597 (B) is ordered by a court to register on a registry for individuals who have
- 598 committed an offense listed in Subsection (1)(a) or a substantially equivalent
- 599 offense; or
- 600 (C) would be required to register on a registry in an external jurisdiction for
- 601 individuals who have committed an offense listed in Subsection (1)(a), or a
- 602 substantially equivalent offense, if residing in the external jurisdiction of the
- 603 conviction regardless of the date of the conviction or a previous registration
- 604 requirement; and
- 605 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether

- 606 the individual intends to permanently reside in this state;
- 607 (d)(i)(A) is a nonresident regularly employed or working in this state; or
- 608 (B) [~~who~~]is a student in this state; and
- 609 (ii)(A) is convicted of an offense listed in Subsection (1)(a) or a substantially
- 610 equivalent offense in an external jurisdiction; or
- 611 (B) is required to register on a sex, kidnap, and child abuse registry, or an
- 612 equivalent registry, in the individual's state of residence based on a conviction
- 613 for an offense that is not substantially equivalent to an offense listed in
- 614 Subsection (1)(a);
- 615 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of
- 616 an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 617 (f)(i) is adjudicated under Section 80-6-701 for one or more offenses listed in
- 618 Subsection (1)(a); and
- 619 (ii) has been committed to the division for secure care, as defined in Section 80-1-102,
- 620 for that offense if:
- 621 (A) the individual remains in the division's custody until 30 days before the
- 622 individual's 21st birthday;
- 623 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
- 624 under Section 80-6-605 and the individual remains in the division's custody
- 625 until 30 days before the individual's 25th birthday; or
- 626 (C) the individual is moved from the division's custody to the custody of the
- 627 department before expiration of the division's jurisdiction over the individual.
- 628 (2) Subject to Subsection (3), an individual is:
- 629 (a) a child abuse offender if the individual:
- 630 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 631 in Subsection (1)(a)(i) through (ii); or
- 632 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
- 633 described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
- 634 (b) a sex offender if the individual:
- 635 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 636 in Subsections (1)(a)(iii) through (xxxii); or
- 637 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
- 638 described in Subsections (1)(a)(iii) through (xxxii) or a substantially equivalent
- 639 offense; or

- 640 (c) a kidnap offender if the individual:
- 641 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 642 in Subsections (1)(a)(xxxiii) through (xli); or
- 643 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
- 644 described in Subsections (1)(a)(xxxiii) through (xli) or a substantially equivalent
- 645 offense.

646 (3) An individual who has committed a registrable offense described in Subsection

647 (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense

648 described in Subsection (1)(a) and is required to register on a sex, kidnap, and child

649 abuse registry, or an equivalent registry, in the individual's state of residence is a child

650 abuse offender, sex offender, or kidnap offender based on the individual's status on the

651 registry in the individual's state of residence.

652 (4) Notwithstanding Subsection [~~53-29-101(4)(a)~~] 53-29-101(5)(a), a plea of guilty or nolo

653 contendere to a charge of sexual battery or lewdness that is held in abeyance under Title

654 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction even if the charge is

655 subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

656 Section 8. Section **53-29-203** is amended to read:

657 **53-29-203 . Registration lengths -- 10 years -- Lifetime.**

- 658 (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a
- 659 registrable offense is required to register on the registry for:
- 660 (a) 10 years after the day on which the offender's sentence for the offense has been
- 661 terminated if the registrable offense is for:
- 662 (i) a felony or class A misdemeanor violation of enticing a minor under Section
- 663 76-5-417, if the offender enticed the minor to engage in sexual activity that is one
- 664 of the offenses described in Subsections (1)(a)(ii) through (xxiv);
- 665 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 666 (iii) child torture under Section 76-5-109.4;
- 667 (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the [
- 668 ~~natural~~]parent of the child victim;
- 669 (v) human trafficking for labor under Section 76-5-308, if the offender was not the [
- 670 ~~natural~~]parent of the child victim;
- 671 (vi) human smuggling under Section 76-5-308.3, if the offender was not the [~~natural~~]
- 672 parent of the child victim;
- 673 (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the

- 674 offender was not the [~~natural~~]parent of the child victim;
- 675 (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender
- 676 was not the [~~natural~~]parent of the child victim;
- 677 (ix) aggravated human smuggling under Section 76-5-310.1;
- 678 (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 679 (xi) a felony violation of unlawful sexual activity with a minor under Section
- 680 76-5-401;
- 681 (xii) sexual abuse of a minor under Section 76-5-401.1;
- 682 (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 683 (xiv) forcible sexual abuse under Section 76-5-404;
- 684 (xv) custodial sexual relations under Section 76-5-412;
- 685 (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 686 (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- 687 (xviii) incest under Section 76-7-102;
- 688 (xix) four to seven convictions of lewdness under Section 76-5-419;
- 689 (xx) four to seven convictions of sexual battery under Section 76-5-418;
- 690 (xxi) any combination of convictions of lewdness under Section 76-5-419, and of
- 691 sexual battery under Section 76-5-418, that total four to seven convictions;
- 692 (xxii) lewdness involving a child under Section 76-5-420;
- 693 (xxiii) a felony or class A misdemeanor violation of:
- 694 (A) voyeurism under Section 76-12-306;
- 695 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 696 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 697 (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on
- 698 or before May 9, 2011;
- 699 (xxv) attempting, soliciting, or conspiring to commit an offense listed in
- 700 Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a
- 701 registrable offense; or
- 702 (xxvi) attempting, soliciting, or conspiring to commit:
- 703 (A) aggravated kidnapping under Section 76-5-302, if the offender was not the [~~natural~~]
- 704 parent of the child victim;
- 705 (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the
- 706 offender was not the [~~natural~~]parent of the child victim;
- 707 (C) human trafficking of a child for sexual exploitation under Subsection

- 708 76-5-308.5(4)(b), if the offender was not the [~~natural~~]parent of the child victim;
- 709 (D) aggravated human trafficking for sexual exploitation under Section 76-5-310,
- 710 if the offender was not the [~~natural~~]parent of the child victim;
- 711 (E) human trafficking of a vulnerable adult for sexual exploitation under Section
- 712 76-5-311, if the offender was not the [~~natural~~]parent of the child victim;
- 713 (F) forcible sodomy under Section 76-5-403;
- 714 (G) sexual abuse of a child under Section 76-5-404.1;
- 715 (H) sexual exploitation of a minor under Section 76-5b-201;
- 716 (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 717 (J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 718 (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after
- 719 May 10, 2011; or
- 720 (b) the offender's lifetime if the registrable offense is:
- 721 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at
- 722 the time of conviction for the offense:
- 723 (A) previously been convicted of an offense described in Subsection (1)(a), or a
- 724 substantially equivalent offense in an external jurisdiction; or
- 725 (B) previously been required to register as an offender for an offense described in
- 726 Subsection (1)(a) committed as a juvenile;
- 727 (ii) a following offense, including attempting, soliciting, or conspiring to commit a
- 728 felony violation of:
- 729 (A) child kidnapping under Section 76-5-301.1, if the offender was not the [
- 730 ~~natural~~]parent of the child victim;
- 731 (B) rape under Section 76-5-402;
- 732 (C) rape of a child under Section 76-5-402.1;
- 733 (D) object rape under Section 76-5-402.2;
- 734 (E) object rape of a child under Section 76-5-402.3;
- 735 (F) sodomy on a child under Section 76-5-403.1;
- 736 (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 737 (H) aggravated sexual assault under Section 76-5-405;
- 738 (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the [
- 739 ~~natural~~]parent of the child victim;
- 740 (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the
- 741 offender was not the [~~natural~~]parent of the child victim;

- 742 (v) human trafficking of a child for sexual exploitation under Subsection
743 76-5-308.5(4)(b), if the offender was not the ~~[natural]~~parent of the child victim;
- 744 (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if
745 the offender was not the ~~[natural]~~parent of the child victim;
- 746 (vii) human trafficking of a vulnerable adult for sexual exploitation under Section
747 76-5-311, if the offender was not the ~~[natural]~~parent of the child victim;
- 748 (viii) forcible sodomy under Section 76-5-403;
- 749 (ix) sexual abuse of a child under Section 76-5-404.1;
- 750 (x) sexual exploitation of a minor under Section 76-5b-201;
- 751 (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 752 (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
- 753 (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after
754 May 10, 2011; or
- 755 (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender
756 enticed the minor to engage in sexual activity that is one of the offenses described
757 in Subsections (1)(b)(ii) through (xiii).
- 758 (2) An individual who qualifies as an offender based on a conviction in an external
759 jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an
760 external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is
761 required to register on the registry for the time period required by the external
762 jurisdiction.
- 763 (3)(a) If the sentencing court at any time after an offender is convicted of an offense
764 requiring lifetime registration described in Subsection (1)(b), and after considering
765 the factors described in Subsection (3)(b), determines that the offender was under 21
766 years old at the time the offense was committed and the offense did not involve force
767 or coercion, the requirement that the offender register for the offender's lifetime does
768 not apply and the offender shall register for 10 years after the day on which the
769 offender's sentence for the offense has been terminated.
- 770 (b) In determining whether an offense committed by an offender involves force or
771 coercion under Subsection (3)(a), the sentencing court shall consider:
- 772 (i) the age of the victim;
- 773 (ii) the vulnerability of the victim;
- 774 (iii) the physical, mental, psychological, or emotional harm the victim suffered from
775 the offense;

- 776 (iv) whether the offender used fraud or deception to commit the offense;
777 (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103,
778 was:
779 (A) distributed to the victim by the offender; or
780 (B) distributed, produced, or possessed by the offender at the time of the offense,
781 that involved force or coercion against a victim depicted in the child sexual
782 abuse material; and
783 (vi) any other factor the sentencing court determines is relevant.

- 784 (4) Except for an individual who is adjudicated for a registrable offense and is an offender
785 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is
786 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to
787 registration requirements under this chapter unless the offender:
788 (a) is charged by criminal information in juvenile court under Section 80-6-503;
789 (b) is bound over to district court in accordance with Section 80-6-504; and
790 (c) is convicted of a registrable offense.

- 791 (5) An offender subject to the 10-year or lifetime registration requirements under
792 Subsection (1) may petition the court for an order of removal from the registry in
793 accordance with Section 53-29-204, 53-29-205, or 53-29-206.

794 Section 9. Section **53-29-205** is amended to read:

795 **53-29-205 . Ten-year petition for removal from registry -- Eligibility.**

- 796 (1) An offender who is required to register on the registry for a registrable offense
797 described in Subsection (3) subject to a 10-year registration period as described in
798 Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order
799 of removal from the registry at a 10-year after entrance into the community period
800 described in Subsection (2) if:
801 (a) the offender has not been convicted of another offense that is a class A misdemeanor,
802 felony, or capital felony within the most recent 10-year period after the date
803 described in Subsection (2), as evidenced by a certificate of eligibility issued by the
804 bureau;
805 (b) the offender successfully completed all treatment ordered by the court or the Board
806 of Pardons and Parole relating to the offense; and
807 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and
808 Parole relating to the offense.
809 (2) An offender who qualifies under Subsection (1) may petition the court under Section

- 810 53-29-207 for an order of removal from the registry if 10 years have passed after the
811 later of the following events in which the offender entered into the community:
- 812 (a) the day on which the offender was placed on probation;
 - 813 (b) the day on which the offender was released from incarceration to parole;
 - 814 (c) the day on which the offender's sentence was terminated without parole;
 - 815 (d) the day on which the offender entered a community-based residential program; or
 - 816 (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody
817 of the offender was terminated.
- 818 (3) The offenses that qualify for a 10-year petition for an order of removal from the registry
819 referenced in Subsection (1) are:
- 820 (a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed
821 the minor to engage in sexual activity that is one of the offenses described in
822 Subsections (3)(b) through (v);
 - 823 (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - 824 (c) child torture under Section 76-5-109.4;
 - 825 (d) human trafficking for labor under Section 76-5-308;
 - 826 (e) human smuggling under Section 76-5-308.3;
 - 827 (f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
 - 828 (g) aggravated human trafficking for labor under Section 76-5-310;
 - 829 (h) aggravated human smuggling under Section 76-5-310.1;
 - 830 (i) human trafficking of a vulnerable adult for labor under Section 76-5-311;
 - 831 (j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if,
832 at the time of the offense, the offender is more than 10 years older than the victim;
 - 833 (k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the
834 offender is more than 10 years older than the victim;
 - 835 (l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the
836 time of the offense, the offender is more than 15 years older than the victim;
 - 837 (m) forcible sexual abuse under Section 76-5-404;
 - 838 (n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger
839 than 18 years old and the offense is committed on or after May 10, 2011;
 - 840 (o) sexual exploitation of a vulnerable adult under Section 76-5b-202;
 - 841 (p) sexual extortion under Subsection 76-5b-204(2)(a);
 - 842 (q) incest under Section 76-7-102;
 - 843 (r) four or more convictions of lewdness under Section 76-5-419;

- 844 (s) four or more convictions of sexual battery under Section 76-5-418;
- 845 (t) any combination of convictions of lewdness under Section 76-5-419, and of sexual
846 battery under Section 76-5-418, that total four or more convictions;
- 847 (u) lewdness involving a child under Section 76-5-420;
- 848 (v) a felony violation of:
- 849 (i) recorded or photographed voyeurism under Section 76-12-307; or
- 850 (ii) distribution of images obtained through voyeurism under Section 76-12-308;
- 851 (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or
852 before May 9, 2011;
- 853 (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a)
854 through (v) if the attempt, solicitation, or conspiracy is a registrable offense;
- 855 (y) attempting, soliciting, or conspiring to commit:
- 856 (i) human trafficking for sexual exploitation under Section 76-5-308.1;
- 857 (ii) human trafficking of a child for sexual exploitation under Subsection
858 76-5-308.5(4)(b);
- 859 (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 860 (iv) human trafficking of a vulnerable adult for sexual exploitation under Section
861 76-5-311;
- 862 (v) aggravated kidnapping under Section 76-5-302, except if the offender is a [~~natural~~]
863 parent of the victim;
- 864 (vi) forcible sodomy under Section 76-5-403;
- 865 (vii) sexual abuse of a child under Section 76-5-404.1;
- 866 (viii) sexual exploitation of a minor under Section 76-5b-201;
- 867 (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 868 (x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 869 (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May
870 10, 2011; or
- 871 (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject
872 to a 20-year petition for removal as described in Section 53-29-206, if:
- 873 (i) the sentencing court determines that the offender was under 21 years old at the
874 time the offense was committed; and
- 875 (ii) the offense did not involve force or coercion as described in Subsection
876 53-29-203(3).
- 877 (4) An individual who is as an offender under Section 53-29-202 based on a conviction in

878 an external jurisdiction for a registrable offense, or a substantially equivalent offense,
 879 and is required to register on the external jurisdiction's sex, kidnap, or child abuse
 880 offender registry, or an equivalent registry, may petition for removal from the registry in
 881 accordance with the requirements of this section if the individual:

- 882 (a) does not have a lifetime registration requirement on the external jurisdiction's sex,
 883 kidnap, or child abuse offender registry, or an equivalent registry;
- 884 (b) meets the requirements described in Subsections (1)(a) through (c);
- 885 (c) has resided in this state for at least 183 days in a year for two consecutive years;
- 886 (d) intends to primarily reside in this state; and
- 887 (e) has received an order from a court in the external jurisdiction where the offender was
 888 initially required to register on a sex, kidnap, and child abuse registry, or an
 889 equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap,
 890 and Child Abuse Offender Registry.

891 Section 10. Section **53-29-307** is amended to read:

892 **53-29-307 . Sex offender in presence of a child -- Definitions -- Penalties.**

893 (1) As used in this section:

894 (a) "Accompany" means:

895 (i) to be in the presence of an individual; and

896 (ii) to move or travel with that individual from one location to another, whether
 897 outdoors, indoors, or in or on any type of vehicle.

898 (b) "Child" means an individual younger than 14 years old.

899 (2) A sex offender subject to registration in accordance with this chapter, for a registrable
 900 offense committed or attempted to be committed against a child younger than 14 years
 901 old is guilty of a class A misdemeanor if the sex offender requests, invites, or solicits a
 902 child to accompany the sex offender, under circumstances that do not constitute an
 903 attempt to violate Section 76-5-301.1, child kidnapping, unless:

904 (a)(i) the sex offender, [~~prior to~~] before accompanying the child:

905 (A) verbally advises the child's parent or legal guardian that the sex offender is on
 906 the state sex offender registry and is required by state law to obtain written
 907 permission in order for the sex offender to accompany the child; and

908 (B) requests that the child's parent or legal guardian provide written authorization
 909 for the sex offender to accompany the child, including the specific dates and
 910 locations;

911 (ii) the child's parent or legal guardian has provided to the sex offender written

- 912 authorization, including the specific dates and locations, for the sex offender to
913 accompany the child; and
- 914 (iii) the sex offender has possession of the written authorization and is accompanying
915 the child only at the dates and locations specified in the authorization;
- 916 (b) the child's parent or guardian has verbally authorized the sex offender to accompany
917 the child either in the child's residence or on property appurtenant to the child's
918 residence, but in no other locations; or
- 919 (c) the child is the ~~natural~~ child of the sex offender, and the offender is not prohibited
920 by any court order, or probation or parole provision, from contact with the child.
- 921 (3)(a) A sex offender convicted of a violation of Subsection (2) is subject to registration
922 in accordance with this chapter, for an additional five years ~~subsequent to~~ after the
923 required registration described in Section 53-29-203.
- 924 (b) The period of additional registration imposed under Subsection (3)(a) is also in
925 addition to any period of registration imposed under Subsection 53-29-305(3) for
926 failure to comply with registration requirements.
- 927 (4) It is not a defense to a prosecution under this section that the defendant mistakenly
928 believed the individual to be 14 years old or older at the time of the offense or was
929 unaware of the individual's true age.
- 930 (5) This section does not apply if a sex offender is acting to rescue a child who is in an
931 emergency and life-threatening situation.
- 932 Section 11. Section **53-29-405** is amended to read:
- 933 **53-29-405 . Removal for offenses or convictions for which registration is no**
934 **longer required.**
- 935 (1) The department shall automatically remove an individual who is currently on the
936 registry if:
- 937 (a) the only offense or offenses for which the individual is on the registry are listed in
938 Subsection (2); or
- 939 (b) the department receives a formal notification or order from the court or the Board of
940 Pardons and Parole that the conviction for the registrable offense for which the
941 individual is on the registry has been reversed, vacated, or pardoned.
- 942 (2) The offenses described in Subsection (1)(a) are:
- 943 (a) a class B or class C misdemeanor for enticing a minor under Section 76-5-417;
- 944 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);
- 945 (c) child kidnapping under Section 76-5-301.1, if the offender was the ~~natural~~ parent of

- 946 the child victim;
- 947 (d) unlawful detention under Section 76-5-304;
- 948 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
- 949 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or
- 950 (f) sodomy, but not forcible sodomy, under Section 76-5-403.
- 951 (3) The department shall notify an individual who has been removed from the registry in
- 952 accordance with Subsection (1) and inform the individual in the notice that the
- 953 individual is no longer required to register as an offender.
- 954 (4) An individual who is currently on the registry may submit a request to the department to
- 955 be removed from the registry if the individual believes that the individual qualifies for
- 956 removal under Subsection (1).
- 957 (5) The department, upon receipt of a request for removal from the registry in accordance
- 958 with this section, shall:
- 959 (a) check the registry for the individual's current status;
- 960 (b) determine whether the individual qualifies for removal based upon this section; and
- 961 (c) notify the individual in writing of the department's determination and whether the
- 962 individual:
- 963 (i) qualifies for removal from the registry; or
- 964 (ii) does not qualify for removal.
- 965 (6) If the department determines that the individual qualifies for removal from the registry,
- 966 the department shall remove the offender from the registry.
- 967 (7)(a) If the department determines that the individual does not qualify for removal from
- 968 the registry, the department shall provide an explanation in writing for the
- 969 department's determination.
- 970 (b) The department's determination under Subsection (7)(a) is final and not subject to
- 971 administrative review.
- 972 (8) The department or an employee of the department is not civilly liable for a
- 973 determination made in good faith in accordance with this section.
- 974 (9)(a) The department shall provide a response to a request for removal within 30 days
- 975 after the day on which the department receives the request.
- 976 (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the
- 977 day on which the department receives the request, the department shall notify the
- 978 individual that the response may be delayed up to 30 additional days.
- 979 Section 12. Section **53-30-101** is amended to read:

980 **53-30-101 . Definitions.**

981 As used in this chapter:

982 (1) "Applicant" means an individual who submits an application for certification.

983 (2) "Application for certification" means an application described in Subsection [
984 ~~53-29-201(1)~~] 53-30-201(1).985 (3) "Certifying officer" means the commissioner or an individual the commissioner
986 designates to certify an application for certification.987 (4) "Credible threat" means a threat to cause death or serious bodily injury that a state or
988 federal law enforcement agency has confirmed to be authentic.

989 (5) "Easement holder" means the same as that term is defined in Section 57-13c-101.

990 (6) "Improvement" means the same as that term is defined in Section 78B-2-225.

991 (7) "Land use authority" means:

992 (a) with respect to protected property located within a municipality, the same as that
993 term is defined in Section 10-20-102; or994 (b) with respect to protected property located within an unincorporated area of a county,
995 the same as that term is defined in Section 17-79-102.

996 (8) "Protected person" means an individual who:

997 (a) within the four years preceding the day on which the individual submits an
998 application for certification:

999 (i) received a credible threat; or

1000 (ii) was physically harmed; and

1001 (b) is at risk of serious bodily injury or death caused by:

1002 (i) the individual who made the credible threat described in Subsection (8)(a)(i) or
1003 caused the physical harm described in Subsection (8)(a)(ii); or1004 (ii) an individual affiliated with the individual who made the credible threat described
1005 in Subsection (8)(a)(i) or caused the physical harm described in Subsection
1006 (8)(a)(ii).1007 (9) "Protected property" means real property that is owned or occupied by a protected
1008 person.1009 (10) "Protection certificate" means a written determination described in Subsection [
1010 ~~53-29-201(4)~~] 53-30-201(4).

1011 (11)(a) "Security improvement" means an improvement that:

1012 (i) is intended to provide protection for a protected person, or a protected person's
1013 immediate family member living at the same residence as the protected person,

1014 from the risk of death or serious bodily injury caused by an individual who made a
1015 credible threat or caused physical harm to the protected person;

1016 (ii) is constructed within the boundaries of protected property; and

1017 (iii) does not interfere with another property owner's property right.

1018 (b) "Security improvement" includes an improvement described in Subsection (11)(a)
1019 that provides safe egress from, or safety within, the protected property, including an
1020 underground improvement or an improvement that runs below an easement if the
1021 improvement does not damage or interfere with the purpose or use of the easement.

1022 Section 13. Section **53E-1-102** is amended to read:

1023 **53E-1-102 . Public education code definitions.**

1024 Unless otherwise indicated, as used in this title, Title 53F, Public Education System --
1025 Funding, and Title 53G, Public Education System -- Local Administration:

1026 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.

1027 (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303
1028 that authorizes the operation of a charter school.

1029 (3) "Charter school governing board" means the board that governs a charter school.

1030 (4) "Custodial parent" means the same as that term is defined in Section 81-1-101.

1031 [~~(4)~~] (5) "District school" means a public school under the control of a local school board.

1032 [~~(5)~~] (6) "Individualized education program" or "IEP" means a written statement for a
1033 student with a disability that is developed, reviewed, and revised in accordance with the
1034 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

1035 [~~(6)~~] (7) "LEA governing board" means:

1036 (a) for a school district, the local school board;

1037 (b) for a charter school, the charter school governing board; or

1038 (c) for the Utah Schools for the Deaf and the Blind, the state board.

1039 [~~(7)~~] (8) "Local education agency" or "LEA" means:

1040 (a) a school district;

1041 (b) a charter school; or

1042 (c) the Utah Schools for the Deaf and the Blind.

1043 [~~(8)~~] (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
1044 Election of Members of Local Boards of Education.

1045 [~~(9)~~] (10) "Minimum School Program" means the same as that term is defined in Section
1046 53F-2-102.

1047 [~~(10)~~] "Parent" means a parent or legal guardian.]

- 1048 (11) "Noncustodial parent" means the same as that term is defined in Section 81-1-101.
- 1049 (12) "Parent" means:
- 1050 (a) an individual who has a parent-child relationship as defined in Section 81-5-102; or
- 1051 (b) a legal guardian.
- 1052 [(11)] (13) "Public education code" means:
- 1053 (a) this title;
- 1054 (b) Title 53F, Public Education System -- Funding; and
- 1055 (c) Title 53G, Public Education System -- Local Administration.
- 1056 [(12)] (14) "Section 504 accommodation plan" means a plan developed in accordance with
- 1057 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
- 1058 with a disability, to meet the student's educational needs and ensure equitable access to a
- 1059 free appropriate public education.
- 1060 [(13)] (15) "School nurse" means a registered nurse:
- 1061 (a) who holds:
- 1062 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or
- 1063 (ii) a multistate license as that term is defined in Section 58-31e-102; and
- 1064 (b) whose primary role is the care of a defined group of students enrolled in the public
- 1065 school system.
- 1066 [(14)] (16) "State board" means the State Board of Education.
- 1067 [(15)] (17) "State superintendent" means the state superintendent of public instruction
- 1068 appointed under Section 53E-3-301.
- 1069 Section 14. Section **53E-3-907** is amended to read:
- 1070 **53E-3-907 . Article VI -- Eligibility -- Enrollment -- Extracurricular activities.**
- 1071 (1) Special power of attorney, relative to the guardianship of a child of a military family
- 1072 and executed under applicable law, shall be sufficient for the purposes of enrollment and
- 1073 all other actions requiring parental participation and consent.
- 1074 (2) A local education agency shall be prohibited from charging local tuition to a
- 1075 transitioning military child placed in the care of a [~~non-custodial~~] noncustodial parent or
- 1076 other person standing in loco parentis who lives in a jurisdiction other than that of the
- 1077 custodial parent.
- 1078 (3) A transitioning military child, placed in the care of a [~~non-custodial~~] noncustodial parent
- 1079 or other person standing in loco parentis who lives in a jurisdiction other than that of the
- 1080 custodial parent, may continue to attend the school in which the student was enrolled
- 1081 while residing with the custodial parent.

1082 (4) State and local education agencies shall facilitate the opportunity for transitioning
 1083 military children's inclusion in extracurricular activities, regardless of application
 1084 deadlines, to the extent they are otherwise qualified.

1085 Section 15. Section **53E-3-1204** is amended to read:

1086 **53E-3-1204 . Parental consent -- Tuition.**

1087 (1) Power of attorney lawfully executed under [~~Title 75, Chapter 9, Uniform Power of~~
 1088 ~~Attorney Act~~] Title 75A, Chapter 2, Uniform Power of Attorney Act, is sufficient for the
 1089 purposes of enrollment and other actions requiring parental participation or consent.

1090 (2) An LEA may not charge local tuition to a transferring student placed in the care of a [
 1091 ~~non-custodial~~] noncustodial parent or other individual standing in loco parentis who lives
 1092 in a jurisdiction other than that of the custodial parent.

1093 (3) A transferring student, placed in the care of a [~~non-custodial~~] noncustodial parent or
 1094 other individual standing in loco parentis who lives in a jurisdiction other than that of
 1095 the custodial parent, may continue to attend the school in which the student was enrolled
 1096 while residing with the custodial parent.

1097 Section 16. Section **53H-11-202** is amended to read:

1098 **53H-11-202 . Resident student status -- Definitions -- Exceptions.**

1099 (1) As used in this section:

1100 (a) "DOD civilian" means an employee of the United States Department of Defense who
 1101 is assigned to perform the employee's duties at a military organization based in Utah.

1102 (b) "Eligible person" means an individual who is entitled to post-secondary educational
 1103 benefits under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec.
 1104 101 et seq.

1105 (c) "Immediate family member" means an individual's spouse or dependent child.

1106 (d) "Inmate" means the same as that term is defined in Section 64-13-1.

1107 (e) "Military service member" means an individual who:

1108 (i) is serving on active duty in the United States Armed Forces;

1109 (ii) is a member of a reserve component of the United States Armed Forces; or

1110 (iii) is a member of the National Guard.

1111 (f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.

1112 (g) "National Guard" means the same as that term is defined in Section 39A-1-102.

1113 (h) "Parent" means[~~a student's biological or adoptive parent~~] , with respect to a student,
 1114 an individual who has a parent-child relationship, as defined in Section 81-5-102,
 1115 with the student.

- 1116 (2) The meaning of "resident student" is determined by reference to the general law on the
1117 subject of domicile, except as provided in this section.
- 1118 (3)(a) Institutions may grant resident student status to any student who has come to Utah
1119 and established residency for the purpose of attending an institution of higher
1120 education, and who, prior to registration as a resident student:
- 1121 (i) has maintained continuous Utah residency status for one full year;
 - 1122 (ii) has signed a written declaration that the student has relinquished residency in any
1123 other state; and
 - 1124 (iii) has submitted objective evidence that the student has taken overt steps to
1125 establish permanent residency in Utah and that the student does not maintain a
1126 residence elsewhere.
- 1127 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 1128 (i) a Utah high school transcript issued in the past year confirming attendance at a
1129 Utah high school in the past 12 months;
 - 1130 (ii) a Utah voter registration dated a reasonable period prior to application;
 - 1131 (iii) a Utah driver license or identification card with an original date of issue or a
1132 renewal date several months prior to application;
 - 1133 (iv) a Utah vehicle registration dated a reasonable period prior to application;
 - 1134 (v) evidence of employment in Utah for a reasonable period prior to application;
 - 1135 (vi) proof of payment of Utah resident income taxes for the previous year;
 - 1136 (vii) a rental agreement showing the student's name and Utah address for at least 12
1137 months prior to application; and
 - 1138 (viii) utility bills showing the student's name and Utah address for at least 12 months
1139 prior to application.
- 1140 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
1141 resident of Utah is not eligible to apply for resident student status.
- 1142 (4) Except as provided in Subsection (8), an institution within the state system of higher
1143 education may establish stricter criteria for determining resident student status.
- 1144 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
1145 honor the decision of another institution within the state system of higher education to
1146 grant a student resident student status, unless:
- 1147 (a) the student obtained resident student status under false pretenses; or
 - 1148 (b) the facts existing at the time of the granting of resident student status have changed.
- 1149 (6) Within the limits established in this chapter, each institution within the state system of

1150 higher education may, regardless of its policy on obtaining resident student status, waive
1151 nonresident tuition either in whole or in part, but not other fees.

1152 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
1153 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
1154 maximum number allowed by the appropriate athletic conference as recommended by
1155 the president of each institution.

1156 (8) Notwithstanding Subsection (3), an institution shall grant resident student status for
1157 tuition purposes to:

1158 (a) a military service member, if the military service member provides:

1159 (i) the military service member's current United States military identification card;

1160 (ii) a leave and earning statement of the military service member;

1161 (iii) the military service member's military orders;

1162 (iv) documentation of enlistment by the military service member; or

1163 (v) a statement from the military service member's current commander stating that
1164 the military service member is currently serving in the military;

1165 (b) a military service member's immediate family member, if the military service
1166 member's immediate family member provides:

1167 (i) any of the documentation described in Subsection (8)(a); or

1168 (ii) the immediate family member's current United States military identification card;

1169 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
1170 military veteran provides evidence of an honorable or general discharge;

1171 (d) a military veteran's immediate family member, regardless of whether the military
1172 veteran served in Utah, if the military veteran's immediate family member provides
1173 evidence of the military veteran's honorable or general discharge;

1174 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
1175 is either:

1176 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1177 state due to an assignment; or

1178 (ii) assigned to a duty station in Utah if the foreign service member provides:

1179 (A) evidence of the foreign service member's status;

1180 (B) a statement from the foreign service member's current commander, or
1181 equivalent, stating that the foreign service member is assigned in Utah; or

1182 (C) evidence that the foreign service member is domiciled in Utah;

1183 (f) a foreign service member's immediate family member if the foreign service member

- 1184 is either:
- 1185 (i) domiciled in Utah, recognizing the individual may not be physically present in the
- 1186 state due to an assignment; or
- 1187 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1188 (A) evidence of the foreign service member's status;
- 1189 (B) a statement from the foreign service member's current commander, or
- 1190 equivalent, stating that the foreign service member is assigned in Utah; or
- 1191 (C) evidence that the foreign service member is domiciled in Utah;
- 1192 (g) an eligible person who provides:
- 1193 (i) evidence of eligibility under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans'
- 1194 Benefits, 38 U.S.C. Sec. 101 et seq; and
- 1195 (ii) a signed written declaration that the eligible person will use the veteran benefits
- 1196 under [~~Title 38 U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec. 101 et seq;
- 1197 (h) an alien who provides:
- 1198 (i) evidence that the alien is a special immigrant visa recipient;
- 1199 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 1200 temporary protected status, or asylum; or
- 1201 (iii) evidence that the alien has submitted in good faith an application for refugee
- 1202 status, humanitarian parole, temporary protected status, or asylum under United
- 1203 States immigration law;
- 1204 (i) an inmate:
- 1205 (i) during the time the inmate is enrolled in the course; and
- 1206 (ii) for one year after the day on which the inmate is released from a correctional
- 1207 facility as defined in Section 64-13-1;
- 1208 (j) a DOD civilian, if the DOD civilian provides:
- 1209 (i) the DOD civilian's current United States Department of Defense identification
- 1210 card; and
- 1211 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 1212 stating that the DOD civilian is assigned in Utah; or
- 1213 (B) evidence that the DOD civilian is domiciled in Utah, as described in
- 1214 Subsection (9)(a); or
- 1215 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family
- 1216 member provides:
- 1217 (i) the DOD civilian's current United States Department of Defense identification

- 1218 card; and
- 1219 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 1220 stating that the DOD civilian is assigned in Utah; or
- 1221 (B) evidence that the DOD civilian is domiciled in Utah, as described in
- 1222 Subsection (9)(a).
- 1223 (9)(a) The evidence described in Subsection (8)(j)(ii)(B) or (8)(k)(ii)(B) includes:
- 1224 (i) a current Utah voter registration card;
- 1225 (ii) a valid Utah driver license or identification card;
- 1226 (iii) a current Utah vehicle registration;
- 1227 (iv) a copy of a Utah income tax return, in the name of the DOD civilian or DOD
- 1228 civilian's spouse, filed as a resident in accordance with Section 59-10-502; or
- 1229 (v) proof that the DOD civilian or DOD civilian's spouse owns a home in Utah,
- 1230 including a property tax notice for property owned in Utah.
- 1231 (b) Aliens who are present in the United States on visitor, student, or other visas not
- 1232 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
- 1233 country, do not have the capacity to intend to reside in Utah for an indefinite period
- 1234 and therefore are classified as nonresidents.
- 1235 (c) Aliens who have been granted or have applied for permanent resident status in the
- 1236 United States are classified for purposes of resident student status according to the
- 1237 same criteria applicable to citizens.
- 1238 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
- 1239 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
- 1240 with the border of Utah, and any American Indian who is a member of a federally
- 1241 recognized or known Utah tribe and who has graduated from a high school in Utah, is
- 1242 entitled to resident student status.
- 1243 (11) A Job Corps student is entitled to resident student status if the student:
- 1244 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 1245 leading to a degree or certificate; and
- 1246 (b) submits verification that the student is a current Job Corps student.
- 1247 (12) A person is entitled to resident student status and may immediately apply for resident
- 1248 student status if the person:
- 1249 (a) marries a Utah resident eligible to be a resident student under this section; and
- 1250 (b) establishes [~~his or her~~] the person's domicile in Utah as demonstrated by objective
- 1251 evidence as provided in Subsection (3).

- 1252 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
1253 who has been domiciled in Utah for at least 12 months prior to the student's application
1254 is entitled to resident student status.
- 1255 (14)(a) A person who has established domicile in Utah for full-time permanent
1256 employment may rebut the presumption of a nonresident classification by providing
1257 substantial evidence that the reason for the individual's move to Utah was, in good
1258 faith, based on an employer requested transfer to Utah, recruitment by a Utah
1259 employer, or a comparable work-related move for full-time permanent employment
1260 in Utah.
- 1261 (b) All relevant evidence concerning the motivation for the move shall be considered,
1262 including:
- 1263 (i) the person's employment and educational history;
- 1264 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 1265 (iii) when the person moved to Utah;
- 1266 (iv) the dates when the person applied for admission, was admitted, and was enrolled
1267 as a postsecondary student;
- 1268 (v) whether the person applied for admission to an institution of higher education
1269 sooner than four months from the date of moving to Utah;
- 1270 (vi) evidence that the person is an independent person who is:
- 1271 (A) at least 24 years old; or
- 1272 (B) not claimed as a dependent on someone else's tax returns; and
- 1273 (vii) any other factors related to abandonment of a former domicile and establishment
1274 of a new domicile in Utah for purposes other than to attend an institution of higher
1275 education.
- 1276 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
1277 athlete training program, at a facility in Utah, approved by the governing body for the
1278 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- 1279 (b) Upon the termination of the athlete's participation in the training program, the athlete
1280 shall be subject to the same residency standards applicable to other persons under this
1281 section.
- 1282 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
1283 counts for Utah residency for tuition purposes upon termination of the athlete's
1284 participation in a Utah Olympic athlete training program.
- 1285 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the

- 1286 death of a spouse, or long-term health care responsibilities for an immediate family
1287 member, including the person's spouse, parent, sibling, or child, may rebut the
1288 presumption of a nonresident classification by providing substantial evidence that the
1289 reason for the individual's move to Utah was, in good faith, based on the long-term
1290 health care responsibilities.
- 1291 (b) All relevant evidence concerning the motivation for the move shall be considered,
1292 including:
- 1293 (i) the person's employment and educational history;
- 1294 (ii) the dates when the long-term health care responsibilities in Utah were first
1295 considered, offered, and accepted;
- 1296 (iii) when the person moved to Utah;
- 1297 (iv) the dates when the person applied for admission, was admitted, and was enrolled
1298 as a postsecondary student;
- 1299 (v) whether the person applied for admission to an institution of higher education
1300 sooner than four months from the date of moving to Utah;
- 1301 (vi) evidence that the person is an independent person who is:
- 1302 (A) at least 24 years old; or
- 1303 (B) not claimed as a dependent on someone else's tax returns; and
- 1304 (vii) any other factors related to abandonment of a former domicile and establishment
1305 of a new domicile in Utah for purposes other than to attend an institution of higher
1306 education.
- 1307 (17) A foreign service member or the foreign service member's immediate family member
1308 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the
1309 eligibility for resident student status if the foreign service member or immediate family
1310 member maintains continuous enrollment even in the case of a change in domicile or
1311 duty station.
- 1312 (18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for
1313 resident student status under Subsection (8)(j) or (k) shall retain the eligibility for
1314 resident student status if the DOD civilian or the DOD civilian's immediate family
1315 member maintains continuous enrollment even in the case of a change in domicile or
1316 duty station.
- 1317 (19) The board, after consultation with the institutions, shall make rules not inconsistent
1318 with this section:
- 1319 (a) concerning the definition of resident and nonresident students;

- 1320 (b) establishing procedures for classifying and reclassifying students;
 1321 (c) establishing criteria for determining and judging claims of residency or domicile;
 1322 (d) establishing appeals procedures; and
 1323 (e) other matters related to this section.

1324 (20) A student shall be exempt from paying the nonresident portion of total tuition if the
 1325 student:

- 1326 (a) is a foreign national legally admitted to the United States;
 1327 (b) attended high school in this state for three or more years; and
 1328 (c) graduated from a high school in this state or received the equivalent of a high school
 1329 diploma in this state.

1330 Section 17. Section **59-10-1005** is amended to read:

1331 **59-10-1005 . Tax credit for at-home parent.**

1332 (1) As used in this section:

- 1333 (a) "At-home parent" means a parent:
 1334 (i) who provides full-time care at the parent's residence for one or more of the
 1335 parent's own qualifying children;
 1336 (ii) who claims the qualifying child as a dependent on the parent's individual income
 1337 tax return for the taxable year for which the parent claims the credit; and
 1338 (iii) if the sum of the following amounts are \$3,000 or less for the taxable year for
 1339 which the parent claims the credit:
 1340 (A) the total wages, tips, and other compensation listed on all of the parent's
 1341 federal Forms W-2; and
 1342 (B) the gross income listed on the parent's federal Form 1040 Schedule C, Profit
 1343 or Loss From Business.
 1344 (b) "Parent" means an individual who:
 1345 [~~(i) is the biological mother or father of a qualifying child;~~]
 1346 (i) has a parent-child relationship, as defined in Section 81-5-102, with a qualifying
 1347 child;
 1348 (ii) is the stepfather or stepmother of a qualifying child;
 1349 (iii) [~~(A) legally adopts a qualifying child; or~~]
 1350 [~~(B)~~] has a qualifying child placed in the individual's home:
 1351 [~~(H)~~] (A) by a child-placing agency, as defined in Section 26B-2-101; and
 1352 [~~(H)~~] (B) for the purpose of legally adopting the child;
 1353 (iv) is a foster parent of a qualifying child; or

- 1354 (v) is a legal guardian of a qualifying child.
- 1355 (c) "Qualifying child" means a child who is no more than 12 months of age on the last
1356 day of the taxable year for which the tax credit is claimed.
- 1357 (2) For a taxable year beginning on or after January 1, 2000, a claimant may claim on the
1358 claimant's individual income tax return a nonrefundable tax credit of \$100 for each
1359 qualifying child if:
- 1360 (a) the claimant or another claimant filing a joint individual income tax return with the
1361 claimant is an at-home parent; and
- 1362 (b) the adjusted gross income of all of the claimants filing the individual income tax
1363 return is less than or equal to \$50,000.
- 1364 (3) A claimant may not carry forward or carry back a tax credit authorized by this section.
- 1365 (4)(a) In accordance with any rules prescribed by the commission under Subsection
1366 (4)(b), the Division of Finance shall transfer at least annually from the General Fund
1367 into the Income Tax Fund the aggregate amount of all tax credits claimed under this
1368 section.
- 1369 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1370 commission may make rules for making a transfer from the General Fund into the
1371 Income Tax Fund as required by Subsection (4)(a).
- 1372 Section 18. Section **63A-17-806** is amended to read:
- 1373 **63A-17-806 . Definitions -- Infant at Work Pilot Program -- Administration.**
- 1374 (1) As used in this section:
- 1375 (a) "Eligible employee" means an employee who has been employed by the Department
1376 of Health and Human Services for a minimum of:
- 1377 (i) 12 consecutive months; and
- 1378 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately
1379 preceding the day on which the employee applies for participation in the program.
- 1380 (b) "Infant" means a baby that is at least six weeks of age and no more than six months
1381 of age.
- 1382 (c) "Parent" means:
- 1383 [~~(i) a biological or adoptive parent of an infant; or~~]
- 1384 (i) an individual who has a parent-child relationship, as defined in Section 81-5-102,
1385 with an infant; or
- 1386 (ii) an individual who has an infant placed in the individual's foster care by the
1387 Division of Child and Family Services.

- 1388 (d) "Program" means the Infant at Work Pilot Program established in this section.
- 1389 (2) There is created the Infant at Work Pilot Program for eligible employees.
- 1390 (3) The program shall:
- 1391 (a) allow an eligible employee to bring the eligible employee's infant to work subject to
- 1392 the provisions of this section;
- 1393 (b) be administered by the division; and
- 1394 (c) be implemented for a minimum of one year.
- 1395 (4) The division shall establish an application process for eligible employees of the
- 1396 Department of Health and Human Services to apply to the program that includes:
- 1397 (a) a process for evaluating whether an eligible employee's work environment is
- 1398 appropriate for an infant;
- 1399 (b) guidelines for infant health and safety; and
- 1400 (c) guidelines regarding an eligible employee's initial and ongoing participation in the
- 1401 program.
- 1402 (5) If the division approves the eligible employee for participation in the program, the
- 1403 eligible employee shall have the sole responsibility for the care and safety of the infant
- 1404 at the workplace.
- 1405 (6) The division may not require the Department of Health and Human Services to
- 1406 designate or set aside space for an eligible employee's infant other than the eligible
- 1407 employee's existing work space.
- 1408 (7) The division, in consultation with the Department of Health and Human Services, shall
- 1409 make rules that the department determines necessary to establish the program in
- 1410 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1411 Section 19. Section **75-2-114** is amended to read:
- 1412 **75-2-114 . Parent and child relationship.**
- 1413 (1) As used in this section, "pre-existing parent" means the same as that term is defined in
- 1414 Section 81-13-101.
- 1415 [(1)] (2)(a) Except as provided in Subsections [(2) and (3)] (3) and (4), for purposes of
- 1416 intestate succession by, through, or from a person, an individual is the child of the
- 1417 individual's [natural]parents, regardless of [their] the individual's parent's marital
- 1418 status.
- 1419 (b) The parent and child relationship may be established as provided in Title 81, Chapter
- 1420 5, Uniform Parentage Act.
- 1421 [(2)] (3) An adopted individual is the child of the adopting parent or parents and not of the [

1422 ~~natural parents, but~~ adopted individual's pre-existing parent, except that the adoption of
 1423 a child by the spouse of ~~[either natural parent]~~ a child's pre-existing parent has no effect
 1424 on the relationship between the child and that ~~[natural]~~ pre-existing parent.

1425 [(3)] (4) Inheritance from or through a child by ~~[either natural]~~ the child's parent or the
 1426 child's kindred is precluded unless that ~~[natural-]~~parent has openly treated the child as
 1427 the ~~[natural-]~~parent's[;] and has not refused to support the child.

1428 Section 20. Section **75-2-705** is amended to read:

1429 **75-2-705 . Class gifts construed to accord with intestate succession.**

1430 (1)(a) Adopted individuals and individuals born out of wedlock, and their respective
 1431 descendants if appropriate to the class, are included in class gifts and other terms of
 1432 relationship in accordance with the rules for intestate succession.

1433 (b) Terms of relationship that do not differentiate relationships by blood from those by
 1434 affinity, such as "uncles," "aunts," "nieces," or "nephews," are construed to exclude
 1435 relatives by affinity.

1436 (c) Terms of relationship that do not differentiate relationships by the half blood from
 1437 those by the whole blood, such as "brothers," "sisters," "nieces," or "nephews," are
 1438 construed to include both types of relationships.

1439 (2) In addition to the requirements of Subsection (1), in construing a dispositive provision
 1440 of a transferor who is not the ~~[natural-]~~parent, an individual born to the ~~[natural-]~~parent
 1441 is not considered the child of that parent unless the individual lived while a minor as a
 1442 regular member of the household of that ~~[natural-]~~parent or of that parent's parent,
 1443 brother, sister, spouse, or surviving spouse.

1444 (3) In addition to the requirements of Subsection (1), in construing a dispositive provision
 1445 of a transferor who is not the adopting parent, an adopted individual is not considered
 1446 the child of the adopting parent unless the adopted individual lived while a minor, either
 1447 before or after the adoption, as a regular member of the household of the adopting parent.

1448 Section 21. Section **76-2-409** is amended to read:

1449 **76-2-409 . Battered person mitigation.**

1450 (1) As used in this section:

1451 (a) "Abuse" means the same as that term is defined in Section 78B-7-102.

1452 (b) "Cohabitant" means:

1453 (i) the same as that term is defined in Section 78B-7-102; or

1454 (ii) the relationship of a minor and a ~~[natural parent, an adoptive-]~~parent, a stepparent,
 1455 or an individual living with the minor's ~~[natural-]~~parent as if a stepparent to the

- 1456 minor.
- 1457 (2)(a) An individual is entitled to battered person mitigation if:
- 1458 (i) the individual committed a criminal offense that was not legally justified;
- 1459 (ii) the individual committed the criminal offense against a cohabitant who
- 1460 demonstrated a pattern of abuse against the individual or another cohabitant of the
- 1461 individual; and
- 1462 (iii) the individual reasonably believed that the criminal offense was necessary to end
- 1463 the pattern of abuse.
- 1464 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a
- 1465 reasonable person in the individual's circumstances, as the individual's circumstances
- 1466 are perceived by the individual.
- 1467 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by
- 1468 clear and convincing evidence, each element that would entitle the individual to
- 1469 mitigation under Subsection (2)(a).
- 1470 (4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense
- 1471 of which the individual is convicted.
- 1472 (5)(a) If the trier of fact is a jury, an individual is not entitled to mitigation under
- 1473 Subsection (2)(a) unless the jury:
- 1474 (i) finds the individual proved, in accordance with Subsection (3), that the individual
- 1475 is entitled to mitigation by unanimous vote; and
- 1476 (ii) returns a special verdict for the reduced charge at the same time the jury returns
- 1477 the general verdict.
- 1478 (b) A nonunanimous vote by the jury on the question of mitigation under Subsection
- 1479 (2)(a) does not result in a hung jury.
- 1480 (6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's
- 1481 trial shall give notice of the individual's intent to claim mitigation under Subsection
- 1482 (2)(a) to the prosecuting agency at least 30 days before the individual's trial.
- 1483 Section 22. Section **76-5-301.2** is amended to read:
- 1484 **76-5-301.2 . Parental kidnapping.**
- 1485 (1)(a) As used in this section:
- 1486 (i) "Child" means an individual under 18 years old.
- 1487 (ii) "Custody" means court-ordered physical custody of a child entered by a court.
- 1488 [~~(iii) "Parent" means an individual:]~~
- 1489 [~~(A) recognized as a biological parent or adoptive parent; or]~~

- 1490 ~~[(B) that has established a parent-child relationship under Section 81-5-201.]~~
- 1491 (iii) "Parent" means an individual who has a parent-child relationship, as defined in
- 1492 Section 81-5-102, with the child.
- 1493 (iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.
- 1494 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1495 (2) A parent commits parental kidnapping of the parent's child if the parent:
- 1496 (a) takes, entices, conceals, detains, or withholds the child from an individual entitled to
- 1497 custody of the child;
- 1498 (b) intends to interfere with the custody of the child; and
- 1499 (c)(i) has never had a right to physical custody of the child;
- 1500 (ii) has never been granted parent-time with the child;
- 1501 (iii) has had all rights to physical custody of the child terminated by a court; or
- 1502 (iv) at the time of the parent's action under Subsection (2)(a), had parent-time with
- 1503 the child terminated or suspended by a court.
- 1504 (3)(a) A violation of Subsection (2) is a third degree felony.
- 1505 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
- 1506 felony if, during the course of parental kidnapping, the parent removes, causes the
- 1507 removal, or directs the removal of the child from the state.
- 1508 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative
- 1509 defense to the crime of parental kidnapping that:
- 1510 (a) the parent acted under a reasonable belief that the action described in Subsection
- 1511 (2)(a) was:
- 1512 (i) necessary to protect the child from imminent serious bodily injury, or death;
- 1513 (ii) authorized by law; or
- 1514 (iii) taken with the consent of:
- 1515 (A) the individual entitled to custody of the child; or
- 1516 (B) a custodian, guardian, caretaker, or other individual lawfully acting in place of
- 1517 the individual entitled to custody of the child; or
- 1518 (b)(i) the parent acted under a reasonable belief that the action described in
- 1519 Subsection (2)(a) was necessary to protect the child from abuse, including sexual
- 1520 abuse; and
- 1521 (ii) before taking the action described in Subsection (2)(a), the parent reports to law
- 1522 enforcement the parent's intention to engage in the action and the basis for the
- 1523 parent's belief described in Subsection (4)(b)(i).

1524 Section 23. Section **76-5-404.1** is amended to read:

1525 **76-5-404.1 . Sexual abuse of a child -- Penalties -- Limitations.**

1526 (1)(a) As used in this section:

1527 (i) "Adult" means an individual 18 years old or older.

1528 (ii) "Child" means an individual younger than 14 years old.

1529 (iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.

1530 (iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.

1531 (v) "Position of special trust" means:

1532 (A) an adoptive parent;

1533 (B) an athletic manager who is an adult;

1534 (C) an aunt;

1535 (D) a babysitter;

1536 (E) a coach;

1537 (F) a cohabitant of a parent if the cohabitant is an adult;

1538 (G) a counselor;

1539 (H) a doctor or physician;

1540 (I) an employer;

1541 (J) a foster parent;

1542 (K) a grandparent;

1543 (L) a legal guardian;

1544 (M) a [~~natural~~]parent;

1545 (N) a recreational leader who is an adult;

1546 (O) a religious leader;

1547 (P) a sibling or a stepsibling who is an adult;

1548 (Q) a scout leader who is an adult;

1549 (R) a stepparent;

1550 (S) a teacher or any other individual employed by or volunteering at a public or

1551 private elementary school or secondary school, and who is 18 years old or

1552 older;

1553 (T) an instructor, professor, or teaching assistant at a public or private institution

1554 of higher education;

1555 (U) an uncle;

1556 (V) a youth leader who is an adult; or

1557 (W) any individual in a position of authority, other than those individuals listed in

1558 Subsections (1)(a)(v)(A) through (V), which enables the individual to exercise
1559 undue influence over the child.

1560 (b) Terms defined in Section 76-1-101.5 apply to this section.

1561 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor
1562 commits sexual abuse of a child if the actor:

1563 (i)(A) touches, whether over or under the clothing, the buttocks or pubic area of a
1564 child;

1565 (B) touches, whether over or under the clothing, the female breast of a child;

1566 (C) touches the anus or genitals of a child over the clothing; or

1567 (D) otherwise takes indecent liberties with a child whether over or under the
1568 clothing; and

1569 (ii) the actor's conduct is with intent to:

1570 (A) cause substantial emotional or bodily pain to any individual; or

1571 (B) arouse or gratify the sexual desire of any individual.

1572 (b) Any touching, however slight, is sufficient to constitute the relevant element of a
1573 violation of Subsection (2)(a).

1574 (3) A violation of Subsection (2) is a second degree felony.

1575 (4) The offenses referred to in Subsection (2)(a) are:

1576 (a) rape of a child, in violation of Section 76-5-402.1;

1577 (b) object rape of a child, in violation of Section 76-5-402.3;

1578 (c) sodomy on a child, in violation of Section 76-5-403.1; or

1579 (d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

1580 Section 24. Section **78A-5-103** is amended to read:

1581 **78A-5-103 . District court case management.**

1582 (1) The district court of each district shall develop systems of case management.

1583 (2) The case management systems developed by a district court shall:

1584 (a) ensure judicial accountability for the just and timely disposition of cases; and

1585 (b) provide for each judge a full judicial work load that accommodates differences in the
1586 subject matter or complexity of cases assigned to different judges.

1587 (3)(a) A district court may establish divisions within the court for the efficient
1588 management of different types of cases.

1589 (b) The existence of divisions within the court may not:

1590 [~~(a)~~] (i) affect the jurisdiction of the court nor the validity of court orders; or

1591 [~~(b)~~] (ii) impede public access to the courts.

1592 (4) To the extent possible, the district court of each district shall assign any case or
1593 proceeding involving the same child or family to a single judge.

1594 Section 25. Section **78A-6-104** is amended to read:

1595 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**
1596 **protective order.**

1597 (1)(a) The juvenile court has jurisdiction, concurrent with the district court:

- 1598 (i) to establish parentage, or to order testing for purposes of establishing parentage,
1599 for a child in accordance with Title 81, Chapter 5, Uniform Parentage Act, when a
1600 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency
1601 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental
1602 Rights, that involves the child;
- 1603 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
1604 jurisdiction over the minor's case under Section 78A-6-103; and
- 1605 (iii) over questions of custody, support, and parent-time of a minor if the juvenile
1606 court has jurisdiction over the minor's case under Section 78A-6-103.

1607 (b) If the juvenile court obtains jurisdiction over a parentage action under Subsection

1608 (1)(a)(i), the juvenile court may:

- 1609 (i) retain jurisdiction over the parentage action until parentage of the child is
1610 adjudicated; or
- 1611 (ii) transfer jurisdiction over the parentage action to the district court.

1612 (2)(a) The juvenile court has jurisdiction, concurrent with the district court or the justice
1613 court otherwise having jurisdiction, over a criminal information filed under Part 4a,
1614 Adult Criminal Proceedings, for an adult alleged to have committed:

- 1615 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to
1616 a minor;
- 1617 (ii) an offense under Section 53G-6-202, failure to comply with compulsory
1618 education requirements;
- 1619 (iii) an offense under Section 80-2-609, failure to report;
- 1620 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
- 1621 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or
- 1622 (vi) an offense under Section 80-5-601, harboring a runaway.

1623 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law
1624 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
1625 Subsection (2)(a).

- 1626 (3)(a) When a support, custody, or parent-time award has been made by a district court
1627 in a divorce action or other proceeding, and the jurisdiction of the district court in the
1628 case is continuing, the juvenile court may acquire jurisdiction in a case involving the
1629 same child if the child comes within the jurisdiction of the juvenile court under
1630 Section 78A-6-103.
- 1631 (b)(i) The juvenile court may, by order, change the custody subject to Subsection
1632 81-9-204(4), support, parent-time, and visitation rights previously ordered in the
1633 district court as necessary to implement the order of the juvenile court for the
1634 safety and welfare of the child.
- 1635 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
1636 long as the juvenile court continues to exercise jurisdiction.
- 1637 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are
1638 filed with the district court, the findings and order of the juvenile court are binding on
1639 the parties to the divorce action as though entered in the district court.
- 1640 (4) This section does not deprive the district court of jurisdiction to:
- 1641 (a) appoint a guardian for a child;
- 1642 (b) determine the support, custody, and parent-time of a child upon writ of habeas
1643 corpus; or
- 1644 (c) determine a question of support, custody, and parent-time that is incidental to the
1645 determination of an action in the district court.
- 1646 (5) A juvenile court may transfer a petition for a protective order for a child to the district
1647 court if the juvenile court has entered an ex parte protective order and finds that:
- 1648 (a) the petitioner and the respondent are the [~~natural parent, adoptive parent,~~] parent or
1649 step parent of the child who is the object of the petition;
- 1650 (b) the district court has a petition pending or an order related to custody or parent-time
1651 entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, Title
1652 81, Chapter 4, Part 4, Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in
1653 which the petitioner and the respondent are parties; and
- 1654 (c) the best interests of the child will be better served in the district court.
- 1655 Section 26. Section **78B-7-102** is amended to read:
- 1656 **78B-7-102 . Definitions.**
- 1657 As used in this chapter:
- 1658 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
1659 causing or attempting to cause another individual physical harm or intentionally or

- 1660 knowingly placing another individual in reasonable fear of imminent physical harm.
- 1661 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 1662 (3) "Canadian domestic violence protection order" means the same as that term is defined in
1663 Section 78B-7-1201.
- 1664 (4) "Child" means an individual who is younger than 18 years old.
- 1665 (5) "Civil protective order" means an order issued, [~~subsequent to~~] after a hearing on the
1666 petition, of which the petitioner and respondent have been given notice, under:
- 1667 (a) Part 2, Child Protective Orders;
- 1668 (b) Part 4, Dating Violence Protective Orders;
- 1669 (c) Part 5, Sexual Violence Protective Orders;
- 1670 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1671 (e) Part 11, Workplace Violence Protective Orders.
- 1672 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil
1673 Stalking Injunctions.
- 1674 (7)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an
1675 individual who is 16 years old or older who:
- 1676 (i) is or was a spouse of the other party;
- 1677 (ii) is or was living as if a spouse of the other party;
- 1678 (iii) is related by blood or marriage to the other party as the individual's parent,
1679 grandparent, sibling, or any other individual related to the individual by
1680 consanguinity or affinity to the second degree;
- 1681 (iv) has or had one or more children in common with the other party;
- 1682 (v) is the biological parent of the other party's unborn minor child;
- 1683 (vi) resides or has resided in the same residence as the other party; or
- 1684 (vii) is or was in a consensual sexual relationship with the other party.
- 1685 (b) "Cohabitant" does not include:
- 1686 (i) the relationship of [~~natural parent, adoptive parent, or~~] parent or step-parent to a
1687 minor child; or
- 1688 (ii) the relationship between [~~natural, adoptive, step, or foster siblings~~] siblings,
1689 stepsiblings, or foster siblings who are under 18 years old.
- 1690 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 1691 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective
1692 Orders.
- 1693 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,

- 1694 Criminal Stalking Injunctions.
- 1695 (11) "Court clerk" means a district court clerk.
- 1696 (12)(a) "Dating partner" means an individual who:
- 1697 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,
- 1698 Emancipation; or
- 1699 (B) is 18 years old or older; and
- 1700 (ii) is, or has been, in a dating relationship with the other party.
- 1701 (b) "Dating partner" does not include an intimate partner.
- 1702 (13)(a) "Dating relationship" means a social relationship of a romantic or intimate
- 1703 nature, or a relationship which has romance or intimacy as a goal by one or both
- 1704 parties, regardless of whether the relationship involves sexual intimacy.
- 1705 (b) "Dating relationship" does not include casual fraternization in a business,
- 1706 educational, or social context.
- 1707 (c) In determining, based on a totality of the circumstances, whether a dating
- 1708 relationship exists:
- 1709 (i) all relevant factors shall be considered, including:
- 1710 (A) whether the parties developed interpersonal bonding above a mere casual
- 1711 fraternization;
- 1712 (B) the length of the parties' relationship;
- 1713 (C) the nature and the frequency of the parties' interactions, including
- 1714 communications indicating that the parties intended to begin a dating
- 1715 relationship;
- 1716 (D) the ongoing expectations of the parties, individual or jointly, with respect to
- 1717 the relationship;
- 1718 (E) whether, by statement or conduct, the parties demonstrated an affirmation of
- 1719 their relationship to others; and
- 1720 (F) whether other reasons exist that support or detract from a finding that a dating
- 1721 relationship exists; and
- 1722 (ii) it is not necessary that all, or a particular number, of the factors described in
- 1723 Subsection (13)(c)(i) are found to support the existence of a dating relationship.
- 1724 (14) "Dating violence" means:
- 1725 (a) a criminal offense involving violence or physical harm, or threat of violence or
- 1726 physical harm, when committed by an individual against a dating partner; or
- 1727 (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal

- 1728 offense involving violence or physical harm against a dating partner of the individual.
- 1729 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 1730 (16) "Ex parte civil protective order" means an order issued without notice to the
- 1731 respondent under:
- 1732 (a) Part 2, Child Protective Orders;
- 1733 (b) Part 4, Dating Violence Protective Orders;
- 1734 (c) Part 5, Sexual Violence Protective Orders;
- 1735 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1736 (e) Part 11, Workplace Violence Protective Orders.
- 1737 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to
- 1738 the respondent under Part 7, Civil Stalking Injunctions.
- 1739 (18) "Foreign protection order" means:
- 1740 (a) the same as that term is defined in Section 78B-7-302; or
- 1741 (b) a Canadian domestic violence protection order.
- 1742 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 1743 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 1744 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having
- 1745 general police power and charged with making arrests in connection with enforcement
- 1746 of the criminal statutes and ordinances of this state or any political subdivision.
- 1747 (22) "Minor child" means the same as that term is defined in Section 81-1-101.
- 1748 (23) "Peace officer" means those individuals specified in Title 53, Chapter 13, Peace
- 1749 Officer Classifications.
- 1750 (24) "Qualifying domestic violence offense" means the same as that term is defined in
- 1751 Section 77-36-1.1.
- 1752 (25) "Respondent" means the individual against whom enforcement of a protective order is
- 1753 sought.
- 1754 (26) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 1755 Section 27. Section **80-1-102** is amended to read:
- 1756 **80-1-102 . Juvenile Code definitions.**
- 1757 Except as provided in Section 80-6-1103, as used in this title:
- 1758 (1)(a) "Abuse" means:
- 1759 (i)(A) nonaccidental harm of a child;
- 1760 (B) threatened harm of a child;
- 1761 (C) sexual exploitation;

- 1762 (D) sexual abuse; or
- 1763 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 1764 (ii) that a child's parent:
- 1765 (A) intentionally, knowingly, or recklessly causes the death of another parent of
- 1766 the child;
- 1767 (B) is identified by a law enforcement agency as the primary suspect in an
- 1768 investigation for intentionally, knowingly, or recklessly causing the death of
- 1769 another parent of the child; or
- 1770 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 1771 recklessly causing the death of another parent of the child.
- 1772 (b) "Abuse" does not include:
- 1773 (i) reasonable discipline or management of a child, including withholding privileges;
- 1774 (ii) conduct described in Section 76-2-401; or
- 1775 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 1776 (A) in self-defense;
- 1777 (B) in defense of others;
- 1778 (C) to protect the child; or
- 1779 (D) to remove a weapon in the possession of a child for any of the reasons
- 1780 described in Subsections (1)(b)(iii)(A) through (C).
- 1781 (2) "Abused child" means a child who has been subjected to abuse.
- 1782 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 1783 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
- 1784 Justice:
- 1785 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
- 1786 or criminal information alleging that a minor committed an offense have been
- 1787 proved;
- 1788 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 1789 or
- 1790 (C) a plea of no contest by minor in the juvenile court; or
- 1791 (ii) for all other proceedings under this title, a finding by the juvenile court that the
- 1792 facts alleged in the petition have been proved.
- 1793 (b) "Adjudication" does not include:
- 1794 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 1795 enters the minor's admission; or

- 1796 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 1797 (4)(a) "Adult" means an individual who is 18 years old or older.
- 1798 (b) "Adult" does not include an individual:
- 1799 (i) who is 18 years old or older; and
- 1800 (ii) who is a minor.
- 1801 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 1802 78A-2-801.
- 1803 (6) "Board" means the Board of Juvenile Court Judges.
- 1804 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 1805 years old.
- 1806 (8) "Child and family plan" means a written agreement between a child's parents or
- 1807 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 1808 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 1809 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 1810 (11) "Child protection team" means a team consisting of:
- 1811 (a) the child welfare caseworker assigned to the case;
- 1812 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 1813 child;
- 1814 (c) a representative of the school or school district where the child attends school;
- 1815 (d) if applicable, the law enforcement officer who removed the child from the home;
- 1816 (e) a representative of the appropriate Children's Justice Center, if one is established
- 1817 within the county where the child resides;
- 1818 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 1819 with the child's circumstances;
- 1820 (g) if appropriate, a representative of law enforcement selected by the chief of police or
- 1821 sheriff in the city or county where the child resides; and
- 1822 (h) any other individuals determined appropriate and necessary by the team coordinator
- 1823 and chair.
- 1824 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 1825 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 1826 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 1827 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 1828 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
- 1829 58-37d-3.

- 1830 (15) "Commit" or "committed" means, unless specified otherwise:
1831 (a) with respect to a child, to transfer legal custody; and
1832 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 1833 (16) "Community-based program" means a nonsecure residential or nonresidential program,
1834 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
1835 restrictive setting, consistent with public safety, and operated by or under contract with
1836 the Division of Juvenile Justice and Youth Services.
- 1837 (17) "Community placement" means placement of a minor in a community-based program
1838 described in Section 80-5-402.
- 1839 (18) "Correctional facility" means:
1840 (a) a county jail; or
1841 (b) a secure correctional facility as defined in Section 64-13-1.
- 1842 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
1843 minor's likelihood of reoffending.
- 1844 (20) "Department" means the Department of Health and Human Services created in Section
1845 26B-1-201.
- 1846 (21) "Dependent child" or "dependency" means a child who is without proper care through
1847 no fault of the child's parent, guardian, or custodian.
- 1848 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
1849 parent or a previous custodian to another person, agency, or institution.
- 1850 (23) "Detention" means home detention or secure detention.
- 1851 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
1852 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 1853 (25) "Detention risk assessment tool" means an evidence-based tool established under
1854 Section 80-5-203 that:
1855 (a) assesses a minor's risk of failing to appear in court or reoffending before
1856 adjudication; and
1857 (b) is designed to assist in making a determination of whether a minor shall be held in
1858 detention.
- 1859 (26) "Developmental immaturity" means incomplete development in one or more domains
1860 that manifests as a functional limitation in the minor's present ability to:
1861 (a) consult with counsel with a reasonable degree of rational understanding; and
1862 (b) have a rational as well as factual understanding of the proceedings.
- 1863 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,

- 1864 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 1865 (28) "Educational neglect" means that, after receiving a notice of compulsory education
1866 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
1867 effort to ensure that the child receives an appropriate education.
- 1868 (29) "Educational series" means an evidence-based instructional series:
- 1869 (a) obtained at a substance abuse program that is approved by the Division of Integrated
1870 Healthcare in accordance with Section 26B-5-104; and
- 1871 (b) designed to prevent substance use or the onset of a mental health disorder.
- 1872 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 1873 (31) "Evidence-based" means a program or practice that has had multiple randomized
1874 control studies or a meta-analysis demonstrating that the program or practice is effective
1875 for a specific population or has been rated as effective by a standardized program
1876 evaluation tool.
- 1877 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 1878 (33) "Formal probation" means a minor is:
- 1879 (a) supervised in the community by, and reports to, a juvenile probation officer or an
1880 agency designated by the juvenile court; and
- 1881 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1882 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 1883 (35) "Group rehabilitation therapy" means psychological and social counseling of one or
1884 more individuals in the group, depending upon the recommendation of the therapist.
- 1885 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor,
1886 including the authority to consent to:
- 1887 (a) marriage;
- 1888 (b) enlistment in the armed forces;
- 1889 (c) major medical, surgical, or psychiatric treatment; or
- 1890 (d) legal custody, if legal custody is not vested in another individual, agency, or
1891 institution.
- 1892 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 1893 (38) "Harm" means:
- 1894 (a) physical or developmental injury or damage;
- 1895 (b) emotional damage that results in a serious impairment in the child's growth,
1896 development, behavior, or psychological functioning;
- 1897 (c) sexual abuse; or

- 1898 (d) sexual exploitation.
- 1899 (39) "Home detention" means placement of a minor:
- 1900 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 1901 of the minor's parent, guardian, or custodian, under terms and conditions established
- 1902 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 1903 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 1904 minor's home, or in a surrogate home with the consent of the minor's parent,
- 1905 guardian, or custodian, under terms and conditions established by the Division of
- 1906 Juvenile Justice and Youth Services or the juvenile court.
- 1907 (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
- 1908 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
- 1909 aunt, nephew, niece, or first cousin.
- 1910 (b) "Incest" includes:
- 1911 (i) blood relationships of the whole or half blood, regardless of whether the
- 1912 relationship is legally recognized;
- 1913 (ii) relationships of parent and child by adoption; and
- 1914 (iii) relationships of stepparent and stepchild while the marriage creating the
- 1915 relationship of a stepparent and stepchild exists.
- 1916 (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1917 (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1918 (43) "Indigent defense service provider" means the same as that term is defined in Section
- 1919 78B-22-102.
- 1920 (44) "Indigent defense services" means the same as that term is defined in Section
- 1921 78B-22-102.
- 1922 (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 1923 (46)(a) "Intake probation" means a minor is:
- 1924 (i) monitored by a juvenile probation officer; and
- 1925 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1926 (b) "Intake probation" does not include formal probation.
- 1927 (47) "Intellectual disability" means a significant subaverage general intellectual functioning
- 1928 existing concurrently with deficits in adaptive behavior that constitutes a substantial
- 1929 limitation to the individual's ability to function in society.
- 1930 (48) "Juvenile offender" means:
- 1931 (a) a serious youth offender; or

- 1932 (b) a youth offender.
- 1933 (49) "Juvenile probation officer" means a probation officer appointed under Section
1934 78A-6-205.
- 1935 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by
1936 the Division of Juvenile Justice and Youth Services, or under contract with the Division
1937 of Juvenile Justice and Youth Services, that is responsible for minors taken into
1938 temporary custody under Section 80-6-201.
- 1939 (51) "Legal custody" means a relationship embodying:
1940 (a) the right to physical custody of the minor;
1941 (b) the right and duty to protect, train, and discipline the minor;
1942 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
1943 medical care;
1944 (d) the right to determine where and with whom the minor shall live; and
1945 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 1946 (52) "Licensing Information System" means the Licensing Information System maintained
1947 by the Division of Child and Family Services under Section 80-2-1002.
- 1948 (53) "Management Information System" means the Management Information System
1949 developed by the Division of Child and Family Services under Section 80-2-1001.
- 1950 (54) "Mental illness" means:
1951 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
1952 behavioral, or related functioning; or
1953 (b) the same as that term is defined in:
1954 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
1955 published by the American Psychiatric Association; or
1956 (ii) the current edition of the International Statistical Classification of Diseases and
1957 Related Health Problems.
- 1958 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
1959 (a) a child; or
1960 (b) an individual:
1961 (i)(A) who is at least 18 years old and younger than 21 years old; and
1962 (B) for whom the Division of Child and Family Services has been specifically
1963 ordered by the juvenile court to provide services because the individual was an
1964 abused, neglected, or dependent child or because the individual was
1965 adjudicated for an offense;

- 1966 (ii)(A) who is at least 18 years old and younger than 25 years old; and
 1967 (B) whose case is under the jurisdiction of the juvenile court in accordance with
 1968 Subsection 78A-6-103(1)(b); or
- 1969 (iii)(A) who is at least 18 years old and younger than 21 years old; and
 1970 (B) whose case is under the jurisdiction of the juvenile court in accordance with
 1971 Subsection 78A-6-103(1)(c).
- 1972 (56) "Mobile crisis outreach team" means the same as that term is defined in Section
 1973 26B-5-101.
- 1974 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
 1975 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
 1976 or the breast of a female child, or takes indecent liberties with a child as defined in
 1977 Section 76-5-401.1.
- 1978 (58)(a) "Neglect" means action or inaction causing:
- 1979 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
 1980 Relinquishment of a Newborn Child;
- 1981 (ii) lack of proper parental care of a child by reason of the fault or habits of the
 1982 parent, guardian, or custodian;
- 1983 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
 1984 necessary subsistence or medical care, or any other care necessary for the child's
 1985 health, safety, morals, or well-being;
- 1986 (iv) a child to be at risk of being neglected or abused because another child in the
 1987 same home is neglected or abused;
- 1988 (v) abandonment of a child through an unregulated child custody transfer under
 1989 Section 81-14-203; or
- 1990 (vi) educational neglect.
- 1991 (b) "Neglect" does not include:
- 1992 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
 1993 reason, does not provide specified medical treatment for a child;
- 1994 (ii) a health care decision made for a child by the child's parent or guardian, unless
 1995 the state or other party to a proceeding shows, by clear and convincing evidence,
 1996 that the health care decision is not reasonable and informed;
- 1997 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 1998 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
 1999 maturity to avoid harm or unreasonable risk of harm, to engage in independent

- 2000 activities, including:
- 2001 (A) traveling to and from school, including by walking, running, or bicycling;
- 2002 (B) traveling to and from nearby commercial or recreational facilities;
- 2003 (C) engaging in outdoor play;
- 2004 (D) remaining in a vehicle unattended, except under the conditions described in
- 2005 Subsection 76-5-115(2);
- 2006 (E) remaining at home unattended; or
- 2007 (F) engaging in a similar independent activity.
- 2008 (59) "Neglected child" means a child who has been subjected to neglect.
- 2009 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
- 2010 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
- 2011 consent in writing of:
- 2012 (a) the assigned juvenile probation officer; and
- 2013 (b)(i) the minor; or
- 2014 (ii) the minor and the minor's parent, guardian, or custodian.
- 2015 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
- 2016 disability or related condition, or developmental immaturity, lacks the ability to:
- 2017 (a) understand the nature of the proceedings against the minor or of the potential
- 2018 disposition for the offense charged; or
- 2019 (b) consult with counsel and participate in the proceedings against the minor with a
- 2020 reasonable degree of rational understanding.
- 2021 (62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
- 2022 parent-child relationship, as defined in Section 81-5-102, to a minor[~~under Section~~
- 2023 ~~81-5-201~~].
- 2024 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 2025 (63) "Parole" means a conditional release of a juvenile offender from residency in secure
- 2026 care to live outside of secure care under the supervision of the Division of Juvenile
- 2027 Justice and Youth Services, or another person designated by the Division of Juvenile
- 2028 Justice and Youth Services.
- 2029 (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 2030 (65)(a) "Probation" means a legal status created by court order, following an
- 2031 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
- 2032 minor's home under prescribed conditions.
- 2033 (b) "Probation" includes intake probation or formal probation.

- 2034 (66) "Prosecuting attorney" means:
- 2035 (a) the attorney general and any assistant attorney general;
- 2036 (b) any district attorney or deputy district attorney;
- 2037 (c) any county attorney or assistant county attorney; and
- 2038 (d) any other attorney authorized to commence an action on behalf of the state.
- 2039 (67) "Protective custody" means the shelter of a child by the Division of Child and Family
- 2040 Services from the time the child is removed from the home until the earlier of:
- 2041 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 2042 (b) the day on which the child is returned home.
- 2043 (68) "Protective services" means expedited services that are provided:
- 2044 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 2045 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 2046 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
- 2047 causes of neglect or abuse; and
- 2048 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 2049 (c) in cases where the child's welfare is endangered:
- 2050 (i) to bring the situation to the attention of the appropriate juvenile court and law
- 2051 enforcement agency;
- 2052 (ii) to cause a protective order to be issued for the protection of the child, when
- 2053 appropriate; and
- 2054 (iii) to protect the child from the circumstances that endanger the child's welfare
- 2055 including, when appropriate:
- 2056 (A) removal from the child's home;
- 2057 (B) placement in substitute care; and
- 2058 (C) petitioning the court for termination of parental rights.
- 2059 (69) "Protective supervision" means a legal status created by court order, following an
- 2060 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 2061 (a) the minor is permitted to remain in the minor's home; and
- 2062 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
- 2063 by an agency designated by the juvenile court.
- 2064 (70)(a) "Related condition" means a condition that:
- 2065 (i) is found to be closely related to intellectual disability;
- 2066 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 2067 similar to that of an intellectually disabled individual;

- 2068 (iii) is likely to continue indefinitely; and
2069 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 2070 (b) "Related condition" does not include mental illness, psychiatric impairment, or
2071 serious emotional or behavioral disturbance.
- 2072 (71)(a) "Residual parental rights and duties" means the rights and duties remaining with
2073 a parent after legal custody or guardianship, or both, have been vested in another
2074 person or agency, including:
- 2075 (i) the responsibility for support;
 - 2076 (ii) the right to consent to adoption;
 - 2077 (iii) the right to determine the child's religious affiliation; and
 - 2078 (iv) the right to reasonable parent-time unless restricted by the court.
- 2079 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
2080 right to consent to:
- 2081 (i) marriage;
 - 2082 (ii) enlistment; and
 - 2083 (iii) major medical, surgical, or psychiatric treatment.
- 2084 (72) "Runaway" means a child, other than an emancipated child, who willfully leaves the
2085 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
2086 without permission.
- 2087 (73) "Secure care" means placement of a minor, who is committed to the Division of
2088 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
2089 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
2090 supervision and confinement of the minor.
- 2091 (74) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
2092 for juvenile offenders in secure care.
- 2093 (75) "Secure detention" means temporary care of a minor who requires secure custody in a
2094 physically restricting facility operated by, or under contract with, the Division of
2095 Juvenile Justice and Youth Services:
- 2096 (a) before disposition of an offense that is alleged to have been committed by the minor;
 - 2097 or
 - 2098 (b) under Section 80-6-704.
- 2099 (76) "Serious youth offender" means an individual who:
- 2100 (a) is at least 14 years old, but under 25 years old;
 - 2101 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction

- 2102 of the juvenile court was extended over the individual's case until the individual was
2103 25 years old in accordance with Section 80-6-605; and
- 2104 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
2105 Services for secure care under Sections 80-6-703 and 80-6-705.
- 2106 (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 2107 (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
2108 child.
- 2109 (79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
2110 (79)(b):
- 2111 (i) if committed by an individual who is 18 years old or older:
- 2112 (A) chronic abuse;
- 2113 (B) severe abuse;
- 2114 (C) sexual abuse;
- 2115 (D) sexual exploitation;
- 2116 (E) abandonment;
- 2117 (F) chronic neglect; or
- 2118 (G) severe neglect; or
- 2119 (ii) if committed by an individual who is under 18 years old:
- 2120 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child
2121 that indicates a significant risk to other children; or
- 2122 (B) sexual behavior with or upon another child that indicates a significant risk to
2123 other children.
- 2124 (b) "Severe type of child abuse or neglect" does not include:
- 2125 (i) the use of reasonable and necessary physical restraint by an educator in
2126 accordance with Section 53G-8-301 or Section 76-2-401;
- 2127 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
2128 use of reasonable and necessary physical restraint or force in self-defense or
2129 otherwise appropriate to the circumstances to obtain possession of a weapon or
2130 other dangerous object in the possession or under the control of a child or to
2131 protect the child or another individual from physical injury; or
- 2132 (iii) a health care decision made for a child by a child's parent or guardian, unless,
2133 subject to Subsection (79)(c), the state or other party to the proceeding shows, by
2134 clear and convincing evidence, that the health care decision is not reasonable and
2135 informed.

- 2136 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the
2137 right to obtain a second health care opinion.
- 2138 (80)(a) "Sexual abuse" means:
- 2139 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
2140 adult directed towards a child;
- 2141 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
2142 committed by a child towards another child if:
- 2143 (A) there is an indication of force or coercion;
- 2144 (B) the children are related, as described in Subsection (40), including siblings by
2145 marriage while the marriage exists or by adoption; or
- 2146 (C) the act or attempted act constitutes unlawful sexual activity as described in
2147 Section 76-5-401.3.
- 2148 (iii) engaging in any conduct with a child that would constitute an offense under any
2149 of the following, regardless of whether the individual who engages in the conduct
2150 is actually charged with, or convicted of, the offense:
- 2151 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 2152 (B) child bigamy, Section 76-7-101.5;
- 2153 (C) incest, Section 76-7-102;
- 2154 (D) voyeurism, Section 76-12-306;
- 2155 (E) recorded or photographed voyeurism, Section 76-12-307; or
- 2156 (F) distribution of images obtained through voyeurism, Section 76-12-308; or
- 2157 (iv) subjecting a child to participate in or threatening to subject a child to participate
2158 in a sexual relationship, regardless of whether that sexual relationship is part of a
2159 legal or cultural marriage.
- 2160 (b) "Sexual abuse" does not include engaging in any conduct with a child that would
2161 constitute an offense described in:
- 2162 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator
2163 of the offense is a minor; or
- 2164 (ii) Section 76-5-417, enticing a minor.
- 2165 (81) "Sexual exploitation" means knowingly:
- 2166 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 2167 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 2168 (ii) engage in any sexual or simulated sexual conduct for the purpose of
2169 photographing, filming, recording, or displaying in any way the sexual or

- 2170 simulated sexual conduct;
- 2171 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
2172 depicting a child:
- 2173 (i) in the nude, for the purpose of sexual arousal of any individual; or
2174 (ii) engaging in sexual or simulated sexual conduct; or
- 2175 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
2176 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
2177 exploitation of a minor, regardless of whether the individual who engages in the
2178 conduct is actually charged with, or convicted of, the offense.
- 2179 (82) "Shelter" means the temporary care of a child in a physically unrestricted facility
2180 pending a disposition or transfer to another jurisdiction.
- 2181 (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 2182 (84) "Significant risk" means a risk of harm that is determined to be significant in
2183 accordance with risk assessment tools and rules established by the Division of Child and
2184 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
2185 Rulemaking Act, that focus on:
- 2186 (a) age;
2187 (b) social factors;
2188 (c) emotional factors;
2189 (d) sexual factors;
2190 (e) intellectual factors;
2191 (f) family risk factors; and
2192 (g) other related considerations.
- 2193 (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 2194 (86) "Status offense" means an offense that would not be an offense but for the age of the
2195 offender.
- 2196 (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
2197 excessive use of alcohol or other drugs or substances.
- 2198 (88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance
2199 of the evidence, and separate consideration of each allegation made or identified in the
2200 case, that abuse, neglect, or dependency occurred.
- 2201 (89) "Substitute care" means:
- 2202 (a) the placement of a minor in a family home, group care facility, or other placement
2203 outside the minor's own home, either at the request of a parent or other responsible

- 2204 relative, or upon court order, when it is determined that continuation of care in the
2205 minor's own home would be contrary to the minor's welfare;
- 2206 (b) services provided for a minor in the protective custody of the Division of Child and
2207 Family Services, or a minor in the temporary custody or custody of the Division of
2208 Child and Family Services, as those terms are defined in Section 80-2-102; or
- 2209 (c) the licensing and supervision of a substitute care facility.
- 2210 (90) "Supported" means a finding by the Division of Child and Family Services based on
2211 the evidence available at the completion of an investigation, and separate consideration
2212 of each allegation made or identified during the investigation, that there is a reasonable
2213 basis to conclude that abuse, neglect, or dependency occurred.
- 2214 (91) "Termination of parental rights" means the permanent elimination of all parental rights
2215 and duties, including residual parental rights and duties, by court order.
- 2216 (92) "Therapist" means:
- 2217 (a) an individual employed by a state division or agency for the purpose of conducting
2218 psychological treatment and counseling of a minor in the division's or agency's
2219 custody; or
- 2220 (b) any other individual licensed or approved by the state for the purpose of conducting
2221 psychological treatment and counseling.
- 2222 (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
2223 the child is at an unreasonable risk of harm or neglect.
- 2224 (94) "Torture" means:
- 2225 (a) the infliction of a serious injury upon a child in an exceptionally cruel or
2226 exceptionally depraved manner that causes the child to experience extreme physical
2227 or psychological pain or anguish; or
- 2228 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part
2229 of a course of conduct or over a prolonged period of time.
- 2230 (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
2231 (a) results in behavior that is beyond the control or ability of the child, or the parent or
2232 guardian, to manage effectively;
- 2233 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
2234 (c) results in the situations described in Subsections (95)(a) and (b).
- 2235 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
2236 conclude that abuse, neglect, or dependency occurred.
- 2237 (97) "Unsupported" means a finding by the Division of Child and Family Services at the

2238 completion of an investigation, after the day on which the Division of Child and Family
2239 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
2240 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

2241 (98) "Validated risk and needs assessment" means an evidence-based tool that assesses a
2242 minor's risk of reoffending and a minor's criminogenic needs.

2243 (99) "Without merit" means a finding at the completion of an investigation by the Division
2244 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
2245 dependency did not occur, or that the alleged perpetrator was not responsible for the
2246 abuse, neglect, or dependency.

2247 (100) "Youth offender" means an individual who is:

2248 (a) at least 12 years old, but under 21 years old; and

2249 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
2250 Services for secure care under Sections 80-6-703 and 80-6-705.

2251 Section 28. Section **81-1-101** is amended to read:

2252 **81-1-101 . Definitions for title.**

2253 As used in this title:

2254 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and
2255 81-10-101, a son or daughter of any age.

2256 (2) "Court" means:

2257 (a) a judge; or

2258 (b) a court commissioner if the court commissioner has authority to hear the matter
2259 under Section 78A-5-107 or the Utah Rules of Judicial Administration.

2260 (3) "Custodial parent" means:

2261 (a) a parent awarded primary physical custody of a minor child by a court order;

2262 (b) if both parents have joint physical custody:

2263 (i) the parent awarded more overnights each year by a court order; or

2264 (ii) the parent designated as the custodial parent by a court order; or

2265 (c) if there is no court order, the parent with whom the minor child resides more than
2266 one-half of the calendar year without regard to any temporary parent-time.

2267 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger
2268 than 18 years old and is not emancipated.

2269 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of
2270 any designation of joint legal custody.

2271 (6) "Parent" means, except as provided in Section 81-13-211, an individual with an

2272 established parent-child relationship as [~~described in Section 81-5-201~~] defined in
 2273 Section 81-5-102.

2274 Section 29. Section **81-2-302** is amended to read:

2275 **81-2-302 . Marriage licenses -- Use within state -- Expiration.**

2276 (1) A marriage may not be solemnized in this state without a license issued by the county
 2277 clerk of any county of this state.

2278 (2)(a) A license issued within this state by a county clerk may only be used within this
 2279 state.

2280 (b) A license is considered used within this state if the officiant is physically present in
 2281 the state at the time of solemnization of the marriage.

2282 (c) A license is not considered used within this state when the parties to the marriage are
 2283 not physically present in the state in the same location as the officiant, unless:

2284 (i) the county issuing the marriage license posts on the county's website, in writing, a
 2285 sufficient warning that an online marriage solemnized in this state may be invalid
 2286 in the country where the parties to the marriage reside; and

2287 (ii) the officiant reiterates the warning described in Subsection (2)(c)(i) verbatim
 2288 immediately before solemnizing the marriage.

2289 (3) A warning described in Subsection (2)(c)(i) is considered sufficient if the warning:

2290 (a) appears prominently on the county's website and in the same location on the website
 2291 as an application for a marriage license;

2292 (b) is in bold type of the same or larger font size as the text of the instructions for
 2293 applying for a marriage license; and

2294 (c) is stated in full in at least English, Spanish, Portuguese, Tagalog, French, and
 2295 Mandarin Chinese on the website.

2296 [(3)] (4) A marriage is considered solemnized if:

2297 (a) the parties to the marriage have a valid marriage license;

2298 (b) each party to the marriage willingly, and without duress, declares their intent to enter
 2299 into the marriage;

2300 (c) each party to the marriage has filed all required affidavits with the county clerk that
 2301 issued the marriage license as required under Subsection [81-2-303(4)(a)]

2302 81-2-303(5)(a);

2303 (d) an officiant pronounces the parties as married; and

2304 (e) at least two individuals 18 years old or older witness the declarations of intent and
 2305 the pronouncement.

2306 [(4)] (5) A license that is not used within 32 days after the day on which the license is issued
 2307 is invalid.

2308 Section 30. Section **81-2-303** is amended to read:

2309 **81-2-303 . Application for marriage license -- Contents.**

2310 (1) A county clerk may issue a marriage license only after[:]

2311 [(a)] an application is filed with the county clerk's office, requiring the following
 2312 information:

2313 [(i)] (a) the full names of the applicants, including the maiden or bachelor name of each
 2314 applicant;

2315 [(ii)] (b) the social security numbers of the applicants, unless an applicant has not been
 2316 assigned a number;

2317 [(iii)] (c) the current address of each applicant;

2318 [(iv)] (d) the date and place of birth, including the town or city, county, state or country,
 2319 if possible;

2320 [(v)] (e) the names of the applicants' respective parents, including the maiden name of a
 2321 mother;

2322 [(vi)] (f) the birthplaces of the applicants' respective parents, including the town or city,
 2323 county, state or country, if possible; and

2324 [(vii)] (g) the age, legal name, and identity of each applicant is verified.

2325 (2) A power of attorney may not be used to secure a marriage license on behalf of a party to
 2326 a marriage.

2327 (3)(a) If one or both of the applicants is a minor, the county clerk shall provide each
 2328 minor with a standard petition on a form provided by the Judicial Council to be
 2329 presented to the juvenile court to obtain the authorization required by Section
 2330 81-2-304.

2331 (b) The form described in Subsection (3)(a) shall include:

2332 (i) all information described in Subsection (1);

2333 (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's
 2334 relationship to the minor in accordance with Subsection 81-2-304(1)(a);

2335 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described
 2336 in Section 81-2-304 signed under penalty of perjury;

2337 (iv) an affidavit for each applicant regarding the accuracy of the information
 2338 contained in the marriage application signed under penalty of perjury; and

2339 (v) a place for the clerk to sign that indicates that the following have provided

2340 documentation to support the information contained in the form:

2341 (A) each applicant; and

2342 (B) the minor's parent or legal guardian.

2343 (4)(a) The social security numbers obtained under the authority of this section may not
2344 be recorded on the marriage license and are not open to inspection as a part of the
2345 vital statistics files.

2346 (b) The [~~Department of Health and Human Services,~~]Office of Vital [~~Record~~] Records
2347 and Statistics shall, upon request, supply the social security numbers to the [
2348 ~~Department of Health and Human Services,~~]Office of Recovery Services.

2349 (c) The Office of Recovery Services may not use a social security number obtained
2350 under the authority of this section for any reason other than the administration of
2351 child support services.

2352 (5)(a) A county clerk may not issue a marriage license until the county clerk receives:

2353 (i) an affidavit from each party applying for the marriage license, stating that there is
2354 no lawful reason preventing the marriage; and

2355 (ii) if one of the parties will not be physically present in the state at the time of
2356 solemnization of the marriage, an affidavit from each party applying for the
2357 marriage license, stating that the party consents to personal jurisdiction of the
2358 state, and of the county issuing the marriage license, for the purposes of filing a
2359 divorce or annulment of the marriage.

2360 (b) A county clerk shall file and preserve each affidavit provided under this section.

2361 (c) A party who makes an affidavit described in Subsection [~~(4)(a)~~] (5)(a), or a
2362 subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of
2363 perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part
2364 5, Falsification in Official Matters.

2365 (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is
2366 guilty of a class A misdemeanor.

2367 Section 31. Section **81-2-403** is amended to read:

2368 **81-2-403 . Marriages prohibited and void.**

2369 (1) [~~The following marriages are prohibited and declared void:~~] A marriage is prohibited
2370 and void if:

2371 (a) [~~when~~]there is a spouse living from whom the individual marrying has not been
2372 divorced;

2373 (b) except as provided in Subsection (2), the individual marrying is under 18 years old;

- 2374 or
- 2375 (c) between a divorced individual and any individual other than the one from whom the
- 2376 divorce was secured until:
- 2377 (i) the divorce decree becomes absolute; and
- 2378 (ii) if an appeal is taken, until after the affirmance of the divorce decree.
- 2379 (2) A marriage of an individual under 18 years old is not void if the individual:
- 2380 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court
- 2381 authorization in accordance with Section 81-2-304; or
- 2382 (b) lawfully marries before May 14, 2019.
- 2383 Section 32. Section **81-4-104** is amended to read:
- 2384 **81-4-104 . Temporary separation order.**
- 2385 (1) An individual may file an action for a temporary separation order, without filing a
- 2386 petition for divorce, by filing a petition for temporary separation and motion for
- 2387 temporary orders if:
- 2388 (a) the individual is lawfully married to the individual from whom the separation is
- 2389 sought; and
- 2390 (b)(i) both parties are residents of the state for at least 90 days before the day on
- 2391 which the action is filed; or
- 2392 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or
- 2393 annulment under Subsection [~~81-2-303(4)(a)(ii)~~] 81-2-303(5)(a)(ii).
- 2394 (2) The temporary orders are valid for one year after the day on which the hearing for the
- 2395 order is held or until one of the following occurs:
- 2396 (a) a petition for divorce is filed and consolidated with the petition for temporary
- 2397 separation; or
- 2398 (b) the case is dismissed.
- 2399 (3) If a petition for divorce is filed and consolidated with the petition for temporary
- 2400 separation, orders entered in the temporary separation shall continue in the consolidated
- 2401 case.
- 2402 (4)(a) If the parties to the temporary separation action have a minor child, the parties
- 2403 shall attend the divorce orientation course described in Section 81-4-105:
- 2404 (i) for the petitioner, within 60 days after the day on which the petition is filed; and
- 2405 (ii) for the respondent, within 30 days after the day on which the respondent is served.
- 2406 (b) If the parties to the temporary separation action do not have a minor child, the parties
- 2407 may choose to attend the divorce orientation course described in Section 81-4-105.

- 2408 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation
2409 course requirement.
- 2410 (d) A petition shall include information regarding the divorce orientation course
2411 requirement when the petition is served on the respondent.
- 2412 (5) For a party that is unable to pay the costs of the divorce orientation course, and before
2413 the court enters a decree of divorce in the action, the court shall:
- 2414 (a) make a final determination of indigency; and
2415 (b) order the party to pay the costs of the divorce orientation course if the court
2416 determines the party is not indigent.
- 2417 (6)(a) Except for a temporary restraining order under [~~Rule 65A of the~~]Utah Rules of
2418 Civil Procedure, Rule 65A, a party may file, but the court may not hear, a motion for
2419 an order related to the temporary separation petition until the moving party completes
2420 the divorce orientation course.
- 2421 (b) It is an affirmative defense in a temporary separation action that a party has not
2422 completed the divorce orientation course and the action may not continue until a
2423 party has complied with the divorce orientation course.
- 2424 (7)(a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement
2425 that the parties attend the divorce orientation course, on the court's own motion or on
2426 the motion of one of the parties, if the court determines course attendance and
2427 completion are not necessary, appropriate, feasible, or in the best interest of the
2428 parties.
- 2429 (b) If the requirement is waived, the court may permit the temporary separation action to
2430 proceed.
- 2431 (8) The petitioner shall serve the petition for a temporary separation order in accordance
2432 with the Utah Rules of Civil Procedure.
- 2433 (9) If a party files for divorce within one year after the day on which the petition for
2434 temporary separation is filed, the filing fee for a petition for temporary separation shall
2435 be credited towards the filing fee for a divorce.
- 2436 Section 33. Section **81-5-102** is amended to read:
- 2437 **81-5-102 . Definitions for chapter.**
- 2438 As used in this chapter:
- 2439 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the
2440 father of a child.
- 2441 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic

- 2442 father or a possible genetic father of a child, but whose paternity has not been
2443 determined.
- 2444 (3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual
2445 intercourse.
- 2446 (b) "Assisted reproduction" includes:
- 2447 (i) intrauterine insemination;
- 2448 (ii) donation of eggs;
- 2449 (iii) donation of embryos;
- 2450 (iv) in vitro fertilization and transfer of embryos; or
- 2451 (v) intracytoplasmic sperm injection.
- 2452 (4)(a) "Birth mother" means the woman [that] who gives birth to the child.
- 2453 (b) "Birth mother" does not include a gestational mother.
- 2454 (5) "Child" means an individual of any age whose parentage may be determined under this
2455 chapter.
- 2456 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 2457 (7) "Child support services agency" means a public official or agency authorized under
2458 Title IV-D of the Social Security Act that has the authority to seek:
- 2459 (a) enforcement of support orders or laws relating to the duty of support;
- 2460 (b) establishment or modification of child support;
- 2461 (c) determination of parentage; or
- 2462 (d) location of child-support obligors and their income and assets.
- 2463 (8) "Commence" means to file the initial pleading seeking an adjudication of parentage in
2464 the appropriate tribunal of this state.
- 2465 (9) "Declarant father" means a male who:
- 2466 (a) along with the birth mother, claims to be the genetic father of a child; and
- 2467 (b) signs a voluntary declaration of paternity to establish the man's parentage.
- 2468 (10) "Determination of parentage" means the establishment of the parent-child relationship
2469 by:
- 2470 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of
2471 Paternity; or
- 2472 (b) adjudication by a tribunal.
- 2473 (11)(a) "Donor" means an individual who produces eggs or sperm used for assisted
2474 reproduction, whether or not for consideration.
- 2475 (b) "Donor" does not include:

- 2476 (i) a husband who provides sperm, or a wife who provides eggs, to be used for
2477 assisted reproduction by the wife;
- 2478 (ii) a woman who gives birth to a child by means of assisted reproduction, except as
2479 otherwise provided in Part 8, Gestational Agreement;
- 2480 (iii) a parent under Part 7, Assisted Reproduction; or
2481 (iv) an intended parent under Part 8, Gestational Agreement.
- 2482 (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that
2483 an individual identifies as all or part of the individual's ancestry or that is so identified
2484 by other information.
- 2485 (13) "Financial support" means:
- 2486 (a) a base child support award as defined in Section 81-6-101;
2487 (b) all past-due support that accrues under an order for current periodic payments; and
2488 (c) sum certain judgments for past-due support.
- 2489 (14)(a) "Genetic testing" means an analysis of genetic markers to exclude or identify a
2490 man as the father or a woman as the mother of a child.
- 2491 (b) "Genetic testing" includes an analysis of one or a combination of the following:
- 2492 (i) deoxyribonucleic acid; or
2493 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum
2494 enzymes, serum proteins, or red-cell enzymes.
- 2495 (15) "Gestational mother" means a woman who:
- 2496 (a) is 18 years old or older; and
2497 (b) gives birth to a child under a gestational agreement.
- 2498 (16) "Man" means a male individual of any age.
- 2499 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 2500 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 2501 (19) "Parentage" means a parent-child relationship.
- 2502 (20)(a) "Parent-child relationship" means the legal relationship between a child and a
2503 parent of the child as described in Section 81-5-201.
- 2504 (b) "Parent-child relationship" includes:
- 2505 (i) the mother-child relationship; or
2506 (ii) the father-child relationship.
- 2507 (21) "Parentage index" means the likelihood of paternity calculated by computing the ratio
2508 between:
- 2509 (a) the likelihood that the tested man is the father, based on the genetic markers of the

- 2510 tested man and child, conditioned on the hypothesis that the tested man is the father
2511 of the child; and
- 2512 (b) the likelihood that the tested man is not the father, based on the genetic markers of
2513 the tested man and child, conditioned on the hypothesis that the tested man is not the
2514 father of the child and that the father is of the same ethnic or racial group as the
2515 tested man.
- 2516 (22) "Presumed father" means a man who, by operation of law under Section 81-5-204, is
2517 recognized as the father of a child until that status is rebutted or confirmed in accordance
2518 with this chapter.
- 2519 (23) "Probability of parentage" means the measure, for the ethnic or racial group to which
2520 the alleged father belongs, of the probability that the man in question is the father of the
2521 child, compared with a random, unrelated man of the same ethnic or racial group,
2522 expressed as a percentage incorporating the parentage index and a prior probability.
- 2523 (24) "Record" means information that is inscribed on a tangible medium or that is stored in
2524 an electronic or other medium and is retrievable in perceivable form.
- 2525 (25) "Signatory" means an individual who authenticates a record and is bound by the
2526 record's terms.
- 2527 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
2528 United States Virgin Islands, any territory, Native American Tribe, or insular possession
2529 subject to the jurisdiction of the United States.
- 2530 (27) "Support" means the same as that term is defined in Section 81-6-101.
- 2531 (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity
2532 authorized to establish, enforce, or modify support orders or to determine parentage.
- 2533 (29) "Unmarried biological father" means the same as that term is defined in Section
2534 81-13-101.
- 2535 Section 34. Section **81-5-204** is amended to read:
- 2536 **81-5-204 . Presumption of parentage.**
- 2537 (1) A man is presumed to be the father of a child if:
- 2538 (a) the man and the birth mother of the child are married to each other and the child is
2539 born during the marriage;
- 2540 (b) the man and the birth mother of the child were married to each other and the child is
2541 born within 300 days after the marriage is terminated by death, annulment,
2542 declaration of invalidity, or divorce, or after a decree of separation;
- 2543 (c) before the birth of the child, the man and the birth mother of the child married each

2544 other in apparent compliance with law, even if the attempted marriage is or could be
 2545 declared invalid, and the child is born during the invalid marriage or within 300 days
 2546 after the marriage's termination by death, annulment, declaration of invalidity, or
 2547 divorce or after a decree of separation; or

2548 (d) after the birth of the child, the man and the birth mother of the child married each
 2549 other in apparent compliance with law, whether ~~[or not]~~ the marriage is, or could be
 2550 declared, invalid, the man voluntarily asserted the man's parentage of the child, and
 2551 there is no other presumptive father of the child, and:

2552 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;

2553 (ii) the man agreed to be and is named as the child's father on the child's birth
 2554 certificate; or

2555 (iii) the man promised in a record to support the child as his own.

2556 (2) A man is not presumed to be the father of a child not named in a divorce decree if:

2557 (a) the child was born at the time of entry of the divorce decree; and

2558 (b) there are children named in the divorce decree and the children have a mother-child
 2559 relationship described in Section 81-5-201 with the same mother as the child.

2560 ~~[(2)]~~ (3) A presumption of parentage established under this section may only be rebutted in
 2561 accordance with Section 81-5-607.

2562 ~~[(3)]~~ (4) If a child has an adjudicated father, the results of genetic testing are inadmissible to
 2563 challenge parentage except as described in Section 81-5-607.

2564 Section 35. Section **81-5-608** is amended to read:

2565 **81-5-608 . Authority to deny motion for genetic testing or disregard test results.**

2566 ~~[(1) In a proceeding to adjudicate the parentage of a child having a presumed father or to~~
 2567 ~~challenge the parentage of a child having a declarant father, the tribunal may deny a~~
 2568 ~~motion seeking an order for genetic testing of the birth mother, the child, and the~~
 2569 ~~presumed or declarant father, or if testing has been completed, the tribunal may~~
 2570 ~~disregard genetic test results that exclude the presumed or declarant father if the tribunal~~
 2571 ~~determines that:]~~

2572 (1) As used in this section, "possible father" means a man who had a sexual relationship
 2573 with the birth mother of a child that gave rise to a reasonable belief that the man was the
 2574 genetic father of the child.

2575 (2) In a proceeding to adjudicate the parentage of a child, the tribunal may:

2576 (a) deny a motion seeking an order for genetic testing; or

2577 (b) disregard the genetic test results that exclude the presumed father, declarant father, or

- 2578 possible father if testing has been completed and the tribunal determines that:
- 2579 [(a)] (i) the conduct of the birth mother or [~~the presumed or declarant father~~] the
- 2580 presumed father, declarant father, or possible father estops that party from
- 2581 denying parentage; and
- 2582 [(b)] (ii) it would be inequitable to disrupt the parent-child relationship between the
- 2583 child and [~~the presumed or declarant father~~] the presumed father, declarant father,
- 2584 or possible father.
- 2585 [(2)] (3) In determining whether to deny a motion seeking an order for genetic testing or to
- 2586 disregard genetic test results under this section, the tribunal shall consider the best
- 2587 interest of the child, including the following factors:
- 2588 (a) the length of time between the proceeding to adjudicate parentage and the time that [
- 2589 ~~the presumed or declarant father~~] the presumed father, declarant father, or possible
- 2590 father was placed on notice that [~~the presumed or declarant father~~] the presumed
- 2591 father, declarant father, or possible father might not be the genetic father of the child;
- 2592 (b) the length of time during which [~~the presumed or declarant father~~] the presumed
- 2593 father, declarant father, or possible father has assumed the role of parent of the child;
- 2594 (c) the facts surrounding [~~the presumed or declarant father's~~] the presumed father's,
- 2595 declarant father's, or possible father's discovery of the [~~father's~~] their possible
- 2596 nonparentage;
- 2597 (d) the nature of the relationship between the child and [~~the presumed or declarant father~~]
- 2598 the presumed father, declarant father, or possible father;
- 2599 (e) the age of the child;
- 2600 (f) the harm that may result to the child if presumed or declared parentage is
- 2601 successfully disestablished;
- 2602 (g) the nature of the relationship between the child and any alleged father;
- 2603 (h) the extent to which the passage of time reduces the chances of establishing the
- 2604 parentage of another individual and a child-support obligation in favor of the child;
- 2605 and
- 2606 (i) other factors that may affect the equities arising from the disruption of the
- 2607 parent-child relationship between the child and [~~the presumed or declarant father~~] the
- 2608 presumed father, declarant father, or possible father or the chance of other harm to
- 2609 the child.
- 2610 [(3)] (4) If the tribunal denies a motion seeking an order for genetic testing or disregards
- 2611 genetic test results that exclude [~~the presumed or declarant father~~] the presumed father,

2612 declarant father, or possible father, the tribunal shall issue an order adjudicating [~~the~~
2613 ~~presumed or declarant father]~~ the presumed father, declarant father, or possible father to
2614 be the father of the child.

2615 Section 36. Section **81-5-609** is amended to read:

2616 **81-5-609 . Limitation -- Child having declarant father.**

- 2617 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [
2618 ~~parentage]~~ paternity or a child support services agency may commence a proceeding
2619 seeking to rescind the declaration or denial or challenge the parentage of the child only
2620 within the time allowed under Section 81-5-306 or 81-5-307.
- 2621 (2) A proceeding under this section is subject to the application of the principles of estoppel
2622 established in Section 81-5-608.

2623 Section 37. Section **81-5-705** is amended to read:

2624 **81-5-705 . Limitation on husband's dispute of paternity.**

- 2625 (1) Except as otherwise provided in Subsection (2), the husband of a wife who gives birth
2626 to a child by means of assisted reproduction may not challenge the husband's paternity
2627 of the child unless:
- 2628 (a) within two years after learning of the birth of the child the husband commences a
2629 proceeding to adjudicate the husband's paternity; and
- 2630 (b) the tribunal finds that the [~~spouse]~~ husband did not consent to the assisted
2631 reproduction, before or after the birth of the child.
- 2632 (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal
2633 determines that:
- 2634 (a) the husband did not provide sperm for, or before or after the birth of the child
2635 consent to, assisted reproduction by the husband's wife;
- 2636 (b) the husband and the birth mother of the child have not cohabited since the probable
2637 time of assisted reproduction; and
- 2638 (c) the husband never openly treated the child as the husband's own.
- 2639 (3) The limitation provided in this section applies to a marriage declared invalid after
2640 assisted reproduction.

2641 Section 38. Section **81-6-101** is amended to read:

2642 **81-6-101 . Definitions for chapter.**

2643 As used in this chapter:

- 2644 (1) "Administrative agency" means the Office of Recovery Services or the Department of
2645 Health and Human Services.

- 2646 (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.
- 2647 (3) "Alimony" means the same as that term is defined in Section 81-4-101.
- 2648 (4) "Base child support award" means the award that may be ordered and is calculated
2649 using the child support guidelines before additions for medical expenses and
2650 work-related child care costs.
- 2651 (5) "Base combined child support obligation" means the presumed amount of child support
2652 that the parents should provide for their child as described in Subsection 81-6-204(1).
- 2653 (6) "Base combined child support obligation table" means the table described in Section
2654 81-6-304.
- 2655 (7) "Child" means:
- 2656 (a) a son or daughter who is under 18 years old and who is not otherwise emancipated,
2657 self-supporting, married, or a member of the armed forces of the United States;
- 2658 (b) a son or daughter who is 18 years old or older while enrolled in high school during
2659 the normal and expected year of graduation and not otherwise emancipated,
2660 self-supporting, married, or a member of the armed forces of the United States; or
- 2661 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to
2662 provide some financial resources to the family, is not able to support self by own
2663 means.
- 2664 (8)(a) "Child support" means a base child support award, or a monthly financial award
2665 for uninsured medical expenses, ordered by a tribunal for the support of a child.
- 2666 (b) "Child support" includes current periodic payments, arrearages that accrue under an
2667 order for current periodic payments, and sum certain judgments awarded for
2668 arrearages, medical expenses, and child care costs.
- 2669 (9) "Child support guidelines" means the calculation and application of child support as
2670 described in Part 2, Calculation and Adjustment of Child Support.
- 2671 (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether
2672 temporary, final, or subject to modification, that:
- 2673 (a) establishes or modifies child support;
- 2674 (b) reduces child support arrearages to judgment; or
- 2675 (c) establishes child support or registers a child support order under Chapter 8, Uniform
2676 Interstate Family Support Act.
- 2677 (11) "Child support tables" means the tables described in [~~Part 3, Child Support Tables~~]
2678 Sections 81-6-304 and 81-6-305.
- 2679 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.

- 2680 (13) "Gross income" means the amount of income calculated for a parent as described in
2681 Section 81-6-203.
- 2682 (14) "Health care coverage" means coverage under which medical services are provided to
2683 a child through:
2684 (a) fee for service;
2685 (b) a health maintenance organization;
2686 (c) a preferred provider organization;
2687 (d) any other type of private health insurance; or
2688 (e) public health care coverage.
- 2689 (15)(a) "Incarceration" means the placement of an obligor who has been ordered to pay
2690 child support into a carceral setting in which the obligor is not permitted to earn
2691 wages from employment outside of the carceral setting.
2692 (b) "Incarceration" does not include being placed on probation, parole, or work release.
- 2693 (16)(a) "Income" means earnings, compensation, or other payment due to an individual,
2694 regardless of source, whether denominated as wages, salary, commission, bonus, pay,
2695 allowances, contract payment, or otherwise, including severance pay, sick pay, and
2696 incentive pay.
2697 (b) "Income" includes:
2698 (i) all gain derived from capital assets, labor, or both, including profit gained through
2699 sale or conversion of capital assets;
2700 (ii) interest and dividends;
2701 (iii) periodic payments made under pension or retirement programs or insurance
2702 policies of any type;
2703 (iv) unemployment compensation benefits;
2704 (v) workers' compensation benefits; and
2705 (vi) disability benefits.
- 2706 (17) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 2707 (18) "Low income table" means the table described in Section 81-6-305.
- 2708 (19) "Medical expenses" means health and dental expenses and related insurance costs.
- 2709 (20) "Minimal child care award" means a minimum amount that an obligor has to pay each
2710 month for the monthly expense of child care.
- 2711 [~~20~~] (21) "Minor child" means a child who is younger than 18 years old.
- 2712 [~~21~~] (22) "Obligee" means an individual, this state, another state, or another comparable
2713 jurisdiction to whom child support is owed or who is entitled to reimbursement of child

- 2714 support or public assistance.
- 2715 [~~(22)~~] (23) "Obligor" means a person owing a duty of support.
- 2716 [~~(23)~~] (24) "Office" means the Office of Recovery Services within the Department of Health
2717 and Human Services.
- 2718 [~~(24)~~] (25) "Ongoing expense for child care" means a periodic payment that an
2719 administrative agency or court orders an obligor parent to pay to assist with the child
2720 care expenses of the obligor parent's child.
- 2721 [~~(25)~~] (26) "Pregnancy expenses" means an amount equal to:
- 2722 (a) the sum of a pregnant mother's:
- 2723 (i) health insurance premiums while pregnant that are not paid by an employer or
2724 government program; and
- 2725 (ii) medical costs related to the pregnancy, incurred after the date of conception and
2726 before the pregnancy ends; and
- 2727 (b) minus any portion of the amount described in Subsection [~~(25)~~](a) (26)(a) that a court
2728 determines is equitable based on the totality of the circumstances, not including any
2729 amount paid by the mother or father of the child.
- 2730 [~~(26)~~] (27) "Split custody" means that each parent has physical custody of at least one of the
2731 children.
- 2732 [~~(27)~~] (28) "State" means a state, territory, possession of the United States, the District of
2733 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other
2734 comparable domestic or foreign jurisdiction.
- 2735 [~~(28)~~] (29) "Support" means past-due, present, and future obligations to provide for the
2736 financial support, maintenance, or medical expenses of a child.
- 2737 [~~(29)~~] (30) "Support order" means:
- 2738 (a) a child support order; or
- 2739 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to
2740 modification, for alimony.
- 2741 [~~(30)~~] (31) "Suspension" means adjusting a child support order to zero dollars during the
2742 period of an obligor's incarceration.
- 2743 [~~(31)~~] (32) "Temporary" means a period of time that is projected to be less than 12 months
2744 in duration.
- 2745 [~~(32)~~] (33) "Third party" means an agency or a person other than a parent or a child who
2746 provides care, maintenance, and support to a child.
- 2747 [~~(33)~~] (34) "Tribunal" means the district court, the Department of Health and Human

2748 Services, Office of Recovery Services, or court or administrative agency of a state,
2749 territory, possession of the United States, the District of Columbia, the Commonwealth
2750 of Puerto Rico, Native American tribe, or other comparable domestic or foreign
2751 jurisdiction.

2752 [(34)] (35) "Work-related child care expenses" means reasonable child care costs for up to a
2753 full-time work week or training schedule as necessitated by the employment or training
2754 of a parent.

2755 [(35)] (36) "Worksheet" means a form used to aid in calculating the base child support
2756 award.

2757 Section 39. Section **81-6-202** is amended to read:

2758 **81-6-202 . Determination of amount of child support -- Application of child**
2759 **support guidelines -- Requirements for child support order.**

2760 (1)(a) If a prior child support order does not exist, a substantial change in circumstances
2761 has occurred, or a petition to modify a child support order as described in Section
2762 81-6-212 is filed, the court determining the amount of prospective child support shall
2763 require each party to file a proposed award of child support using the child support
2764 guidelines before the court enters or modifies a child support order.

2765 (b) When no prior child support order exists, the court or administrative agency shall
2766 determine and assess all arrearages based upon the child support guidelines.

2767 (2)(a) The court or administrative agency shall apply the child support guidelines as a
2768 rebuttable presumption in establishing or modifying the amount of temporary or
2769 permanent child support.

2770 (b) The rebuttable presumption means the provisions and considerations required by the
2771 child support guidelines, the award amounts resulting from the application of the
2772 child support guidelines, and the use of worksheets consistent with the child support
2773 guidelines are presumed to be correct, unless the child support guidelines are rebutted
2774 in accordance with this section.

2775 (3)(a) A written finding or specific finding on the record supporting the conclusion that
2776 complying with a provision of the child support guidelines or ordering an award
2777 amount resulting from use of the child support guidelines would be unjust,
2778 inappropriate, or not in the best interest of a child in a particular case is sufficient to
2779 rebut the presumption in that case.

2780 (b) If an order rebuts the presumption through findings, the order is considered a
2781 deviated order.

- 2782 (4) The following are considered deviations from the child support guidelines, if:
- 2783 (a) the order includes a written finding that the order is a deviation from the child
- 2784 support guidelines;
- 2785 (b) the worksheet has:
- 2786 (i) the box checked for a deviation; and
- 2787 (ii) an explanation as to the reason; or
- 2788 (c) the deviation is made because there were more children than provided for in the child
- 2789 support tables.
- 2790 (5) If the amount in the order and the amount on the worksheet differ by \$10 or more:
- 2791 (a) the order is considered deviated; and
- 2792 (b) the incomes listed on the worksheet may not be used in adjusting support for
- 2793 emancipation as described in Section 81-6-213.
- 2794 (6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection
- 2795 (3), the court shall establish child support after considering all relevant factors, including:
- 2796 (a) the standard of living and situation of the parties;
- 2797 (b) the relative wealth and income of the parties;
- 2798 (c) the ability of the obligor to earn;
- 2799 (d) the ability of the obligee to earn;
- 2800 (e) the ability of an incapacitated adult child to earn, or other benefits received by the
- 2801 adult child or on the adult child's behalf including Supplemental Security Income;
- 2802 (f) the needs of the obligee, the obligor, and the child;
- 2803 (g) the ages of the parties; and
- 2804 (h) the responsibilities of the obligor and the obligee for the support of others.
- 2805 (7)(a) If there are children of either parent who live in the home of that parent and are
- 2806 not children in common to both parties, the court or administrative agency, at the
- 2807 option of either party, may take into account the children under the child support
- 2808 guidelines in setting a base child support award as described in Subsection (8).
- 2809 (b) Additional worksheets shall be prepared that calculate the base child support award
- 2810 of the respective parents for the additional children.
- 2811 (c) The court or administrative agency shall subtract the base child support award
- 2812 calculated under Subsection (7)(b) from the appropriate parent's income before
- 2813 determining the award in the case described in Subsection (7)(a).
- 2814 (8) In a proceeding to adjust or modify a child support order, the court or administrative
- 2815 agency may consider children, who are born after the entry of the child support order

- 2816 and are not in common to both parties, to mitigate an increase in the award, but the court
2817 or administrative agency may not consider the children:
- 2818 (a) for the benefit of the obligee if the credit would increase the support obligation of the
2819 obligor from the most recent child support order; or
- 2820 (b) for the benefit of the obligor if the amount of support received by the obligee would
2821 be decreased from the most recent child support order.
- 2822 (9) A stipulated amount for child support or combined child support and alimony is
2823 adequate under the child support guidelines if the stipulated child support amount or
2824 combined amount equals or exceeds the base child support award required by the child
2825 support guidelines.
- 2826 (10) The court shall include the following provisions in a child support order:
- 2827 (a) a provision establishing the monthly amount of child support obligation for each
2828 parent in accordance with the child support guidelines;
- 2829 (b) a provision assigning responsibility for the payment of reasonable and necessary
2830 medical expenses for the child as described in Section 81-6-208;
- 2831 (c) a provision requiring the purchase and maintenance of appropriate health care
2832 insurance for the medical expenses of the child as described in Section 81-6-208 if
2833 health care insurance is or becomes available at a reasonable cost;
- 2834 (d) a provision regarding the child care expenses [~~and costs~~] as described in Section
2835 81-6-209;
- 2836 (e) a provision regarding each parent's right to claim a child as a tax exemption for
2837 federal and state income tax purposes in accordance with Section 81-6-210;
- 2838 (f) provisions for income withholding as a means of collecting child support, in
2839 accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,
2840 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
- 2841 (g) a provision regarding a parent's opportunity to adjust a child support order as
2842 described in Section 81-6-212.
- 2843 (11) The office shall include the provisions described in Section 26B-9-224 in a child
2844 support order.
- 2845 Section 40. Section **81-6-209** is repealed and reenacted to read:
- 2846 **81-6-209 . Requirements for a child support order regarding child care expenses**
2847 **-- Actual expenses.**
- 2848 (1)(a) Except as otherwise provided in this section, the court or administrative agency
2849 shall require in a child support order that:

- 2850 (i) each parent share equally the reasonable work-related child care expenses of the
2851 parents; and
- 2852 (ii) the obligor pay a minimal child care award to the obligee if the court or
2853 administrative agency is entering or modifying the child support order on or after
2854 January 1, 2027.
- 2855 (b) The court or administrative agency may not order a minimal child care award under
2856 Subsection (1)(a)(ii) if the obligor's child support obligation is calculated using the
2857 low income table.
- 2858 (2)(a) The court or administrative agency shall presume under Subsection (1) that
2859 work-related child care expenses should be included in a child support order if a
2860 parent, during extended parent-time, is working and actually incurring expenses for
2861 child care.
- 2862 (b) The presumption under Subsection (2)(a) is rebutted if:
- 2863 (i) the obligor's base child support award, in combination with the award of medical
2864 expenses, exceeds 50% of the obligor's adjusted gross income; or
- 2865 (ii) by adding the child care expenses, the obligor's child support obligation would
2866 exceed 50% of the obligor's adjusted gross income.
- 2867 (3)(a) The court or administrative agency may award child care expenses on a
2868 case-by-case basis if the child care expenses are related to the employment and
2869 occupational training of the custodial parent or the child care expenses would be in
2870 the interest of justice.
- 2871 (b) The court or administrative agency may assign financial responsibility in a child
2872 support order for all or a portion of child care expenses incurred on behalf of a child
2873 due to the employment or occupational training of the custodial parent.
- 2874 (4)(a) The court or administrative agency may impute a monthly obligation for child
2875 care expenses when the court imputes income to a parent who is providing child care
2876 for the child so that the parties are not incurring child care expenses for the child.
- 2877 (b) The court shall apply any monthly obligation imputed under Subsection (4)(a)
2878 towards any actual child care expenses incurred within the same month for the child.
- 2879 (5)(a) The court shall require each party to file a proposed minimal child care award
2880 before the court makes a determination under Subsection (1)(a)(ii).
- 2881 (b) To calculate a minimal child care award under Section (1)(a)(ii), the court or
2882 administrative agency shall:
- 2883 (i) use the combined adjusted average monthly gross income of the parents as

- 2884 calculated for the base child support award under Section 81-6-204; and
- 2885 (ii) locate the minimum child care award for each child in the minimum child care
- 2886 award table in Section 81-6-306 by finding:
- 2887 (A) the combined adjusted average monthly gross income in the table;
- 2888 (B) the age of the child in the table; and
- 2889 (C) combining the amounts in the table for each child to determine the minimal
- 2890 child care award.
- 2891 (c) The court or administrative agency shall presume that the amount calculated under
- 2892 Subsection (5)(b) for the minimal child care award is the amount that the obligor
- 2893 should pay under Subsection (1)(a)(ii).
- 2894 (d) The presumption described in Subsection (5)(c) is rebuttable upon:
- 2895 (i) an agreement of the parties that is acceptable to the court or administrative agency;
- 2896 (ii) the court or administrative agency determining that the evidence presented favors
- 2897 a different minimum child care award; or
- 2898 (iii) a showing, by a preponderance of the evidence, that a different minimum child
- 2899 care award is in the best interest of the child.
- 2900 (e) Notwithstanding Subsection (5)(b) or (c), the court or administrative agency may set
- 2901 the minimal child care award under Subsection (1)(a)(ii) at zero dollars upon a
- 2902 showing, by a preponderance of the evidence, that child care expenses will not be
- 2903 incurred.
- 2904 (f) If a child is in the custody of the state and placed in a facility that is managed by the
- 2905 state, the obligor does not owe the child's portion of the minimal child care award for
- 2906 any month that the child is in the facility.
- 2907 (g) If a minimal child care award is calculated using the minimal child care award table
- 2908 in Section 81-6-306, the minimal child care award in a child support order shall be
- 2909 automatically adjusted to the appropriate amount in the minimal child care award
- 2910 table as the child ages without the need of the court or administrative agency to
- 2911 modify the order.
- 2912 (h) The minimal child care award for a child shall terminate at the earlier of:
- 2913 (i) the child turning 13 years old; or
- 2914 (ii) the child becoming emancipated as that term is defined in Section 81-6-213.
- 2915 (6) In the absence of a court order to the contrary, a parent who incurs a child care expense
- 2916 shall provide written verification of the expense and identity of a child care provider to
- 2917 the other parent upon initial engagement of a provider and thereafter on the request of

2918 the other parent.

2919 (7)(a) In the absence of a court order to the contrary, the parent shall notify the other
 2920 parent of any change of a child care provider, any change in the monthly expense of
 2921 child care, or the termination of child care within 30 calendar days after the day on
 2922 which the change occurred.

2923 (b) The notification requirement described in Subsection (7)(a) does not apply if there is
 2924 a protective order or stalking injunction in effect that prohibits a parent from
 2925 contacting the other parent.

2926 (8) The court may deny a parent incurring work-related child care expenses the right to
 2927 receive credit for the expenses or to recover the other parent's share of the expenses if
 2928 the parent incurring the expenses fails to comply with this section.

2929 Section 41. Section **81-6-213** is amended to read:

2930 **81-6-213 . Automatic adjustment of base child support award.**

2931 (1) As used in this section, "emancipated" means:

2932 (a) the child becomes 18 years old or graduates from high school during the child's
 2933 normal and expected year of graduation, whichever occurs later;

2934 (b) the child dies, marries, or becomes a member of the armed forces of the United
 2935 States;

2936 (c) the child is emancipated in accordance with Title 80, Chapter 7, Emancipation; or

2937 (d) the obligor's parental rights are terminated by a court in accordance with Title 80,
 2938 Chapter 4, Termination and Restoration of Parental Rights.

2939 ~~[(+)]~~ (2) Except as otherwise provided in the child support order, the base child support
 2940 award is automatically adjusted to the base child support award for the remaining
 2941 number of children due child support, without the need to modify the most recent child
 2942 support order by a court, when a child[:] is emancipated.

2943 ~~[(a) becomes 18 years old or graduates from high school during the child's normal and~~
 2944 ~~expected year of graduation, whichever occurs later;]~~

2945 ~~[(b) dies, marries, becomes a member of the armed forces of the United States; or]~~

2946 ~~[(c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.]~~

2947 ~~[(2)]~~ (3) The base child support award is adjusted as described in Subsection ~~[(+)]~~ (2) by
 2948 using:

2949 (a) the child support table that was used to establish the most recent child support order[
 2950 and by using] ; and

2951 (b) [-]the income of the parties as specified in the most recent child support order or the

2952 worksheets.

2953 [(3)] (4) The base child support award may not be reduced by a per child amount derived
 2954 from the base child support award originally ordered.

2955 [(4)] (5) If the incomes of the parties are not specified in the most recent child support order
 2956 or the worksheets, the information regarding the incomes is not consistent, or the order
 2957 deviates from the child support guidelines, the base child support award is not
 2958 automatically adjusted under Subsection [(1)] (2) and the child support order will
 2959 continue until modified by the issuing tribunal.

2960 [(5)] (6) If the child support order is deviated and the parties subsequently obtain a court
 2961 order that adjusts the amount of child support back to the date of the emancipation of the
 2962 child, the office may not be required to repay any difference in the child support
 2963 collected during the interim.

2964 Section 42. Section **81-6-306** is enacted to read:

2965 **81-6-306 . Minimal child care award table -- Child support orders on or after**
 2966 **January 1, 2027.**

2967 The following table is used to:

- 2968 (1) establish a minimal child care award for a child support order established on or after
 2969 January 1, 2027, if the low income table was not used in the calculation of child support;
 2970 and
- 2971 (2) modify a minimal child care award for a child support order modified on or after
 2972 January 1, 2027.

<u>Combined Monthly Ad- justed Gross In- come</u>		<u>Age of the Child</u>			
		<u>0 to 23 Months Old</u>	<u>2 to 3 Years Old</u>	<u>4 to 5 Years Old</u>	<u>6 to 12 Years Old</u>
<u>From</u>	<u>To</u>				
<u>\$0-</u>	<u>\$4,752</u>	<u>\$225</u>	<u>\$263</u>	<u>\$263</u>	<u>\$204</u>
<u>\$4,573-</u>	<u>\$6,911</u>	<u>\$325</u>	<u>\$313</u>	<u>\$300</u>	<u>\$300</u>
<u>\$6,912-</u>	<u>\$10,140</u>	<u>\$410</u>	<u>\$338</u>	<u>\$338</u>	<u>\$305</u>
<u>\$10,141-</u>	<u>\$14,999</u>	<u>\$420</u>	<u>\$345</u>	<u>\$345</u>	<u>\$325</u>

2980	<u>\$15,000-</u>	<u>More than</u>	<u>\$450</u>	<u>\$375</u>	<u>\$375</u>	<u>\$363</u>
		<u>\$15,000</u>				

2981 Section 43. Section **81-9-202** is amended to read:

2982 **81-9-202 . Advisory guidelines for a custody and parent-time arrangement.**

2983 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,
 2984 the following advisory guidelines are suggested to govern a custody and parent-time
 2985 arrangement between parents.

2986 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a
 2987 court-imposed solution.

2988 (3) A parent-time schedule shall be used to maximize the continuity and stability of the
 2989 minor child's life.

2990 (4) Each parent shall give special consideration to make the minor child available to attend
 2991 family functions including funerals, weddings, family reunions, religious holidays,
 2992 important ceremonies, and other significant events in the life of the minor child or in the
 2993 life of either parent which may inadvertently conflict with the parent-time schedule.

2994 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return of
 2995 the minor child when the parent-time order is entered.

2996 (b) The court may change the responsibility described in Subsection (5)(a) at any time a
 2997 subsequent modification is made to the parent-time order.

2998 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:

2999 (i) have the minor child ready for parent-time at the time the minor child is to be
 3000 picked up; and

3001 (ii) be present at the custodial home or make reasonable alternate arrangements to
 3002 receive the minor child at the time the minor child is returned.

3003 (d) If the custodial parent will be transporting the minor child, the noncustodial parent
 3004 shall:

3005 (i) be at the appointed place at the time the noncustodial parent is to receive the
 3006 minor child; and

3007 (ii) have the minor child ready to be picked up at the appointed time and place or
 3008 have made reasonable alternate arrangements for the custodial parent to pick up
 3009 the minor child.

3010 (6) A parent may not interrupt regular school hours for a school-age minor child for the
 3011 exercise of parent-time.

3012 (7) The court may:

- 3013 (a) make alterations in the parent-time schedule to reasonably accommodate the work
3014 schedule of both parents; and
- 3015 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
3016 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 3017 (8) The court may make alterations in the parent-time schedule to reasonably accommodate
3018 the distance between the parties and the expense of exercising parent-time.
- 3019 (9) A parent may not withhold parent-time or child support due to the other parent's failure
3020 to comply with a court-ordered parent-time schedule.
- 3021 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of
3022 receiving notice of all significant school, social, sports, and community functions in
3023 which the minor child is participating or being honored.
- 3024 (b) The noncustodial parent is entitled to attend and participate fully in the functions
3025 described in Subsection (10)(a).
- 3026 (c) The noncustodial parent shall have access directly to all school reports including
3027 preschool and daycare reports and medical records.
- 3028 (d) A parent shall immediately notify the other parent in the event of a medical
3029 emergency.
- 3030 (11) Each parent shall provide the other with the parent's current address and telephone
3031 number, email address, and other virtual parent-time access information within 24 hours
3032 of any change.
- 3033 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable and
3034 uncensored communications with the minor child, in the form of mail privileges and
3035 virtual parent-time if the equipment is reasonably available.
- 3036 (b) If the parents cannot agree on whether the equipment is reasonably available, the
3037 court shall decide whether the equipment for virtual parent-time is reasonably
3038 available by taking into consideration:
- 3039 (i) the best interests of the minor child;
- 3040 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 3041 (iii) any other factors the court considers material.
- 3042 (13)(a) Parental care is presumed to be better care for the minor child than surrogate care.
- 3043 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
3044 parent, if willing and able to transport the minor child, to provide the child care.
- 3045 (c) Child care arrangements existing during the marriage are preferred as are child care
3046 arrangements with nominal or no charge.

- 3047 (14) Each parent shall:
- 3048 (a) provide all surrogate care providers with the name, current address, and telephone
- 3049 number of the other parent; and
- 3050 (b) provide the noncustodial parent with the name, current address, and telephone
- 3051 number of all surrogate care providers unless the court for good cause orders
- 3052 otherwise.
- 3053 (15)(a) Each parent is entitled to an equal division of major religious holidays celebrated
- 3054 by the parents.
- 3055 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
- 3056 shall have the right to be together with the minor child on the religious holiday.
- 3057 (16) If the minor child is on a different parent-time schedule than a sibling, based on
- 3058 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
- 3059 parent-time with all the minor children so that parent-time is uniform between school
- 3060 aged and nonschool aged children, is appropriate.
- 3061 (17)(a) When one or both parents are servicemembers or contemplating joining a
- 3062 uniformed service, the parents should resolve issues of custodial responsibility in the
- 3063 event of deployment as soon as practicable through reaching a voluntary agreement
- 3064 pursuant to Section 81-10-201 or through court order obtained pursuant to this part.
- 3065 (b) Service members shall ensure their family care plan reflects orders and agreements
- 3066 entered and filed pursuant to Chapter 10, Uniform Deployed Parents Custody, [
- 3067 ~~Parent-time~~] Parent-Time, and Visitation Act.
- 3068 (18) A parent shall immediately notify the other parent if:
- 3069 (a) the parent resides with an individual or provides an individual with access to the
- 3070 minor child; and
- 3071 (b) the parent knows that the individual:
- 3072 (i) is required to register as a sex offender, a kidnap offender, or a child abuse
- 3073 offender for an offense committed against a minor child under Title 53, Chapter
- 3074 29, Sex, Kidnap, and Child Abuse Offender Registry; or
- 3075 (ii) has been convicted of an offense described in:
- 3076 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,~~
- 3077 ~~76-5-109.4, 76-5-114, or 76-5-208;~~]
- 3078 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4,~~
- 3079 ~~Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or~~
- 3080 ~~76-5-419;~~]

3081 ~~[(C) an offense for kidnapping or human trafficking of a minor child under Title~~
 3082 ~~76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;]~~

3083 ~~[(D) a sexual exploitation offense against a minor child under Title 76, Chapter~~
 3084 ~~5b, Sexual Exploitation Act; or]~~

3085 (A) Section 76-5-109, child abuse;

3086 (B) Section 76-6-109.2, aggravated child abuse;

3087 (C) Section 76-5-109.3, child abandonment;

3088 (D) Section 76-5-109.4, child torture;

3089 (E) Section 76-5-114, commission of domestic violence in the presence of a child;

3090 (F) Section 76-5-208, child abuse homicide;

3091 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for
 3092 which the victim was younger than 18 years old;

3093 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger
 3094 than 18 years old; or

3095 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was
 3096 younger than 18 years old; or

3097 ~~[(E)] (iii) has been convicted of an offense that is substantially similar to an offense~~
 3098 ~~under [Subsections (18)(b)(ii)(A) through (D)]. Subsection (18)(b)(ii).~~

3099 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the
 3100 parent shall provide the following information to the other parent:

3101 (i) an itinerary of travel dates;

3102 (ii) destinations;

3103 (iii) places where the minor child or traveling parent can be reached; and

3104 (iv) the name and telephone number of an available third person who would be
 3105 knowledgeable of the minor child's location.

3106 (b) The notification requirement described in Subsection (19)(a) does not apply if there
 3107 is a protective order or stalking injunction in effect that prohibits a parent from
 3108 contacting the other parent.

3109 ~~[(b)] (c) Unchaperoned travel of a minor child under [the age of five years] five years old~~
 3110 ~~is not recommended.~~

3111 Section 44. Section **81-9-204** is amended to read:

3112 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**

3113 **Preferences.**

3114 (1) In a proceeding between parents in which the custody and parent-time of a minor child

- 3115 is at issue, the court shall consider the best interests of the minor child in determining
3116 any form of custody and parent-time.
- 3117 (2) The court shall determine whether an order for custody or parent-time is in the best
3118 interests of the minor child by a preponderance of the evidence.
- 3119 (3) In determining any form of custody and parent-time under Subsection (1), the court
3120 shall consider:
- 3121 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
3122 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
3123 household member of the parent;
- 3124 (b) whether the parent has intentionally exposed the minor child to:
- 3125 (i) pornography; or
3126 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in
3127 Section 76-5c-101; and
- 3128 (c) whether custody and parent-time would endanger the minor child's health or physical
3129 or psychological safety.
- 3130 (4) In determining the form of custody and parent-time that is in the best interests of the
3131 minor child, the court may consider, among other factors the court finds relevant, the
3132 following for each parent:
- 3133 (a) evidence of psychological maltreatment;
- 3134 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
3135 developmental needs of the minor child, including the minor child's:
- 3136 (i) physical needs;
3137 (ii) emotional needs;
3138 (iii) educational needs;
3139 (iv) medical needs; and
3140 (v) any special needs;
- 3141 (c) the parent's capacity and willingness to function as a parent, including:
- 3142 (i) parenting skills;
3143 (ii) co-parenting skills, including:
- 3144 (A) ability to appropriately communicate with the other parent;
3145 (B) ability to encourage the sharing of love and affection; and
3146 (C) willingness to allow frequent and continuous contact between the minor child
3147 and the other parent, except that, if the court determines that the parent is
3148 acting to protect the minor child from domestic violence, neglect, or abuse, the

- 3149 parent's protective actions may be taken into consideration; and
- 3150 (iii) ability to provide personal care rather than surrogate care;
- 3151 (d) the past conduct and demonstrated moral character of the parent as described in
- 3152 Subsection (9);
- 3153 (e) the emotional stability of the parent;
- 3154 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 3155 drinking, or other causes;
- 3156 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 3157 (h) duration and depth of desire for custody or parent-time;
- 3158 (i) the parent's religious compatibility with the minor child;
- 3159 (j) the parent's financial responsibility;
- 3160 (k) the child's interaction and relationship with step-parents, extended family members
- 3161 of other individuals who may significantly affect the minor child's best interests;
- 3162 (l) who has been the primary caretaker of the minor child;
- 3163 (m) previous parenting arrangements in which the minor child has been happy and
- 3164 well-adjusted in the home, school, and community;
- 3165 (n) the relative benefit of keeping siblings together;
- 3166 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 3167 minor child's cognitive ability and emotional maturity;
- 3168 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 3169 quality, and nature of the relationship between the parent and the minor child; and
- 3170 (q) any other factor the court finds relevant.
- 3171 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
- 3172 determines that extenuating circumstances exist that would necessitate the testimony
- 3173 of the minor child be heard and there is no other reasonable method to present the
- 3174 minor child's testimony.
- 3175 (b)(i) The court may inquire and take into consideration the minor child's desires
- 3176 regarding future custody or parent-time schedules, but the expressed desires are
- 3177 not controlling and the court may determine the minor child's custody or
- 3178 parent-time otherwise.
- 3179 (ii) The desires of a minor child who is 14 years old or older shall be given added
- 3180 weight, but is not the single controlling factor.
- 3181 (c)(i) If an interview with a minor child is conducted by the court in accordance with
- 3182 Subsection (5)(b), the interview shall be conducted by the court in camera.

3183 (ii) The prior consent of the parties may be obtained but is not necessary if the court
3184 finds that an interview with a minor child is the only method to ascertain the
3185 minor child's desires regarding custody.

3186 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
3187 parent due to a disability, as defined in Section 57-21-2, in awarding custody or
3188 determining whether a substantial change has occurred for the purpose of modifying
3189 an award of custody.

3190 (b) The court may not consider the disability of a parent as a factor in awarding custody
3191 or modifying an award of custody based on a determination of a substantial change in
3192 circumstances, unless the court makes specific findings that:

3193 (i) the disability significantly or substantially inhibits the parent's ability to provide
3194 for the physical and emotional needs of the minor child at issue; and

3195 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
3196 available to supplement the parent's ability to provide for the physical and
3197 emotional needs of the minor child at issue.

3198 (c) Nothing in this section may be construed to apply to adoption proceedings under
3199 Chapter 13, Adoption.

3200 (7) This section does not establish:

3201 (a) a preference for either parent solely because of the gender of the parent; or

3202 (b) a preference for or against joint physical custody or sole physical custody, but allows
3203 the court and the family the widest discretion to choose a parenting plan that is in the
3204 best interest of the minor child.

3205 (8) When an issue before the court involves custodial responsibility in the event of a
3206 deployment of a parent who is a service member and the service member has not yet
3207 been notified of deployment, the court shall resolve the issue based on the standards in
3208 Sections 81-10-306 through 81-10-309.

3209 (9) In considering the past conduct and demonstrated moral standards of each party under
3210 Subsection (4)(d) or any other factor a court finds relevant, the court may not:

3211 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
3212 dosage form, a cannabis product in a medicinal dosage form, or a medical
3213 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
3214 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
3215 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently
3216 than the court would consider or treat the lawful possession or use of any

- 3217 prescribed controlled substance; or
- 3218 (ii) discriminate against a parent because of the parent's status as a:
- 3219 (A) cannabis production establishment agent, as that term is defined in Section
- 3220 4-41a-102;
- 3221 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 3222 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 3223 or
- 3224 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
- 3225 Cannabinoid Research and Medical Cannabis; or
- 3226 (b) discriminate against a parent based upon the parent's agreement or disagreement with
- 3227 a minor child of the couple's:
- 3228 (i) assertion that the minor child's gender identity is different from the minor child's
- 3229 biological sex;
- 3230 (ii) practice of having or expressing a different gender identity than the minor child's
- 3231 biological sex; or
- 3232 (iii) sexual orientation.
- 3233 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
- 3234 violence is presented.
- 3235 (b) The court shall consider as primary, the safety and well-being of the minor child and
- 3236 the parent who experiences domestic violence.
- 3237 (c) A court shall consider an order issued by a court in accordance with Title 78B,
- 3238 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
- 3239 substantiated potential harm to the minor child.
- 3240 (d) If a parent relocates because of an act of domestic violence or family violence by the
- 3241 other parent[;] :
- 3242 (i) the court shall make specific findings and orders with regards to the application of
- 3243 Section 81-9-209[-] ; and
- 3244 (ii) the court may not require the parent to disclose the parent's address to the other
- 3245 parent.
- 3246 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
- 3247 potential harm to the minor child:
- 3248 (a) it is in the best interest of the minor child to have frequent, meaningful, and
- 3249 continuing access to each parent following separation or divorce;
- 3250 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing

- 3251 access with the parent's minor child consistent with the minor child's best interests;
3252 and
- 3253 (c) it is in the best interest of the minor child to have both parents actively involved in
3254 parenting the minor child.
- 3255 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
3256 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
3257 Section 77-37-2, that resulted in the conception of the minor child unless:
- 3258 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
3259 to custody or parent-time and the court determines it is in the best interest of the
3260 minor child to award custody or parent-time to the convicted parent; or
- 3261 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
3262 cohabit and establish a mutual custodial environment for the minor child.
- 3263 (13) A denial of custody or parent-time under Subsection (12) does not:
- 3264 (a) terminate the parental rights of the parent denied parent-time or custody; or
3265 (b) affect the obligation of the convicted parent to financially support the minor child.
- 3266 Section 45. Section **81-9-206** is amended to read:
- 3267 **81-9-206 . Determination of parent-time schedule -- Parent-time factors.**
- 3268 (1) If the parties are unable to agree on a parent-time schedule, the court may:
- 3269 (a) establish a parent-time schedule; or
3270 (b) order a parent-time schedule described in Part 3, Parent-time Schedules.
- 3271 (2) There is a presumption that the advisory guidelines described in Section 81-9-202 and
3272 the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum
3273 parent-time to which the noncustodial parent and the minor child are entitled.
- 3274 (3) In accordance with Section 81-9-104, when ordering a parent-time schedule a court
3275 shall consider:
- 3276 (a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor
3277 child, a parent, or a household member of the parent; and
- 3278 (b) whether parent-time [~~would~~] is likely to endanger the minor child's health or physical
3279 or psychological safety.
- 3280 (4) A court may consider the following when ordering a parent-time schedule:
- 3281 (a) evidence of psychological maltreatment;
3282 (b) the distance between the residency of the minor child and the noncustodial parent;
3283 (c) the lack of demonstrated parenting skills without safeguards to ensure the minor
3284 child's well-being during parent-time;

- 3285 (d) the financial inability of the noncustodial parent to provide adequate food and shelter
3286 for the minor child during periods of parent-time;
- 3287 (e) the preference of the minor child if the court determines the minor child is of
3288 sufficient maturity;
- 3289 (f) the incarceration of the noncustodial parent in a county jail, secure youth corrections
3290 facility, or an adult corrections facility;
- 3291 (g) shared interests between the minor child and the noncustodial parent;
- 3292 (h) the involvement or lack of involvement of the noncustodial parent in the school,
3293 community, religious, or other related activities of the minor child;
- 3294 (i) the availability of the noncustodial parent to care for the minor child when the
3295 custodial parent is unavailable to do so because of work or other circumstances;
- 3296 (j) a substantial and chronic pattern of missing, canceling, or denying regularly
3297 scheduled parent-time;
- 3298 (k) the minimal duration of and lack of significant bonding in the parents' relationship
3299 before the conception of the minor child;
- 3300 (l) the parent-time schedule of siblings;
- 3301 (m) the lack of reasonable alternatives to the needs of a nursing minor child; and
3302 ~~[(nn)]~~ (n) any other criteria the court determines relevant to the best interests of the minor
3303 child.
- 3304 (5) The court shall enter the reasons underlying the court's order for parent-time that:
3305 (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or
3306 (b) provides more or less parent-time than a parent-time schedule described in Section
3307 81-9-302 or 81-9-304.
- 3308 (6) A court may not order a parent-time schedule unless the court determines by a
3309 preponderance of the evidence that the parent-time schedule is in the best interest of the
3310 minor child.
- 3311 ~~[(7) Once the parent-time schedule has been established, the parties may not alter the
3312 parent-time schedule except by mutual consent of the parties or a court order.]~~
- 3313 ~~[(8)]~~ (7)(a) If the court orders parent-time and a protective order or stalking injunction is
3314 still in place, the court shall consider whether to order the parents to conduct
3315 parent-time pick-up and transfer through a third party.
- 3316 (b) The parent who is the stated victim in the protective order or stalking injunction may
3317 submit to the court, and the court shall consider, the name of a person considered
3318 suitable to act as the third party.

- 3319 (c) If the court orders the parents to conduct parent-time through a third party, the
 3320 parenting plan shall specify the time, day, place, manner, and the third party to be
 3321 used to implement the exchange.
- 3322 ~~[(9)]~~ (8) If there is a protective order, stalking injunction, or the court finds that a parent has
 3323 committed domestic violence, the court shall:
- 3324 (a) consider the impact of domestic violence in awarding parent-time; and
 3325 (b) make specific findings regarding the award of parent-time.
- 3326 ~~[(10)]~~ (9) Upon a specific finding by the court of the need for peace officer enforcement, the
 3327 court may include a provision in an order for parent-time that authorizes a peace officer
 3328 to enforce the order for parent-time.
- 3329 ~~[(11)]~~ (10) When parent-time has not taken place for an extended period of time and the
 3330 minor child lacks an appropriate bond with the noncustodial parent, both parents shall:
- 3331 (a) consider the possible adverse effects upon the minor child; and
 3332 (b) gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- 3333 (11) If a court enters an order establishing a parent-time schedule for a minor child:
- 3334 (a) the court order governs the parent-time schedule for the minor child; and
 3335 (b) an amendment to this chapter does not modify the parent-time schedule unless the
 3336 court orders otherwise.
- 3337 (12) Once a parent-time schedule has been established for a minor child, the parties may
 3338 only modify the parent-time schedule if:
- 3339 (a) there is mutual consent of the parties to the modification that is in writing and signed
 3340 by both parties; or
 3341 (b) the court modifies the parent-time schedule in a new order.
- 3342 Section 46. Section **81-9-207** is amended to read:
- 3343 **81-9-207 . Supervised parent-time.**
- 3344 ~~[(1) If it is necessary to protect a minor child and there is no less restrictive means~~
 3345 ~~reasonably available, and in accordance with Section 81-9-104, a court may order~~
 3346 ~~supervised parent-time if the court finds evidence that the minor child would be subject~~
 3347 ~~to physical or emotional harm or child abuse, as described in Sections 76-5-109,~~
 3348 ~~76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, and 80-1-102, from the noncustodial~~
 3349 ~~parent if left unsupervised with the noncustodial parent.]~~
- 3350 (1) As used in this section:
- 3351 (a) "Abuse" means the same as that term is defined in Section 81-1-102.
 3352 (b) "Abuse" includes an offense described in:

- 3353 (i) Section 76-5-109, child abuse;
- 3354 (ii) Section 76-6-109.2, aggravated child abuse;
- 3355 (iii) Section 76-5-109.3, child abandonment;
- 3356 (iv) Section 76-5-109.4, child torture;
- 3357 (v) Section 76-5-114, commission of domestic violence in the presence of a child; or
- 3358 (vi) Section 76-5-208, child abuse homicide.
- 3359 (2) A court may order supervised parent-time of a minor child in accordance with Section
- 3360 81-9-104 if the court finds:
- 3361 (a) evidence that the minor child is likely to be subject to physical harm, emotional
- 3362 harm, or abuse from the noncustodial parent if left unsupervised with the
- 3363 noncustodial parent;
- 3364 (b) it is necessary to protect the minor child; and
- 3365 (c) there are no less restrictive means reasonably available.
- 3366 [(2)] (3) If the court finds evidence of domestic violence, child abuse, or an ongoing risk to
- 3367 a child, and orders supervised parent-time, the court shall give preference to supervision
- 3368 by a professional individual or private agency trained in child abuse reporting laws, the
- 3369 developmental needs of a child, and the dynamics of domestic violence, child abuse,
- 3370 sexual abuse, and substance abuse.
- 3371 [(3)] (4) If a professional individual or private agency described in Subsection [(2)] (3) is not
- 3372 available, affordable, or practicable under the circumstances, a court shall give
- 3373 preference to supervision by an individual who is:
- 3374 (a) capable and willing to provide physical and psychological safety and security to the
- 3375 minor child, and to assist in the avoidance and prevention of domestic and family
- 3376 violence; and
- 3377 (b) is trained in child abuse reporting laws, the developmental needs of a child, and the
- 3378 dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.
- 3379 [(4)] (5) If an individual described in Subsection [(2) or (3)] (3) or (4) is not available,
- 3380 affordable, or practicable under the circumstances, or if the court does not find evidence
- 3381 of domestic violence, child abuse, or an ongoing risk to a minor child, a court may order
- 3382 supervised parent-time that is supervised by an individual who is willing to supervise,
- 3383 and is capable of protecting the minor child from physical or emotional harm, or child
- 3384 abuse, and the court shall give preference to individuals suggested by the parties,
- 3385 including relatives.
- 3386 [(5)] (6) At the time supervised parent-time is imposed, the court shall consider:

- 3387 (a) whether the cost of professional or agency services is likely to prevent the
 3388 noncustodial parent from exercising parent-time; and
 3389 (b) whether the requirement for supervised parent-time should expire after a set period
 3390 of time.

3391 ~~[(6)]~~ (7)(a) Except when the court makes a finding that, due to abuse by or the incapacity
 3392 of the noncustodial parent, supervised parent-time will be necessary indefinitely to
 3393 ensure the physical or psychological safety and protection of the minor child, the
 3394 court shall, in ~~[its]~~ the court's order for supervised parent-time, provide specific goals
 3395 and expectations for the noncustodial parent to accomplish before unsupervised
 3396 parent-time may be granted.

3397 (b) The court shall schedule one or more follow-up hearings to revisit the issue of
 3398 supervised parent-time.

3399 ~~[(7)]~~ (8) A noncustodial parent may, at any time, petition the court to modify the order for
 3400 supervised parent-time if the noncustodial parent can demonstrate that the specific goals
 3401 and expectations set by the court as described in Subsection ~~[(6)]~~ (7) have been
 3402 accomplished.

3403 *The following section is affected by a coordination clause at the end of this bill.*

3404 Section 47. Section **81-9-208** is amended to read:

3405 **81-9-208 . Modification or termination of a custody or parent-time order --**
 3406 **Noncompliance with a parent-time order -- Denial of access due to investigation.**

- 3407 (1) The court has continuing jurisdiction to make subsequent changes to modify:
 3408 (a) custody of a minor child if there is a showing of a substantial and material change in
 3409 circumstances since the entry of the order; and
 3410 (b) parent-time for a minor child if there is a showing that there is a change in
 3411 circumstances since the entry of the order.
 3412 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
 3413 showing by a parent that the other parent:
 3414 (a) resides with an individual or provides an individual with access to the minor child;
 3415 and
 3416 (b) knows that the individual:
 3417 (i) is required to register as a sex offender, a kidnap offender, or a child abuse
 3418 offender for an offense committed against a minor child under Title 53, Chapter
 3419 29, Sex, Kidnap, and Child Abuse Offender Registry; or
 3420 (ii) has been convicted of an offense described in:

- 3421 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,~~
 3422 ~~76-5-109.4, 76-5-114, or 76-5-208;~~]
- 3423 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4,~~
 3424 ~~Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or~~
 3425 ~~76-5-419;~~]
- 3426 [~~(C) an offense for kidnapping or human trafficking of a minor child under Title~~
 3427 ~~76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;~~]
- 3428 [~~(D) a sexual exploitation offense against a minor child under Title 76, Chapter~~
 3429 ~~5b, Sexual Exploitation Act; or]~~
- 3430 (A) Section 76-5-109, child abuse;
- 3431 (B) Section 76-6-109.2, aggravated child abuse;
- 3432 (C) Section 76-5-109.3, child abandonment;
- 3433 (D) Section 76-5-109.4, child torture;
- 3434 (E) Section 76-5-114, commission of domestic violence in the presence of a child;
- 3435 (F) Section 76-5-208, child abuse homicide;
- 3436 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for
 3437 which the victim was younger than 18 years old; or
- 3438 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger
 3439 than 18 years old;
- 3440 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was
 3441 younger than 18 years old; or
- 3442 [~~(E)~~] (iii) has been convicted of an offense that is substantially similar to an offense
 3443 under [Subsections (2)(b)(ii)(A) through (D)] Subsection (2)(b)(ii).
- 3444 (3)(a) For a custody order that is entered on or after May 6, 2026, a minor child turning
 3445 five years old constitutes a substantial and material change in circumstances under
 3446 Subsection (1)(a), unless the order addresses custody of the minor child upon the
 3447 minor child turning five years old.
- 3448 (b) For a parent-time order that is entered on or after May 6, 2026, a minor child turning
 3449 five years old constitutes a change in circumstances under Subsection (1)(b), unless
 3450 the order addresses parent-time for the minor child upon the minor child turning five
 3451 years old.
- 3452 [(3)] (4) On the petition of one or both of the parents, or the joint legal or physical
 3453 custodians if they are not the parents, the court may, after a hearing, modify or terminate
 3454 an order that established joint legal custody or joint physical custody if:

- 3455 (a) the verified petition or accompanying affidavit initially alleges that admissible
3456 evidence will show that there has been a substantial and material change in the
3457 circumstances of the minor child or one or both parents or joint legal or physical
3458 custodians since the entry of the order to be modified;
- 3459 (b) a modification of the terms and conditions of the order would be an improvement for
3460 and in the best interest of the minor child; and
- 3461 (c)(i) both parents have complied in good faith with the dispute resolution procedure
3462 in accordance with Subsection 81-9-205(8); or
- 3463 (ii) if no dispute resolution procedure is contained in the order that established joint
3464 legal custody or joint physical custody, the court orders the parents to participate
3465 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
3466 unless the parents certify that, in good faith, they have used a dispute resolution
3467 procedure to resolve their dispute.
- 3468 [(4)] (5)(a) In determining whether the best interest of a minor child will be served by
3469 either modifying or terminating the joint legal custody or joint physical custody
3470 order, the court shall, in addition to other factors the court considers relevant,
3471 consider the factors described in Sections 81-9-204 and 81-9-205.
- 3472 (b) A court order modifying or terminating an existing joint legal custody or joint
3473 physical custody order shall contain written findings that:
- 3474 (i) a substantial and material change of circumstance has occurred; and
3475 (ii) a modification of the terms and conditions of the order would be an improvement
3476 for and in the best interest of the minor child.
- 3477 (c) The court shall give substantial weight to the existing joint legal custody or joint
3478 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 3479 [(5)] (6) The court shall, in every case regarding a petition for termination of a joint legal
3480 custody or joint physical custody order, consider reasonable alternatives to preserve the
3481 existing order in accordance with Section 81-9-204.
- 3482 [(6)] (7) The court may modify the terms and conditions of the existing order in accordance
3483 with this chapter and may order the parents to file a parenting plan in accordance with
3484 Section 81-9-203.
- 3485 [(7)] (8) A parent requesting a modification from sole custody to joint legal custody or joint
3486 physical custody or both, or any other type of shared parenting arrangement, shall file
3487 and serve a proposed parenting plan with the petition to modify in accordance with
3488 Section 81-9-203.

- 3489 [(8)] (9) If an issue before the court involves custodial responsibility in the event of
3490 deployment of one or both parents who are service members, and the service member
3491 has not yet been notified of deployment, the court shall resolve the issue based on the
3492 standards in Sections 81-10-306 through 81-10-309.
- 3493 [(9)] (10) If the court finds that an action to modify custody or parent-time is filed or
3494 answered frivolously and, in a manner, designed to harass the other party, the court shall
3495 assess attorney fees as costs against the offending party.
- 3496 [(10)] (11) If a petition to modify custody or parent-time provisions of a court order is made
3497 and denied, the court shall order the petitioner to pay the reasonable attorney fees
3498 expended by the prevailing party in that action if the court determines that the petition
3499 was without merit and not asserted or defended against in good faith.
- 3500 [(11)] (12) If a motion or petition alleges noncompliance with a parent-time order by a
3501 parent, or a visitation order by a grandparent or other member of the immediate family
3502 where a visitation or parent-time right has been previously granted by the court, the
3503 court:
- 3504 (a) may award to the prevailing party:
- 3505 (i) actual attorney fees incurred;
- 3506 (ii) the costs incurred by the prevailing party because of the other party's failure to
3507 provide or exercise court-ordered visitation or parent-time, including:
- 3508 (A) court costs;
- 3509 (B) child care expenses;
- 3510 (C) transportation expenses actually incurred;
- 3511 (D) lost wages, if ascertainable; or
- 3512 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 3513 (iii) any other appropriate equitable remedy; and
- 3514 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
3515 parent-time is not in the best interest of the minor child.
- 3516 (13)(a) Except as provided in Subsection (13)(b), the court shall award make-up
3517 parent-time to a parent, upon a motion or petition from the parent, if:
- 3518 (i) the parent was denied parent-time with a minor child due to an investigation by
3519 the Division of Child and Family Services; and
- 3520 (ii) the investigation did not result in a finding of abuse, neglect, or dependency.
- 3521 (b) A court may deny a motion or petition for make-up parent-time if:
- 3522 (i) the parent did not diligently exercise parent-time with the child before the

- 3523 investigation by the Division of Child and Family Services; or
 3524 (ii) a party shows good cause for denying the motion or petition.
 3525 (c) When a court orders make-up parent-time under Subsection (13)(a):
 3526 (i) the court shall order:
 3527 (A) parent-time that is the same type and duration of the parent-time that was
 3528 denied; and
 3529 (B) that the make-up parent-time occur within two years from the day on which
 3530 the court enters the order for make-up parent-time; and
 3531 (ii) the court may include weekend or holiday parent-time or extended parent-time
 3532 that was denied to the parent.
 3533 (d) This Subsection (13) does not create a right of action against the Division of Child
 3534 and Family Services.

3535 Section 48. Section **81-9-209** is amended to read:

3536 **81-9-209 . Notice of relocation -- Effect of relocation on parent-time schedule.**

- 3537 (1) As used in this section, "relocation" means moving 150 miles or more from the
 3538 residence of the other parent.
 3539 (2) The relocating parent shall provide written notice to the other parent at least 60 days
 3540 before the day on which the relocating parent intends to relocate.
 3541 (3) The written notice of relocation [~~under~~] described in Subsection (2) shall contain
 3542 statements affirming[-]:
 3543 (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by
 3544 both parties will be followed; and
 3545 (b) that a parent will not interfere with the other's parental rights pursuant to court
 3546 ordered parent-time arrangements or the parent-time schedule approved by both
 3547 parties.
 3548 (4) [~~The court shall, upon motion of any party or upon the court's own motion,]~~ Upon a
 3549 motion of any party or upon the court's own motion, the court shall schedule a hearing
 3550 with notice to:
 3551 (a) review the notice of relocation and the relevant parent-time schedule under Section
 3552 81-9-302 or 81-9-304; and
 3553 (b) make appropriate orders regarding the parent-time schedule and costs for
 3554 parent-time transportation.
 3555 (5) In a hearing to review the notice of relocation, the court shall, in determining if the
 3556 relocation of a custodial parent is in the best interest of the minor child, consider any

- 3557 other factors that the court considers relevant to the determination.
- 3558 (6) If the court determines that relocation is not in the best interest of the minor child, and
3559 the custodial parent relocates, the court may order a change of custody.
- 3560 (7)(a) If the court finds that the relocation is in the best interest of the minor child, the
3561 court shall determine the parent-time schedule and allocate the transportation costs
3562 that will be incurred for the minor child to visit the noncustodial parent.
- 3563 (b) In making a determination under Subsection (7)(a), the court shall consider:
- 3564 (i) the reason for the parent's relocation;
- 3565 (ii) the additional costs or difficulty to both parents in exercising parent-time;
- 3566 (iii) the economic resources of both parents; and
- 3567 (iv) other factors the court considers necessary and relevant.
- 3568 (8) If a parent relocates because of an act of domestic violence or family violence by the
3569 other parent, the court shall make specific findings and orders with regard to the
3570 application of this section.
- 3571 (9) Unless otherwise ordered by the court, and upon the relocation of one of the parties, the
3572 following schedule is the minimum parent-time that the noncustodial parent is entitled to
3573 a minor child who is five to 18 years old:
- 3574 (a) in years ending in an odd number, the minor child shall spend the following holidays
3575 with the noncustodial parent:
- 3576 [~~(i) Thanksgiving holiday beginning Wednesday until Sunday; and]~~
- 3577 [~~(ii) Spring break, if applicable, beginning the last day of school before the holiday~~
3578 ~~until the day before school resumes;]~~
- 3579 (i)(A) fall break if the minor child's school dismisses for a fall break, beginning on
3580 the day that school dismisses for fall break and ending on the day before school
3581 resumes; or
- 3582 (B) Labor Day if the minor child's school does not dismiss for a fall break,
3583 beginning on the day that school dismisses for Labor Day and ending on the
3584 day before school resumes; and
- 3585 (ii) the entire winter break period, beginning on the day that school dismisses for the
3586 winter break and ending on the day before school resumes;
- 3587 (b) in years ending in an even number, the minor child shall spend the following
3588 holidays with the noncustodial parent:
- 3589 [~~(i) the entire winter school break period; and]~~
- 3590 [~~(ii) the Fall school break beginning the last day of school before the holiday until the~~

- 3591 day before school resumes;]
- 3592 (i)(A) spring break, beginning on the day that school dismisses for the spring
- 3593 break and ending on the day before school resumes; or
- 3594 (B) Presidents' Day if the minor child's school does not dismiss for a spring break,
- 3595 beginning on the day that school dismisses for Presidents' Day and ending on
- 3596 the day before school resumes; and
- 3597 (ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and
- 3598 ending on the day before school resumes;
- 3599 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
- 3600 weeks[~~;~~and] with:
- 3601 (i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in
- 3602 years ending in an odd number; and
- 3603 (ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time
- 3604 in years ending in an even number; and
- 3605 (d) one weekend per month, at the option and expense of the noncustodial parent.
- 3606 (10) For extended parent-time [~~under~~] described in Subsection (9)(c), the [minor child
- 3607 should be returned] noncustodial parent shall return the minor child to the custodial home
- 3608 no later than seven days before school begins, except that this week is counted when
- 3609 determining the amount of parent-time to be divided between the parents for the summer
- 3610 or off-track period.
- 3611 (11)(a) [~~The~~] Upon relocation of one of the parties, the court may also set a parent-time
- 3612 schedule for a minor child who is younger than five years old.
- 3613 (b) The schedule described in Subsection (11)(a) shall take into consideration the
- 3614 following:
- 3615 (i) the age of the minor child;
- 3616 (ii) the developmental needs of the minor child;
- 3617 (iii) the distance between the parents' homes;
- 3618 (iv) the travel arrangements and cost;
- 3619 (v) the level of attachment between the minor child and the noncustodial parent; and
- 3620 (vi) any other factors relevant to the best interest of the minor child.
- 3621 [~~(12) The noncustodial parent's monthly weekend entitlement is subject to the following~~
- 3622 ~~restrictions.]~~
- 3623 [~~(a)~~]
- 3624 [~~(i)~~] (12)(a)(i) If the noncustodial parent has not designated a specific weekend [for

3625 ~~parent-time]~~ on which the noncustodial parent will exercise parent-time under
3626 Subsection (9)(d), the noncustodial parent shall receive the last weekend of each
3627 month~~[unless a holiday assigned to the custodial parent falls on that particular~~
3628 ~~weekend]~~.

3629 (ii) If a holiday assigned to the custodial parent falls on ~~[the last weekend of the~~
3630 ~~month]~~ a weekend on which the noncustodial parent normally exercises
3631 parent-time under Subsection (9)(d), the noncustodial parent is entitled to the [
3632 ~~next to the last weekend of the month]~~ weekend before the holiday.

3633 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends
3634 into or through the first weekend of the next month, that weekend ~~[shall be]~~ is
3635 considered the noncustodial parent's monthly weekend entitlement under Subsection
3636 (9)(d) for that month.

3637 (c) If a minor child is out of school for teacher development days or snow days after the
3638 minor child begins the school year, or other days not included in the list of holidays
3639 in Subsection (9), and those days are contiguous with the noncustodial parent's
3640 monthly weekend or holiday parent-time, those days shall be included in the weekend
3641 or holiday parent-time.

3642 (13)(a) In addition to the parent-time for which a noncustodial parent is entitled under
3643 Subsection (9), the noncustodial parent is entitled to, at least two times a week:

3644 (i) brief telephone contact with the minor child at reasonable hours and for a
3645 reasonable duration; and

3646 (ii) virtual parent-time if the equipment is reasonably available at reasonable hours
3647 and for reasonable duration.

3648 (b) If the parties cannot agree on whether the equipment is reasonably available, the
3649 court shall decide whether the equipment for virtual parent-time is reasonably
3650 available, taking into consideration:

3651 (i) the best interest of the minor child;

3652 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

3653 (iii) any other factors the court considers material.

3654 (c) Virtual parent-time supplements, but does not replace, the in-person parent-time
3655 described in Subsection (9).

3656 ~~[(13)]~~ (14) The custodial parent is entitled to all parent-time not specifically allocated to the
3657 noncustodial parent.

3658 ~~[(14)]~~ (15) In the event finances and distance preclude the exercise of minimum parent-time

3659 for the noncustodial parent during the school year, the court should consider awarding
 3660 more time for the noncustodial parent during the summer time if it is in the best interests
 3661 of the minor child.

3662 [(15)] (16)(a) Upon the motion of any party, the court may order uninterrupted
 3663 parent-time with the noncustodial parent for a minimum of 30 days during extended
 3664 parent-time, unless the court finds it is not in the best interest of the minor child.

3665 (b) If the court orders uninterrupted parent-time during a period not covered by this
 3666 section, the court shall specify in [its] the court's order which parent is responsible for
 3667 the minor child's travel expenses.

3668 [(16)] (17)(a) Unless otherwise ordered by the court the relocating party shall be
 3669 responsible for all the minor child's travel expenses relating to Subsections (9)(a) and
 3670 (b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided
 3671 the noncustodial parent is current on all support obligations.

3672 (b) If the noncustodial parent has been found in contempt for not being current on all
 3673 support obligations, the noncustodial parent is responsible for all of the minor child's
 3674 travel expenses under Subsection (9), unless the court rules otherwise.

3675 (c) A responsible party shall make a reimbursement to the other for the minor child's
 3676 travel expenses within 30 days of receipt of documents detailing those expenses.

3677 [(17)] (18) The court may apply this provision to any preexisting decree of divorce.

3678 [(18)] (19) Any action under this section may be set for an expedited hearing.

3679 [(19)] (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in
 3680 contempt of the court's order.

3681 Section 49. Section **81-9-302** is amended to read:

3682 **81-9-302 . Minimum schedule for parent-time for a minor child five to 18 years**
 3683 **old.**

3684 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time
 3685 schedule for a minor child who is five to 18 years old.

3686 (2) If the parties do not agree to a parent-time schedule for a minor child [~~described in~~
 3687 ~~Subsection(1)] who is five to 18 years old, the following schedule is considered the
 3688 minimum parent-time to which the noncustodial parent is entitled to the minor child:~~

3689 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
 3690 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30
 3691 p.m.; or

3692 (ii) at the election of the noncustodial parent, one weekday to be specified by the

- 3693 noncustodial parent or the court:
- 3694 (A) beginning at the time that the minor child's school is regularly dismissed and
3695 ending at 8:30 p.m.; or
- 3696 (B) if school is not in session, the noncustodial parent is available to be with the
3697 minor child, and in accommodation with the custodial parent's work schedule,
3698 beginning at [9] 8 a.m. and ending at 8:30 p.m.;
- 3699 (b)(i) beginning on the first weekend after entry of the decree, alternating weekends
3700 beginning at [6] 5:30 p.m. on Friday and ending on Sunday at [7] 8:30 p.m.; or
3701 (ii) at the election of the noncustodial parent and beginning on the first weekend after
3702 the entry of the decree, alternating weekends:
- 3703 (A) beginning at the time that the minor child's school is regularly dismissed on
3704 Friday and ending on Sunday at [7] 8:30 p.m.; or
- 3705 (B) if school is not in session, the noncustodial parent is available to be with the
3706 minor child, and in accommodation with the custodial parent's work schedule,
3707 beginning on Friday at [9] 8 a.m. and ending on Sunday at [7] 8:30 p.m.;
- 3708 (c) each holiday granted to the noncustodial parent in accordance with the holiday
3709 schedule described in Subsection (12); and
- 3710 (d) extended parent-time with the minor child when school is not in session for summer
3711 break in accordance with Subsection (3).
- 3712 (3)(a) For extended parent-time with the minor child [~~under~~] described in Subsection
3713 (2)(d) and at the election of the noncustodial parent, the noncustodial parent is
3714 entitled up to four weeks of parent-time with the minor child[~~, which may be~~
3715 consecutive,] when school is not in session for summer break, beginning at 8 a.m. on
3716 the first day and ending at 8:30 p.m. on the last day.
- 3717 (b) For the four weeks of extended parent-time for a noncustodial parent under
3718 Subsection (3)(a):
- 3719 (i) two weeks[~~, which may be consecutive,] shall be uninterrupted parent-time for the~~
3720 ~~noncustodial parent; and~~
- 3721 (ii) two weeks[~~, which may be consecutive,] may be interrupted by the custodial~~
3722 ~~parent for a weekday visit on the same day on which the noncustodial parent is~~
3723 ~~granted weekday day parent-time.~~
- 3724 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
3725 two weeks[~~, which may be consecutive,] when school is not in session for summer~~
3726 ~~break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.~~

- 3727 (d) Extended parent-time described in this Subsection (3) shall be consecutive, except
3728 that the four weeks of extended parent-time for the noncustodial parent may be
3729 divided into two separate 14-day periods that are not consecutive.
- 3730 (4)(a) Each parent shall provide notification to the other parent of the parent's plans for
3731 the exercise of extended parent-time for summer break under Subsection (3).
- 3732 (b) For the notification requirement ~~[under]~~ described in Subsection (4)(a):
- 3733 (i) in odd-numbered years:
- 3734 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
3735 and
3736 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
3737 and
- 3738 (ii) in even-numbered years:
- 3739 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
3740 and
3741 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 3742 (c)(i) If a parent fails to provide a notification within the time periods described in
3743 Subsection (4)(b), the complying parent may determine the schedule for summer
3744 break for the noncomplying parent.
- 3745 (ii) If both parents fail to provide notice within the time periods described in
3746 Subsection (4)(b), the first parent to provide notice may determine the schedule
3747 for summer break for that parent and the other parent.
- 3748 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
3749 Subsection (3)(b)(ii), the custodial parent shall provide notification to the
3750 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
3751 on which the custodial parent receives notification of the noncustodial parent's plans
3752 for the exercise of interrupted extended parent-time.
- 3753 (5)(a) An election should be made by the noncustodial parent at the time of entry of the
3754 divorce decree or court order, except that the election may be changed by mutual
3755 agreement, court order, or by the noncustodial parent in the event of a change in the
3756 minor child's schedule.
- 3757 (b) An election by either parent concerning parent-time shall be made a part of the
3758 decree and made a part of the parent-time order.
- 3759 (6)(a) Changes may not be made to the parent-time schedule under this section, except
3760 that if a conflict arises in the parent-time schedule, the following order of precedence

- 3761 shall be applied when determining which parent is entitled to parent-time:
- 3762 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);
- 3763 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
- 3764 uninterrupted extended parent-time under Subsection (3) and takes the minor child
- 3765 away from that parent's residence during the uninterrupted extended parent-time;
- 3766 (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's
- 3767 Day, Mother's Day, or the minor child's birthday;
- 3768 (iv) extended parent-time under Subsection (3); and
- 3769 (v) the schedule for weekday or weekend parent-time.
- 3770 (b) A parent exercising parent-time for the minor child's birthday may bring other
- 3771 siblings along for the minor child's birthday.
- 3772 (7) A stepparent, grandparent, or other responsible adult designated by [~~the noneustodial~~] a
- 3773 parent, may pick up the minor child for parent-time if the [~~eustodial~~] other parent is
- 3774 aware of the identity of the individual and the [~~noneustodial~~]parent will be with the
- 3775 minor child by 7 p.m.
- 3776 (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
- 3777 shall be responsible for the minor child's attendance at school for that school day.
- 3778 (9) If there is more than one minor child and the minor children's school schedules vary for
- 3779 purpose of a holiday, at the option of the parent exercising the holiday or the parent's
- 3780 half of the holiday, the minor children may remain together for the holiday period
- 3781 beginning the first evening that all minor children's schools are dismissed for the holiday
- 3782 and ending the evening before any minor child returns to school.
- 3783 (10)(a) Telephone contact shall be at reasonable hours and for a reasonable duration.
- 3784 (b)(i) Virtual parent-time, if the equipment is reasonably available and the parents
- 3785 reside at least 100 miles apart, shall be at reasonable hours and for reasonable
- 3786 duration.
- 3787 (ii) If the parties cannot agree on whether the equipment is reasonably available, the
- 3788 court shall decide whether the equipment for virtual parent-time is reasonably
- 3789 available, taking into consideration:
- 3790 (A) the best interests of the minor child;
- 3791 (B) each parent's ability to handle any additional expenses for virtual parent-time;
- 3792 and
- 3793 (C) any other factors the court considers material.
- 3794 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

		<p>[(e) 6 p.m.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.</p>		
3803	Spring Break	<p>(1) Holiday begins at:</p> <p>[6] (a) the time that school is dismissed for spring break; or</p> <p>(b) 5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.</p>	Odd years	Even years
3804	Memorial Day	<p>(1) Holiday begins[Friday at]:</p> <p>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</p> <p>(b)] (a) at the time that school is [regu- larly dismissed] dismissed for Memorial Day; or</p> <p>[(e) 6] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at [7] 8:30 p.m. on Memorial Day.</p>	Even years	Odd years
3805	Mother's Day	<p>(1) Holiday begins[on Mother's Day at 9 a.m.] at 5:30 p.m. on the day before <u>Mother's Day</u>.</p> <p>(2) Holiday ends on Mother's Day at [7] 8:30 p.m.</p>	All years if non-custodial parent is the mother or other parent granted	All years if custodial parent is the mother or other parent granted the holiday in the order.

			the holiday in the order.	
3806	Father's Day	(1) Holiday begins [on Father's Day at 9 a.m.] at 5:30 p.m. on the day before Father's Day. (2) Holiday ends on Father's Day at [7] 8:30 p.m.	All years if non-custodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.
3807	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] 5:30 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] 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] 8:30 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
3808	Independence Day	(1) Holiday begins on July 3rd at [6] 5:30 p.m. (2) Holiday ends on July 5th at [6] 8:30 p.m.	Odd years	Even years
3809	Pioneer Day	(1) Holiday begins on July 23rd at [6] 5:30 p.m. (2) Holiday ends on July 25th at [6] 8:30 p.m.	Even years	Odd years
3810	Labor Day	(1) Holiday begins [on Friday at]: [(a) 9 a.m. if school is not in session and the parent can be with the minor child;	Odd years	Even years

		(b) (a) at the time that school is [reg- ularly dismissed] <u>dismissed for Labor Day</u> ; or [(e) 6] (b) Friday at 5:30 p.m. at the election of the parent granted the holi- day. (2) Holiday ends at [7] <u>8:30</u> p.m. on La- bor Day.		
3811	[Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years]
3812	Fall Break	(1) Holiday begins at [6 p.m.] ; (a) <u>the time that school is dismissed for fall break; or</u> (b) <u>5:30 p.m. on the day school is dis- missed for fall break at the election of the parent granted the holiday.</u> (2) Holiday ends at [7] <u>8:30</u> p.m. on the day before school resumes.	Odd years	Even years
3813	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at [4] <u>3</u> p.m. if there is no school. (2) Holiday ends at [9] <u>8:30</u> p.m. on the same day the holiday begins.	Even years	Odd years
3814	[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]
3815	Thanksgiving	(1) Holiday begins [on Wednesday] at:	Even years	Odd years

		<p>[(a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.] (a) <u>the time that school is dismissed for Thanksgiving; or</u> (b) <u>5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted the holiday.</u> (2) Holiday ends at [7] <u>8:30 p.m. on the day before school resumes.</u></p>		
3816	Winter Break (First Half)	<p>(1) Holiday begins at: (a) [6 p.m. on the day on] <u>the time that school dismisses for winter break; or</u> (b) [the time school is regularly dismissed] <u>5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</u> (2) Holiday ends on December 27th at [7] <u>8:30 p.m.</u></p>	Odd years	Even years
3817	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at [7] <u>8:30 p.m.</u> (2) Holiday ends at [7] <u>8:30 p.m. on the day before school resumes after the winter break.</u></p>	Even years	Odd years
3818	Day of Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>8:30 p.m.</u></p>	Even years	Odd years
3819	Day Before or After Minor Child's Birthday	<p>(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>8:30 p.m.</u></p>	Odd years	Even years

3820 Section 50. Section **81-9-303** is amended to read:

3821 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**

3822 **old.**

- 3823 (1)(a) The optional parent-time schedule in this section applies [~~to~~] when establishing a
3824 parent-time schedule for a minor child who is five to 18 years old.
- 3825 (b) For purposes of calculating child support, the optional parent-time schedule in this
3826 section is 145 overnights.
- 3827 (c) Any impact on child support shall be consistent with joint physical custody.
- 3828 (2) The parents and the court may consider the increased parent-time schedule in this
3829 section as a minimum parent-time schedule when the parties agree or the noncustodial
3830 parent can demonstrate:
- 3831 (a) the noncustodial parent has been actively involved in the minor child's life;
3832 (b) the parties can communicate effectively regarding the minor child or the
3833 noncustodial parent has a plan to accomplish effective communications regarding the
3834 minor child;
- 3835 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
3836 (d) the increased parent-time would be in the best interest of the minor child; and
3837 (e) any other factor the court considers relevant.
- 3838 (3) In determining whether a noncustodial parent has been actively involved in the minor
3839 child's life, the court shall consider:
- 3840 (a) demonstrated responsibility in caring for the minor child;
3841 (b) involvement in childcare;
3842 (c) presence or volunteer efforts in the minor child's school and at extracurricular
3843 activities;
3844 (d) assistance with the minor child's homework;
3845 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
3846 (f) bonding with the minor child; and
3847 (g) any other factor the court considers relevant.
- 3848 (4) In determining whether a noncustodial parent has the ability to facilitate the increased
3849 parent-time, the court shall consider:
- 3850 (a) the geographic distance between the residences of the parents and the distance
3851 between the parents' residences and the minor child's school;
3852 (b) the noncustodial parent's ability to assist with after school care;
3853 (c) the health of the minor child and the noncustodial parent in accordance with
3854 Subsection 81-9-204(4);
3855 (d) flexibility of employment or another schedule of the noncustodial parent;
3856 (e) ability to provide appropriate playtime with the minor child;

- 3857 (f) history and ability of the noncustodial parent to implement a flexible schedule for the
3858 minor child;
- 3859 (g) physical facilities of the noncustodial parent's residence; and
3860 (h) any other factor the court considers relevant.
- 3861 (5) If the parties agree or the court enters an order for the optional parent-time schedule
3862 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed
3863 with any order incorporating the optional parent-time schedule described in Subsection
3864 (6).
- 3865 (6) The following schedule is considered the optional parent-time to which the noncustodial
3866 parent is entitled to the minor child:
- 3867 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
3868 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
3869 following day upon delivering the minor child to school or at 8 a.m. if there is no
3870 school; or
- 3871 (ii) at the election of the noncustodial parent, one weekday specified by the
3872 noncustodial parent or the court:
- 3873 (A) beginning at the time the minor child's school is regularly dismissed until the
3874 following day upon delivering the minor child to school or at 8 a.m. if there is
3875 no school; or
- 3876 (B) if there is no school, the noncustodial parent is available to be with the minor
3877 child, and in accommodation with the custodial parent's work schedule,
3878 beginning at 8 a.m. and ending on the following day upon delivering the minor
3879 child to school or at 8 a.m. if there is no school;
- 3880 (b)(i) beginning the first weekend after the entry of the decree, alternating weekends
3881 beginning at [6] 5:30 p.m. on Friday and ending on Monday upon delivering the
3882 minor child to school or at 8 a.m. if there is no school; or
- 3883 (ii) at the election of the noncustodial parent, beginning the first weekend after the
3884 entry of the decree, alternating weekends:
- 3885 (A) beginning at the time the minor child's school is regularly dismissed on Friday
3886 and ending on Monday upon delivering the minor child to school or at 8 a.m. if
3887 there is no school; or
- 3888 (B) if there is no school, the noncustodial parent is available to be with the minor
3889 child, and in accommodation with the custodial parent's work schedule,
3890 beginning on Friday at [9] 8 a.m. and ending on Monday upon delivering the

- 3891 minor child to school or at 8 a.m. if there is no school;
- 3892 (c) each holiday granted to the noncustodial parent in accordance with the holiday
3893 schedule described in Subsection (15); and
- 3894 (d) extended parent-time with the minor child when school is not in session for summer
3895 break in accordance with Subsection (7).
- 3896 (7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the
3897 election of the noncustodial parent, the noncustodial parent is entitled up to four
3898 weeks of parent-time with the minor child~~[, which may be consecutive,]~~ when school
3899 is not in session for summer break, beginning at 8 a.m. on the first day and ending at
3900 8:30 p.m. on the last day.
- 3901 (b) For the four weeks of extended parent-time for a noncustodial parent under
3902 Subsection (7)(a):
- 3903 (i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the
3904 noncustodial parent; and
- 3905 (ii) two weeks~~[, which may be consecutive,]~~ may be interrupted by the custodial
3906 parent for a weekday visit on the same day on which the noncustodial parent is
3907 granted weekday day parent-time.
- 3908 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
3909 two weeks~~[, which may be consecutive,]~~ when school is not in session for summer
3910 break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3911 (d) Extended parent-time described in this Subsection (7) shall be consecutive, except
3912 that the four weeks of extended parent-time for the noncustodial parent may be
3913 divided into two 14-day separate periods that are not consecutive.
- 3914 (8)(a) Each parent shall provide notification to the other parent of the parent's plans for
3915 the exercise of parent-time for summer break under Subsection (7).
- 3916 (b) For the notification requirement ~~[under]~~ described in Subsection (8)(a):
- 3917 (i) in odd-numbered years:
- 3918 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
3919 and
- 3920 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
3921 and
- 3922 (ii) in even-numbered years:
- 3923 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
3924 and

3925 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

3926 (c)(i) If a parent fails to provide a notification within the time periods described in
3927 Subsection (8)(b), the complying parent may determine the schedule for summer
3928 break for the noncomplying parent.

3929 (ii) If both parents fail to provide notice within the time periods described in
3930 Subsection (8)(b), the first parent to provide notice may determine the schedule
3931 for summer break for that parent and the other parent.

3932 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
3933 Subsection (7)(b)(ii), the custodial parent shall provide notification to the
3934 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
3935 on which the custodial parent receives notification of the noncustodial parent's plans
3936 for the exercise of interrupted extended parent-time.

3937 (9)(a) An election should be made by the noncustodial parent at the time of entry of the
3938 divorce decree or court order, except that the election may be changed by mutual
3939 agreement, court order, or by the noncustodial parent in the event of a change in the
3940 minor child's schedule.

3941 (b) An election by either parent concerning parent-time shall be made a part of the
3942 decree and made a part of the parent-time order.

3943 (10)(a) Changes may not be made to the parent-time schedule under this section, except
3944 that if a conflict arises in the parent-time schedule, the following order of precedence
3945 shall be applied when determining which parent is entitled to parent-time:

3946 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);

3947 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
3948 uninterrupted extended parent-time under Subsection (7) and takes the minor child
3949 away from that parent's residence during the uninterrupted extended parent-time;

3950 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
3951 Day, Mother's Day, or the minor child's birthday;

3952 (iv) extended parent-time under Subsection (7); and

3953 (v) the schedule for weekday or weekend parent-time.

3954 (b) A parent exercising parent-time for the minor child's birthday may bring other
3955 siblings along for the minor child's birthday.

3956 (11) A stepparent, grandparent, or other responsible adult designated by [~~the noncustodial~~] a
3957 parent, may pick up the minor child for parent-time if the [eustodial] other parent is
3958 aware of the identity of the individual and the [~~noncustodial~~]parent will be with the

- 3959 minor child by 7 p.m.
- 3960 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
- 3961 shall be responsible for the minor child's attendance at school for that school day.
- 3962 (13) If there is more than one minor child and the minor children's school schedules vary
- 3963 for purpose of a holiday, at the option of the parent exercising the holiday or the parent's
- 3964 half of the holiday, the minor children may remain together for the holiday period
- 3965 beginning the first evening that all minor children's schools are dismissed for the holiday
- 3966 and ending the evening before any minor child returns to school.
- 3967 (14) If there is a minor child five to 18 years old and a minor child under five years old and
- 3968 both minor children are the children of the parties, the parents and the court should
- 3969 consider an upward deviation for parent-time with all the minor children so that
- 3970 parent-time is uniform based on a schedule under this section.
- 3971 (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
3972 3973 Dr. Martin Luther King Jr. Day	(1) Holiday begins [Friday at (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or]: <u>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</u> [(c) 6 p.m. at the election of the parent granted the holiday.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends[:	Odd years	Even years

	<p>(a) upon delivering of the minor 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.] <u>upon delivering of the minor child to school on the day that school resumes.</u></p>			
<p>3974</p>	<p>[President's] <u>Presidents' Day</u></p>	<p>(1) Holiday begins[Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child;] : (a) <u>at the time that school is dismissed for Presidents' Day; or</u> [(b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday.] (b) <u>Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[: (a) upon delivering the minor 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.] <u>upon delivering the minor child to school on the day that school resumes.</u></p>	<p>Even years</p>	<p>Odd years</p>
<p>3975</p>	<p>Spring Break</p>	<p>(1) Holiday begins at[6 p.m. on the day that school dismisses for spring break.] : (a) <u>the time school is dismissed for spring break; or</u> (b) <u>5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</u></p>	<p>Odd years</p>	<p>Even years</p>

		<p>(2) Holiday ends[: (a) upon delivering the minor 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.] <u>upon delivering the minor child to school on the day that school resumes.</u></p>		
3976	Memorial Day	<p>(1) Holiday begins[Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday.]:</p> <p><u>(a) at the time that school is dismissed for Memorial Day; or</u> <u>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends: (a) upon delivering the minor 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>	Even years	Odd years
3977	Mother's Day	<p>(1) Holiday begins [on Mother's Day at 9 a.m.:] <u>at 5:30 p.m. on the day before Mother's Day.</u></p> <p>(2) Holiday ends on Mother's Day at [7] <u>8:30 p.m.</u></p>	All years if non-custodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
3978	Father's Day	<p>(1) Holiday begins [on Father's Day at 9 a.m.:] <u>at 5:30 p.m. on the day before Father's Day.</u></p>	All years if non-custodial parent is the father or other	All years if custodial parent is the father or

		(2) Holiday ends on Father's Day at [7] 8:30 p.m.	parent designated in the order.	other parent designated in the order.
3979	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] 5:30 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] 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] 5:30 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
3980	Independence Day	(1) Holiday begins on July 3rd at [6] 5:30 p.m. (2) Holiday ends on July 5th at [6] 8:30 p.m.	Odd years	Even years
3981	Pioneer Day	(1) Holiday begins on July 23rd at [6] 5:30 p.m. (2) Holiday ends on July 25th at [6] 8:30 p.m.	Even years	Odd years
3982	Labor Day	(1) Holiday begins [Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday.] : <u>(a) at the time that school is dismissed for Labor Day; or</u> <u>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</u> (2) Holiday ends[:	Odd years	Even years

		(a) upon delivering the minor 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.] <u>upon delivering the minor child to school on the day that school resumes.</u>		
3983	[Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years]
3984	Fall Break	(1) Holiday begins at <u>6 p.m. on the day school is dismissed for fall break.] :</u> <u>(a) the time that school is dismissed for fall break; or</u> <u>(b) 5:30 p.m. on the day that school dismisses for fall break at the election of the parent granted the holiday.</u> (2) Holiday ends [: (a) upon delivering the minor 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.] <u>upon delivering the minor child to school on the day that school resumes.</u>	Odd years	Even years
3985	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at [4] 3 p.m. if there is no school.	Even years	Odd years

		(2) Holiday ends at [9] <u>8:30</u> p.m. on the same day the holiday begins.		
3986	[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]
3987	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.] <u>at:</u> (a) <u>the time that school is dismissed for Thanksgiving; or</u> (b) <u>5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted the holiday.</u> (2) Holiday ends[: (a) upon delivering the minor child to school on the Monday following Thanksgiving; or (b) at 8 a.m. on the Monday following Thanksgiving if there is no school.] <u>upon delivering the minor child to school on the day that school resumes.</u>	Even years	Odd years
3988	Winter Break (First Half)	(1) Holiday begins at: (a) [6 p.m. on the day] <u>the time that school dismisses for winter break; or</u> (b) [the time school is regularly dismissed] <u>5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</u> (2) Holiday ends on December 27th at [7] <u>8:30</u> p.m.	Odd years	Even years

3989	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] 8:30 p.m. (2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.	Even years	Odd years
3990	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 8:30 p.m.	Even years	Odd years
3991	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 8:30 p.m.	Odd years	Even years

3992 Section 51. Section **81-9-304** is amended to read:

3993 **81-9-304 . Minimum schedule for parent-time for a minor child under five years**
 3994 **old.**

- 3995 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time
 3996 schedule for a minor child who is younger than five years old.
- 3997 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections (3)
 3998 through (8) are considered the minimum parent-time to which the noncustodial parent is
 3999 entitled to the minor child.
- 4000 (3) For a minor child who is younger than five months old, the noncustodial parent is
 4001 entitled to:
 4002 (a) three two-hour visits every week; and
 4003 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule
 4004 under Subsection (15).
- 4005 (4) For a minor child who is at least five months old but younger than nine months old, the
 4006 noncustodial parent is entitled to:
 4007 (a) three three-hour visits every week; and
 4008 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule
 4009 under Subsection (15).
- 4010 (5) For a minor child who is at least nine months old but younger than 12 months old, the
 4011 noncustodial parent is entitled to:
 4012 (a) one eight-hour visit every week;
 4013 (b) one three-hour visit every week; and
 4014 (c) eight hours for each holiday granted to the noncustodial parent in accordance with

- 4015 the holiday schedule under Subsection (15).
- 4016 (6) For a minor child who is at least 12 months old but younger than 18 months old, the
4017 noncustodial parent is entitled to:
- 4018 (a) one three-hour visit every week;
- 4019 ~~[(b) one eight-hour visit on alternating weekends to be specified by the noncustodial~~
4020 ~~parent or court;]~~
- 4021 ~~[(c)]~~ (b) ~~[an overnight visit on opposite weekends from Subsection (6)(b)]~~ beginning on
4022 the first weekend after the entry of the decree, alternating weekends beginning at [6]
4023 5:30 p.m. on Friday and ending ~~[at noon on Saturday]~~ on Sunday at 7:30 p.m.; and
- 4024 ~~[(d)]~~ (c) eight hours for each holiday granted to the noncustodial parent in the holiday
4025 schedule under Subsection (15).
- 4026 (7) For a minor child who is at least 18 months old but younger than three years old, the
4027 noncustodial parent is entitled to:
- 4028 (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4029 (i) beginning at 5:30 p.m. and ending at ~~[8:30]~~ 7:30 p.m.; or
- 4030 (ii) if the minor child is being cared for during the day outside the minor child's
4031 regular place of residence and with advance notice to the custodial parent,
4032 beginning at the time that the minor child is picked up from the caregiver and
4033 ending at ~~[8:30]~~ 7:30 p.m.;
- 4034 (b) beginning on the first weekend after the entry of the decree, alternating weekends
4035 beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
- 4036 (c) each holiday granted to the noncustodial parent in accordance with the holiday
4037 schedule described in Subsection (15); and
- 4038 (d) extended parent-time for two one-week periods, separated by at least four weeks, at
4039 the option of the noncustodial parent, as follows:
- 4040 (i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8
4041 a.m. on the first day and ending at 7:30 p.m. on the last day; and
- 4042 (ii) one week of interrupted parent-time, beginning at 8 a.m. on the first day and
4043 ending at 7:30 p.m. on the last day, where the custodial parent may have an equal
4044 amount of weekday parent-time as the noncustodial parent on the same day on
4045 which the noncustodial parent is granted weekday parent-time under Subsection
4046 (7)(a).
- 4047 (8) For a minor child who is at least three years old but younger than five years old, the
4048 noncustodial parent is entitled to:

- 4049 (a) one weekday evening to be specified by the noncustodial parent or the court:
4050 (i) beginning at 5:30 p.m. and ending at ~~[8:30]~~ 7:30 p.m.; or
4051 (ii) if the minor child is being cared for during the day outside the minor child's
4052 regular place of residence and with advance notice to the custodial parent,
4053 beginning at the time that the minor child is picked up from the caregiver and
4054 ending at ~~[8:30]~~ 7:30 p.m.;
- 4055 (b) beginning on the first weekend after the entry of the decree, alternating weekends
4056 beginning at ~~[6]~~ 5:30 p.m. on Friday and ending at ~~[7]~~ 7:30 p.m. on Sunday;
- 4057 (c) each holiday granted to the noncustodial parent in accordance with the holiday
4058 schedule described in Subsection (15); and
- 4059 (d) extended parent-time for two two-week periods, separated by at least four weeks, at
4060 the option of the noncustodial parent, as follows:
4061 (i) two weeks of uninterrupted parent-time, ~~[which may be consecutive,]~~ for the
4062 noncustodial parent, beginning at 8 a.m. on the first day and ending at 7:30 p.m.
4063 on the last day; and
4064 (ii) two weeks of interrupted parent-time, ~~[which may be consecutive,]~~ beginning at 8
4065 a.m. on the first day and ending at 7:30 p.m. on the last day, where the custodial
4066 parent may have an equal amount of weekday parent-time as the noncustodial
4067 parent on the same day on which the noncustodial parent is granted weekday
4068 parent-time under Subsection ~~[(8)(a)]~~ (8)(a)(i).
- 4069 (9) For a minor child who is at least 18 months old but younger than five years old, the
4070 custodial parent is entitled to one week of uninterrupted extended parent-time.
- 4071 (10)(a) For a minor child who is nine months old or older, the noncustodial parent shall
4072 have at least two times a week:
4073 (i) brief telephone contact at reasonable hours and for a reasonable duration; and
4074 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside
4075 at least 100 miles apart, at reasonable hours and for reasonable duration.
- 4076 (b) If the parties cannot agree on whether the equipment is reasonably available, the
4077 court shall decide whether the equipment for virtual parent-time is reasonably
4078 available, taking into consideration:
4079 (i) the best interests of the minor child;
4080 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
4081 (iii) any other factors the court considers material.
- 4082 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

4083 (11) For a minor child who is younger than nine months old, unless the parents agree
 4084 otherwise, parent-time should take place in the home of the custodial parent, an
 4085 established child-care setting, or other environment familiar to the minor child, at the
 4086 option of the noncustodial parent.

4087 (12)(a) Changes may not be made to the parent-time schedule under this section, except
 4088 that if a conflict arises in the parent-time schedule, the following order of precedence
 4089 shall be applied when determining which parent is entitled to parent-time:

- 4090 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 4091 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
 4092 uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and
 4093 takes the minor child away from that parent's residence during the uninterrupted
 4094 extended parent-time;
- 4095 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
 4096 Day, Mother's Day, or the minor child's birthday;
- 4097 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
- 4098 (v) the schedule for weekday or weekend parent-time.

4099 (b) A parent exercising parent-time for the minor child's birthday may bring other
 4100 siblings along for the minor child's birthday.

4101 (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
 4102 shall be responsible for the minor child's attendance at school for that school day.

4103 (14) A parent shall notify the other parent at least 30 days in advance of the parent's plans
 4104 for the exercise of extended parent-time under Subsection (7)(d), (8)(d), or (9).

4105 (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
4108 Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at: (a) [9] <u>8</u> a.m. if the parent is available to be with the minor child; or (b) [6] <u>5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>7:30</u> p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years

4109	[Presiden- t's] Presidents' Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on [President's] Presidents' Day.	Even years	Odd years
4110	Spring Break	(1) Holiday begins at [6] 5:30 p.m. on the day that school dismisses for spring break. (2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.	Odd years	Even years
4111	Memorial Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on Memorial Day.	Even years	Odd years
4112	Mother's Day	(1) Holiday begins [on Mother's Day at 9 a.m.] at 5:30 p.m. on the day before <u>Mother's Day</u> . (2) Holiday ends on Mother's Day at [7] 7:30 p.m.	All years if non-custodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
4113	Father's Day	(1) Holiday begins [on Father's Day at 9 a.m.] at 5:30 p.m. on the day before <u>Father's Day</u> . (2) Holiday ends on Father's Day at [7] 7:30 p.m.	All years if non-custodial 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.
4114	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] 5:30 p.m. on the day before Juneteenth National Freedom Day if the day	Even years	Odd years

		before Juneteenth National Freedom Day is not Father's Day; or (b) [9] 8 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] 7:30 p.m. on the day following Juneteenth National Freedom Day.		
4115	Independence Day	(1) Holiday begins on July 3rd at [6] 5:30 p.m. (2) Holiday ends on July 5th at [6] 7:30 p.m.	Odd years	Even years
4116	Pioneer Day	(1) Holiday begins on July 23rd at [6] 5:30 p.m. (2) Holiday ends on July 25th at [6] 7:30 p.m.	Even years	Odd years
4117	Labor Day	(1) Holiday begins on Friday at: (a) [9] 8 a.m. if the parent is available to be with the minor child; or (b) [6] 5:30 p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] 7:30 p.m. on Labor Day.	Odd years	Even years
4118	[Columbus Day]	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years]
4119	Fall Break	(1) Holiday begins at [6] 5:30 p.m. on the day school is dismissed for fall break. (2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.	Odd years	Even years

4120	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at [4] 3 p.m. if there is no school. (2) Holiday ends at [9] 7:30 p.m. on the same day the holiday begins.	Even years	Odd years
4121	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]
4122	Thanksgiving	(1) Holiday begins at [6] 5:30 p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at [7] 7:30 p.m. on day before school resumes.	Even years	Odd years
4123	Winter Break (First Half)	(1) Holiday begins at [6] 5:30 p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at [7] 7:30 p.m.	Odd years	Even years
4124	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] 7:30 p.m. (2) Holiday ends at [7] 7:30 p.m. on the day before school resumes.	Even years	Odd years
4125	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 7:30 p.m.	Even years	Odd years
4126	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] 7:30 p.m.	Odd years	Even years

4127 Section 52. Section **81-9-402** is amended to read:

4128 **81-9-402 . Custody and visitation for individuals other than a parent -- Venue.**

- 4129 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a
4130 parent retain the fundamental right and duty to exercise primary control over the care,
4131 supervision, upbringing, and education of a minor child of the parent.
- 4132 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's
4133 best interests.
- 4134 (2) The presumption in Subsection (1) is rebutted and a court may grant custodial or
4135 visitation rights to an individual other than a parent if the court finds, by clear and
4136 convincing evidence, that the individual seeking custodial or visitation rights has
4137 established that:
- 4138 (a) the individual has intentionally assumed the role and obligations of a parent;
4139 (b) the individual and the minor child have formed a substantial emotional bond and
4140 created a parent-child type relationship;
4141 (c) the individual substantially contributed emotionally or financially to the minor child's
4142 well being;
4143 (d) the assumption of the parental role is not the result of a financially compensated
4144 surrogate care arrangement;
4145 (e) the continuation of the relationship between the individual and the minor child is in
4146 the minor child's best interest;
4147 (f) the loss or cessation of the relationship between the individual and the minor child
4148 would substantially harm the minor child; and
4149 (g) the parent:
- 4150 (i) is absent as of the time of filing of the petition;
4151 (ii) does not have the ability to exercise primary physical custody of the minor child
4152 as of the time of filing of the petition; or
4153 (iii) has abused or neglected the minor child, or that another court has found that the
4154 parent has abused or neglected the minor child.
- 4155 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,
4156 an individual shall file a verified petition, or a petition supported by an affidavit, for
4157 custodial or visitation rights to the minor child in the juvenile court if a matter is pending
4158 in the juvenile court, or in the district court in the county where the minor child:
- 4159 (a) currently resides; or
4160 (b) lived with a parent or an individual other than a parent who acted as a parent within
4161 six months before the commencement of the action.

- 4162 (4) An individual may file a petition under this section in a pending divorce, parentage
4163 action, or other proceeding, including a proceeding in the juvenile court involving
4164 custody of or visitation with a minor child.
- 4165 (5) The petition shall include detailed facts supporting the petitioner's right to file the
4166 petition including the criteria set forth in Subsection (2) and residency information
4167 described in Section 81-11-209.
- 4168 (6) An individual may not file a petition under this section against a parent who is actively
4169 serving outside the state in any branch of the military.
- 4170 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the
4171 Utah Rules of Civil Procedure on all of the following:
- 4172 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
4173 (b) any individual who has court-ordered custody or visitation rights;
4174 (c) the minor child's guardian;
4175 (d) the guardian ad litem, if one has been appointed;
4176 (e) an individual or agency that has physical custody of the minor child or that claims to
4177 have custody or visitation rights; and
4178 (f) any other individual or agency that has previously appeared in any action regarding
4179 custody of or visitation with the minor child.
- 4180 (8) The court may order a custody evaluation to be conducted in any proceeding brought
4181 under this section.
- 4182 (9) The court may enter temporary orders in a proceeding brought under this section
4183 pending the entry of final orders.
- 4184 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
4185 under this section to an individual:
- 4186 (a) who is not the parent of the minor child; and
4187 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
4188 contest to a felony or attempted felony involving conduct that constitutes any of the
4189 following:
- 4190 (i) child abuse, as described in [~~Sections 76-5-109, 76-5-109.2, 76-5-109.3,~~
4191 ~~76-5-109.4, and 76-5-114~~] Section 76-5-109;
- 4192 (ii) aggravated child abuse, as described in Section 76-5-109.2;
- 4193 (iii) child abandonment, as described in Section 76-5-109.3;
- 4194 (iv) child torture, as described in Section 76-5-109.4;
- 4195 (v) commission of domestic violence in the presence of a child, as described in

- 4196 Section 76-5-114;
- 4197 [~~(ii)~~] (vi) child abuse homicide, as described in Section 76-5-208;
- 4198 [~~(iii)~~] (vii) child kidnapping, as described in Section 76-5-301.1;
- 4199 [~~(iv)~~] (viii) human trafficking of a child, as described in Section 76-5-308.5;
- 4200 [~~(v)~~] (ix) sexual abuse of a minor, as described in Section 76-5-401.1;
- 4201 [~~(vi)~~] (x) rape of a child, as described in Section 76-5-402.1;
- 4202 [~~(vii)~~] (xi) object rape of a child, as described in Section 76-5-402.3;
- 4203 [~~(viii)~~] (xii) sodomy on a child, as described in Section 76-5-403.1;
- 4204 [~~(ix)~~] (xiii) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated
- 4205 sexual abuse of a child, as described in Section 76-5-404.3;
- 4206 [~~(x)~~] (xiv) sexual exploitation of a minor, as described in Section 76-5b-201;
- 4207 [~~(xi)~~] (xv) aggravated sexual exploitation of a minor, as described in Section
- 4208 76-5b-201.1; or
- 4209 [~~(xii)~~] (xvi) an offense in another state that, if committed in this state, would
- 4210 constitute an offense described in this Subsection (10).
- 4211 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed
- 4212 in Subsection (10) that prevents a court from granting custody except as provided in
- 4213 this Subsection (11).
- 4214 (b) An individual described in Subsection (10) may only be considered for custody of a
- 4215 minor child if the following criteria are met by clear and convincing evidence:
- 4216 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 4217 (ii) at least 10 years have elapsed from the day on which the individual is
- 4218 successfully released from prison, jail, parole, or probation related to a
- 4219 disqualifying offense;
- 4220 (iii) during the 10 years before the day on which the individual files a petition with
- 4221 the court seeking custody the individual has not been convicted, plead guilty, or
- 4222 plead no contest to an offense greater than an infraction or traffic violation that
- 4223 would likely impact the health, safety, or well-being of the minor child;
- 4224 (iv) the individual can provide evidence of successful treatment or rehabilitation
- 4225 directly related to the disqualifying offense;
- 4226 (v) the court determines that the risk related to the disqualifying offense is unlikely to
- 4227 cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 4228 currently or at any time in the future when considering all of the following:
- 4229 (A) the minor child's age;

- 4230 (B) the minor child's gender;
- 4231 (C) the minor child's development;
- 4232 (D) the nature and seriousness of the disqualifying offense;
- 4233 (E) the preferences of a minor child who is 12 years old or older;
- 4234 (F) any available assessments, including custody evaluations, parenting
- 4235 assessments, psychological or mental health assessments, and bonding
- 4236 assessments; and
- 4237 (G) any other relevant information;
- 4238 (vi) the individual can provide evidence of the following:
- 4239 (A) the relationship with the minor child is of long duration;
- 4240 (B) that an emotional bond exists with the minor child; and
- 4241 (C) that custody by the individual who has committed the disqualifying offense
- 4242 ensures the best interests of the minor child are met;
- 4243 (vii)(A) there is no other responsible relative known to the court who has or likely
- 4244 could develop an emotional bond with the minor child and does not have a
- 4245 disqualifying offense; or
- 4246 (B) if there is a responsible relative known to the court that does not have a
- 4247 disqualifying offense, Subsection (11)(d) applies; and
- 4248 (viii) that the continuation of the relationship between the individual with the
- 4249 disqualifying offense and the minor child could not be sufficiently maintained
- 4250 through any type of visitation if custody were given to the relative with no
- 4251 disqualifying offense described in Subsection (11)(d).
- 4252 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 4253 why placement with that individual is in the best interest of the minor child over
- 4254 another responsible relative or equally situated individual who does not have a
- 4255 disqualifying offense.
- 4256 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
- 4257 the court who does not have a disqualifying offense:
- 4258 (i) preference for custody is given to a relative who does not have a disqualifying
- 4259 offense; and
- 4260 (ii) before the court may place custody with the individual who has the disqualifying
- 4261 offense over another responsible, willing, and able relative:
- 4262 (A) an impartial custody evaluation shall be completed; and
- 4263 (B) a guardian ad litem shall be assigned.

4264 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
4265 decision on custody has not been made and to a case filed on or after March 25, 2017.

4266 Section 53. Section **81-13-204** is amended to read:

4267 **81-13-204 . Petition for adoption of a minor child.**

4268 (1) A person may bring a petition for adoption of a minor child:

4269 (a) before the birth of the minor child; or

4270 (b) before or after the minor child is placed in the home of the adoptive parent for the
4271 purpose of adoption.

4272 (2)(a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child
4273 shall state whether the minor child was born in another state.

4274 (b) If the minor child was born in another state, the petition and the court's final decree
4275 of adoption shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate
4276 Compact on Placement of Children, have been complied with.

4277 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required
4278 to complete a preplacement adoptive evaluation under Section [~~81-13-404~~] 81-13-403.

4279 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec.
4280 1903, a child-placing agency and a petitioner shall comply with the Indian Child
4281 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

4282 Section 54. Section **81-13-205** is amended to read:

4283 **81-13-205 . Petition to terminate parental rights of a minor child.**

4284 (1) A party may bring a petition seeking to terminate parental rights [øf] to a minor child for
4285 the purpose of facilitating the adoption of the minor child in a court with jurisdiction
4286 under Title 78A, Judiciary and Judicial Administration.

4287 (2) A petition to terminate parental rights under this section may be:

4288 (a) joined with a proceeding on an adoption petition; or

4289 (b) filed as a separate proceeding before or after a petition to adopt the minor child is
4290 filed.

4291 (3) A court may enter a final order terminating parental rights before a final decree of
4292 adoption is entered.

4293 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to
4294 proceedings to terminate parental rights as described in Section 78A-6-103.

4295 (b) A court may not terminate parental rights [øf] to a minor child if the minor child is
4296 under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency,
4297 or termination of parental rights proceeding.

- 4298 (5) The court may terminate an individual's parental rights [øf] to a minor child if:
- 4299 (a) the individual executes a voluntary consent to adoption, or relinquishment for
- 4300 adoption, of the minor child, in accordance with:
- 4301 (i) the requirements of this chapter; or
- 4302 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 4303 (b) the individual is an unmarried biological father who is not entitled to consent to
- 4304 adoption, or relinquishment for adoption, under Section 81-13-212 or 81-13-213;
- 4305 (c) the individual:
- 4306 (i) received notice of the adoption proceeding relating to the minor child under
- 4307 Section 81-13-207; and
- 4308 (ii) failed to file a motion for relief, under Subsection 81-13-207(6), within 30 days
- 4309 after the day on which the individual was served with notice of the adoption
- 4310 proceeding;
- 4311 (d) the court finds, under Section 81-5-607, that the individual is not a parent of the
- 4312 minor child; or
- 4313 (e) the individual's parental rights are terminated on grounds described in Title 80,
- 4314 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
- 4315 best interests of the minor child.
- 4316 (6) The court shall appoint an indigent defense service provider in accordance with Title
- 4317 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
- 4318 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
- 4319 Termination and Restoration of Parental Rights, or whose parental rights are subject to
- 4320 termination under this section.
- 4321 (7) If a county incurs expenses in providing indigent defense services to an indigent
- 4322 individual facing any action initiated by a private party under Title 80, Chapter 4,
- 4323 Termination and Restoration of Parental Rights, or termination of parental rights under
- 4324 this section, the county may apply for reimbursement from the Utah Indigent Defense
- 4325 Commission in accordance with Section 78B-22-406.
- 4326 (8) A petition filed under this section is subject to the procedural requirements of this
- 4327 chapter.
- 4328 Section 55. Section **81-13-207** is amended to read:
- 4329 **81-13-207 . Notice of an adoption proceeding for a minor child.**
- 4330 (1) A petitioner in an adoption proceeding described in Section 81-13-204, 81-13-205, or
- 4331 81-13-206 shall serve a notice of the adoption proceeding on each of the following

- 4332 persons:
- 4333 (a) any person or agency whose consent or relinquishment is required under Section
- 4334 81-13-212 or 81-13-213, unless that right has been terminated by:
- 4335 (i) waiver;
- 4336 (ii) relinquishment;
- 4337 (iii) actual or implied consent; or
- 4338 (iv) judicial action;
- 4339 (b) any person who has initiated a parentage proceeding and filed notice of that action
- 4340 with [the] the office in accordance with Subsection (3);
- 4341 (c) any legally appointed custodian or guardian of the child adoptee;
- 4342 (d) the petitioner's spouse if the petitioner is married and the petitioner's spouse has not
- 4343 joined in the petition;
- 4344 (e) the child adoptee's spouse if the child adoptee is married;
- 4345 (f) any individual who, before the time the birth mother executes the birth mother's
- 4346 consent for adoption or relinquishes the child adoptee for adoption, is recorded on the
- 4347 birth certificate as the child adoptee's parent, with the knowledge and consent of the
- 4348 birth mother;
- 4349 (g) any individual who is:
- 4350 (i) openly living in the same household with the child adoptee at the time the consent
- 4351 is executed or relinquishment made; and
- 4352 (ii) holding the individual out to be the child adoptee's parent; and
- 4353 (h) an individual who is married to the child adoptee's birth mother at the time the birth
- 4354 mother executes the birth mother's consent to the adoption or relinquishes the child
- 4355 adoptee for adoption, unless the court finds that the mother's spouse is not the child
- 4356 adoptee's parent under Section 81-5-607.
- 4357 (2)(a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the
- 4358 notice described in Subsection (1) at any time after the petition for the adoption
- 4359 proceeding is filed.
- 4360 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth
- 4361 mother before the birth mother has given birth to the minor child who is the subject
- 4362 of the petition.
- 4363 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior
- 4364 to the final dispositional hearing.
- 4365 (3)(a) An unmarried biological father, by virtue of the fact that the unmarried biological

- 4366 father has engaged in a sexual relationship with a woman:
- 4367 (i) is considered to be on notice that a pregnancy and an adoption proceeding
4368 regarding a minor child may occur; and
- 4369 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 4370 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
4371 proceeding with regard to the unmarried biological father's minor child only as
4372 provided in this section or Section 81-13-209.
- 4373 (c) In order to preserve any right to notice, an unmarried biological father shall,
4374 consistent with Subsection (3)(f):
- 4375 (i) initiate proceedings in a court with jurisdiction under Title 78A, Judiciary and
4376 Judicial Administration, to establish parentage under Chapter 5, Uniform
4377 Parentage Act; and
- 4378 (ii) file a notice of commencement of the proceedings described in Subsection
4379 (3)(c)(i) with the office.
- 4380 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil
4381 Actions, an unmarried biological father may initiate an action described in
4382 Subsection (3)(c) in any county if the unmarried biological father does not know the
4383 county in which the birth mother resides.
- 4384 (e) The Department of Health and Human Services shall provide forms for the purpose
4385 of filing the notice described in Subsection (3)(c)(ii), and make those forms available
4386 in the office of the county health department in each county.
- 4387 (f) When the office receives a completed form, the office shall:
- 4388 (i) record the date and time the form was received; and
- 4389 (ii) immediately enter the information provided by the unmarried biological father in
4390 the confidential registry described in Subsection 81-13-213(4)(c).
- 4391 (g)(i) An unmarried biological father may file the action and notice described in
4392 Subsection (3)(c) before or after the minor child's birth.
- 4393 (ii) An unmarried biological father shall file the action and notice described in
4394 Subsection (3)(c) before the birth mother's:
- 4395 (A) execution of consent to adoption of the minor child; or
- 4396 (B) relinquishment of the minor child for adoption.
- 4397 (h) Notwithstanding Subsection [~~(2)(b)~~] (3)(b), an unmarried biological father is not
4398 entitled to notice of an adoption proceeding in a case where it is shown that the minor
4399 child was conceived as a result of conduct that constitutes a sexual offense,

- 4400 regardless of whether the unmarried biological father is formally charged with or
4401 convicted of the sexual offense.
- 4402 (4) Notice provided in accordance with this section need not disclose the name of the birth
4403 mother of the minor child who is the subject of an adoption proceeding.
- 4404 (5) The notice required by this section:
- 4405 (a) shall specifically state that the person served shall fulfill the requirements of
4406 Subsection (6)(a) within 30 days after the day on which the person receives service if
4407 the person intends to intervene in or contest the adoption;
- 4408 (b) shall state the consequences, described in Subsection (6)(b), for failure of a person to
4409 file a motion for relief within 30 days after the day on which the person is served
4410 with notice of an adoption proceeding;
- 4411 (c) is not required to include, or be accompanied by, a summons or a copy of the petition
4412 for adoption;
- 4413 (d) shall state where the person may obtain a copy of the petition for adoption; and
- 4414 (e) shall indicate the right to the appointment of counsel for a party whom the court
4415 determines is indigent and at risk of losing the party's parental rights.
- 4416 (6)(a) A person who has been served with notice of an adoption proceeding and who
4417 wishes to contest the adoption shall file a motion to intervene in the adoption
4418 proceeding:
- 4419 (i) within 30 days after the day on which the person was served with notice of the
4420 adoption proceeding;
- 4421 (ii) setting forth specific relief sought; and
- 4422 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
4423 which the motion is based.
- 4424 (b) A person who fails to fully and strictly comply with all of the requirements described
4425 in Subsection (6)(a) within 30 days after the day on which the person was served with
4426 notice of the adoption proceeding:
- 4427 (i) waives any right to further notice in connection with the adoption;
- 4428 (ii) forfeits all rights in relation to the adoptee; and
- 4429 (iii) is barred from thereafter bringing or maintaining any action to assert any interest
4430 in the adoptee.
- 4431 (7)(a)(i) Subject to Subsection (5)(c), the petitioner shall serve a person whose
4432 consent is necessary under Section 81-13-212 or 81-13-213 in accordance with the
4433 Utah Rules of Civil Procedure.

- 4434 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
4435 shall designate the content of the notice regarding the identity of the parties.
- 4436 (iii) The notice described in this Subsection (7)(a) may not include the name of a
4437 person seeking to adopt the adoptee.
- 4438 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice
4439 is required under this section, service by certified mail, return receipt requested, is
4440 sufficient.
- 4441 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two
4442 attempts, the court may issue an order providing for service by publication,
4443 posting, or by any other manner of service.
- 4444 (c) Notice to an individual, who has initiated a parentage proceeding and filed notice of
4445 that action with the office in accordance with the requirements of Subsection (3),
4446 shall be served by certified mail, return receipt requested, at the last address filed
4447 with the office.
- 4448 (8) The notice required by this section may be waived in writing by the person entitled to
4449 receive notice.
- 4450 (9) Proof of service of notice on all persons for whom notice is required by this section
4451 shall be filed with the court before the final dispositional hearing on the adoption.
- 4452 (10) Notwithstanding any other provision of law, neither the notice of an adoption
4453 proceeding nor any process in that proceeding is required to contain the name of the
4454 person or persons seeking to adopt the child adoptee.
- 4455 (11) Except as to those persons whose consent to an adoption is required under Section
4456 81-13-212 or 81-13-213, the sole purpose of notice under this section is to enable the
4457 person served to:
- 4458 (a) intervene in the adoption; and
4459 (b) present evidence to the court relevant to the best interest of the child adoptee.
- 4460 Section 56. Section **81-13-212** is amended to read:
- 4461 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**
4462 **minor child -- Implied consent.**
- 4463 (1) Except as provided in Subsection (2), the following persons are required to consent to
4464 an adoption of a minor child, or to relinquishment of a minor child, before an adoption
4465 of the minor child is granted:
- 4466 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child
4467 adoptee does not have the mental capacity to consent;

- 4468 (b) a man or woman who:
- 4469 (i) by operation of law under Section [~~81-5-204~~] 81-5-201, is recognized as the father
- 4470 or mother of the proposed adoptee, unless:
- 4471 (A) the presumption is rebutted under Section 81-5-607;
- 4472 (B) at the time of the marriage, the man or woman knew or reasonably should
- 4473 have known that the marriage to the mother of the proposed child adoptee was
- 4474 or could be declared invalid; or
- 4475 (C) the man or woman was not married to the mother of the proposed child
- 4476 adoptee until after the mother consented to adoption, or relinquishment for
- 4477 adoption, of the proposed child adoptee; or
- 4478 (ii) is the parent of the child adoptee by a previous legal adoption;
- 4479 (c) the birth mother of the child adoptee;
- 4480 (d) an individual who has been adjudicated to be the child adoptee's parent by a court
- 4481 with jurisdiction before the birth mother's execution of consent to adoption or the
- 4482 birth mother's relinquishment of the child adoptee for adoption;
- 4483 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary
- 4484 declaration of paternity with the office in accordance with Chapter 5, Uniform
- 4485 Parentage Act, before the birth mother's execution of consent to adoption or the birth
- 4486 mother's relinquishment of the child adoptee for adoption;
- 4487 (f) an unmarried biological father of the child adoptee, whose consent is not required
- 4488 under Subsection (1)(d) or (1)(e), only if the unmarried biological father fully and
- 4489 strictly complies with the requirements of Section 81-13-213; and
- 4490 (g) the person or agency to whom an adoptee has been relinquished and that is placing
- 4491 the child adoptee for adoption.
- 4492 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through
- 4493 (f) is not required if the individual's parental rights relating to the child adoptee have
- 4494 been terminated by a court.
- 4495 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
- 4496 filed when the voluntary declaration is entered into a database that:
- 4497 (a) can be accessed by the Department of Health and Human Services; and
- 4498 (b) is designated by the office as the official database for voluntary declarations of
- 4499 paternity.
- 4500 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may
- 4501 execute a consent or relinquishment at any time, including before the birth of the

- 4502 child adoptee.
- 4503 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
4504 control or custody of the child adoptee, until at least 24 hours after the birth of the
4505 child adoptee.
- 4506 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
4507 least 12 years old.
- 4508 (5)(a) A birth parent who is younger than 18 years old has the power to:
4509 (i) consent to the adoption of the birth parent's minor child; and
4510 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 4511 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
4512 same force and effect as a consent or relinquishment executed by a birth parent who
4513 is an adult.
- 4514 (c) A birth parent, who is younger than 18 years old and has executed a consent or
4515 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
4516 old or otherwise becoming emancipated.
- 4517 (6) A consent or relinquishment is effective when the consent or relinquishment is signed
4518 and may not be revoked.
- 4519 (7)(a) As used in this Subsection (7):
4520 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the
4521 pregnancy, to offer and provide financial and emotional support to the birth
4522 mother for a period of 180 days before the day on which the child adoptee is born.
4523 (ii) "Emotional support" means a pattern of statements or actions that indicate to a
4524 reasonable person that a birth parent intends to provide for the physical and
4525 emotional well-being of an unborn child adoptee.
- 4526 (b) A consent or relinquishment required by Subsection (1) may be implied by any of
4527 the following acts:
4528 (i) abandonment;
4529 (ii) leaving the child adoptee with a third party for 30 consecutive days without
4530 providing the third party with the birth parent's identification;
4531 (iii) knowingly leaving the child adoptee with another person for 180 consecutive
4532 days without providing for support, communicating, or otherwise maintaining a
4533 substantial relationship with the child adoptee; or
4534 (iv) receiving notification of a pending adoption proceeding as described in Section
4535 81-13-207, or of a termination proceeding described in Section 81-13-205, and

4536 failing to respond as required.

4537 (c) For purposes of this Subsection (7), a court may not:

4538 (i) determine that a birth parent abandoned the birth mother if the birth parent failed
4539 to provide financial or emotional support because the birth mother refused to
4540 accept support; or

4541 (ii) find that the birth parent failed to provide emotional support if the individual's
4542 failure was due to impossibility of performance.

4543 (d) Implied consent under this Subsection (7) may not be withdrawn.

4544 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an
4545 unmarried biological father.

4546 Section 57. Section **81-13-213** is amended to read:

4547 **81-13-213 . Consent of unmarried biological father.**

4548 (1) As used in this section, "qualifying circumstance" means that, at any point during the
4549 time period beginning at the conception of the child adoptee and ending at the time that
4550 the birth mother executes a consent to adoption or relinquishment of the child adoptee
4551 for adoption:

4552 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or
4553 a temporary basis of no less than 30 consecutive days, in the state;

4554 (b) the birth mother intended to give birth to the child adoptee in the state;

4555 (c) the child adoptee was born in the state; or

4556 (d) the birth mother intended to execute a consent to adoption or relinquishment of the
4557 child adoptee for adoption in the state or under the laws of the state.

4558 (2) Except as provided in Subsections (3)(a) and (8), and subject to Subsections (6) and (7),
4559 the consent of an unmarried biological father to the adoption of a child adoptee, who is
4560 placed with prospective adoptive parents more than 180 days after birth, is not required
4561 unless the unmarried biological father:

4562 (a)(i) developed a substantial relationship with the child adoptee by:

4563 (A) visiting the child adoptee monthly, unless the unmarried biological father was
4564 physically or financially unable to visit the child adoptee on a monthly basis; or

4565 (B) engaging in regular communication with the child adoptee or with the person
4566 or authorized agency that has lawful custody of the child adoptee;

4567 (ii) took some measure of responsibility for the child adoptee and the child adoptee's
4568 future; and

4569 (iii) demonstrated a full commitment to the responsibilities of parenthood by

4570 financial support of the child adoptee of a fair and reasonable sum in accordance
4571 with the unmarried biological father's ability; or

4572 (b)(i) if the child adoptee is younger than one year old, openly lived with the child
4573 adoptee immediately preceding placement of the child adoptee with the
4574 prospective adoptive parents for a period of at least 180 days during the period of
4575 time beginning on the day on which the child adoptee is born and ending on the
4576 day on which the child adoptee is placed with prospective adoptive parents;

4577 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee
4578 immediately preceding placement of the child adoptee with the prospective
4579 adoptive parents for a period of at least 180 days during the one-year period
4580 immediately preceding the day on which the child adoptee is placed with
4581 prospective adoptive parents; ~~or~~ and

4582 (iii) openly held himself out to be the father of the child adoptee during the 180-day
4583 period described in Subsection (2)(b)(i) or (ii).

4584 (3)(a) If an unmarried biological father was prevented from complying with a
4585 requirement described in Subsection (2) by the person or authorized agency having
4586 lawful custody of the child adoptee, the unmarried biological father is not required to
4587 comply with that requirement.

4588 (b) The subjective intent of an unmarried biological father, whether expressed or
4589 otherwise, that is unsupported by evidence that the requirements in Subsection (2)
4590 have been met, shall not preclude a determination that the unmarried biological father
4591 failed to meet the requirements of Subsection (2).

4592 (4) Except as provided in Subsections (7) and (8), and subject to Subsection (6), the consent
4593 of an unmarried biological father to the adoption of a child adoptee, who is 180 days old
4594 or younger at the time that the child adoptee is placed with the prospective adoptive
4595 parents, is not required unless, before the time that the birth mother executes the birth
4596 mother's consent for adoption or relinquishes the child adoptee for adoption, the
4597 unmarried biological father:

4598 (a) initiates proceedings in a court with jurisdiction under Title 78A, Judiciary and
4599 Judicial Administration, to establish parentage under Chapter 5, Uniform Parentage
4600 Act;

4601 (b) files with the court that is presiding over the parentage proceeding a sworn affidavit:
4602 (i) stating that the unmarried biological father is fully able and willing to have full
4603 custody of the child adoptee;

- 4604 (ii) setting forth the unmarried biological father's plans for care of the child adoptee;
4605 and
- 4606 (iii) agreeing to a court order of child support and the payment of expenses incurred
4607 in connection with the birth mother's pregnancy and the child adoptee's birth;
- 4608 (c) consistent with Subsection (5), files notice of the commencement of parentage
4609 proceedings described in Subsection (4)(a), with the office in a confidential registry
4610 established by the office for that purpose; and
- 4611 (d) offered to pay and paid, during the pregnancy and after the child adoptee's birth, a
4612 fair and reasonable amount of the expenses incurred in connection with the birth
4613 mother's pregnancy and the child adoptee's birth, in accordance with the unmarried
4614 biological father's financial ability, unless:
- 4615 (i) the unmarried biological father did not have actual knowledge of the pregnancy;
4616 (ii) the unmarried biological father was prevented from paying the expenses by the
4617 person or authorized agency having lawful custody of the child adoptee; or
4618 (iii) the birth mother refused to accept the unmarried biological father's offer to pay
4619 the expenses described in this Subsection (4)(d).
- 4620 (5)(a) The notice described in Subsection (4)(c) is considered filed when received by the
4621 office.
- 4622 (b) If the unmarried biological father fully complies with the requirements of Subsection
4623 (4), and an adoption of the child adoptee is not completed, the unmarried biological
4624 father shall, without any order of the court, be legally obligated for a reasonable
4625 amount of child support, pregnancy expenses, and child birth expenses, in accordance
4626 with the unmarried biological father's financial ability.
- 4627 (6) Unless the unmarried biological father's ability to assert the right to consent has been
4628 lost for failure to comply with Section 81-13-208, or lost under another provision of
4629 Utah law, an unmarried biological father shall have at least one business day after the
4630 child adoptee's birth to fully and strictly comply with the requirements of Subsection (4).
- 4631 (7) The consent of an unmarried biological father to the adoption of a child adoptee is not
4632 required under this section if:
- 4633 (a) the court determines, in accordance with the requirements and procedures of Title 80,
4634 Chapter 4, Termination and Restoration of Parental Rights, that the unmarried
4635 biological father's rights should be terminated, based on the petition of any interested
4636 party;
- 4637 (b)(i) a voluntary declaration of paternity declaring the unmarried biological father to

- 4638 be the father of the child adoptee is rescinded under Section 81-5-306; and
- 4639 (ii) the unmarried biological father fails to comply with Subsection (4) within 10
- 4640 business days after the day that notice of the rescission described in Subsection
- 4641 (7)(b)(i) is mailed by the office as provided in Section 81-5-306; or
- 4642 (c) the unmarried biological father is notified under Section 81-13-208 and fails to
- 4643 preserve the unmarried biological father's rights in accordance with the requirements
- 4644 of Section 81-13-208.
- 4645 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father
- 4646 to the adoption of a child adoptee is required if:
- 4647 (a)(i) the unmarried biological father did not know, and through the exercise of
- 4648 reasonable diligence could not have known, before the time the birth mother
- 4649 executed a consent to adoption or relinquishment of the child adoptee for adoption
- 4650 that a qualifying circumstance existed;
- 4651 (ii) before the birth mother executed a consent to adoption or relinquishment of the
- 4652 child adoptee for adoption, the unmarried biological father fully complied with the
- 4653 requirements to establish parental rights and duties in the child adoptee, and to
- 4654 preserve the right to notice of a proceeding in connection with the adoption of the
- 4655 child adoptee, imposed by:
- 4656 (A) the last state where the unmarried biological father knew, or through the
- 4657 exercise of reasonable diligence should have known, that the birth mother
- 4658 resided in before the birth mother executed the consent to adoption or
- 4659 relinquishment of the child adoptee for adoption; or
- 4660 (B) the state where the child adoptee was conceived; and
- 4661 (iii) the unmarried biological father has demonstrated, based on the totality of the
- 4662 circumstances, a full commitment to the unmarried biological father's parental
- 4663 responsibilities as described in Subsection (9); or
- 4664 (b)(i) the unmarried biological father knew, or through the exercise of reasonable
- 4665 diligence should have known, before the time the birth mother executed a consent
- 4666 to adoption or relinquishment of the child adoptee for adoption that a qualifying
- 4667 circumstance existed; and
- 4668 (ii) the unmarried biological father complied with the requirements of Subsections (2)
- 4669 through (7) before the later of:
- 4670 (A) 20 days after the day that the unmarried biological father knew, or through the
- 4671 exercise of reasonable diligence should have known, that a qualifying

4672 circumstance existed; or

4673 (B) the time that the birth mother executed a consent to adoption or
4674 relinquishment of the child adoptee for adoption.

4675 (9) When determining whether an unmarried biological father has demonstrated a full
4676 commitment to the unmarried biological father's parental responsibilities for purposes of
4677 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,
4678 if applicable:

- 4679 (a) the efforts the unmarried biological father has taken to discover the location of the
4680 child adoptee or the child adoptee's birth mother;
- 4681 (b) whether the unmarried biological father has expressed and demonstrated an interest
4682 in taking responsibility for the child adoptee;
- 4683 (c) whether, and to what extent, the unmarried biological father has developed, or
4684 attempted to develop, a relationship with the child adoptee;
- 4685 (d) whether the unmarried biological father offered to provide and, unless the offer was
4686 rejected, did provide, financial support for the child adoptee or the child adoptee's
4687 birth mother;
- 4688 (e) whether, and to what extent, the unmarried biological father has communicated, or
4689 attempted to communicate, with the child adoptee or the child adoptee's birth mother;
- 4690 (f) whether the unmarried biological father has timely filed legal proceedings to
4691 establish the unmarried biological father's parentage of, and take responsibility for,
4692 the child adoptee; and
- 4693 (g) whether the unmarried biological father has timely filed a notice with a public
4694 official or agency relating to:
- 4695 (i) the unmarried biological father's parentage of the child adoptee;
- 4696 (ii) legal proceedings to establish the unmarried biological father's parentage of the
4697 child adoptee; or
- 4698 (iii) other evidence that shows whether the unmarried biological father has
4699 demonstrated a full commitment to the unmarried biological father's parental
4700 responsibilities.

4701 (10) An unmarried biological father who does not fully and strictly comply with the
4702 requirements of this section is considered to have waived and surrendered any right in
4703 relation to the child adoptee, including the right to:

- 4704 (a) notice of any judicial proceeding in connection with the adoption of the child
4705 adoptee; and

- 4706 (b) consent, or refuse to consent, to the adoption of the child adoptee.
- 4707 (11) Notwithstanding any other provision of this section, the consent of an unmarried
4708 biological father is not required in a case where it is shown that the child adoptee was
4709 conceived as a result of conduct that constitutes a sexual offense, regardless of whether
4710 the unmarried biological father is formally charged with or convicted of the sexual
4711 offense.
- 4712 (12) Unless the child adoptee is conceived or born within a marriage, the petitioner in an
4713 adoption proceeding shall, before entrance of a final decree of adoption, file with the
4714 court a certificate from the office, stating:
- 4715 (a) that a diligent search has been made of the registry of notices from unmarried
4716 biological fathers described in Subsection (4)(c); and
- 4717 (b)(i) that no filing has been found pertaining to the unmarried biological father of
4718 the child adoptee in question; or
- 4719 (ii) if a filing is found, the name of the unmarried biological father and the time and
4720 date of filing.
- 4721 (13) Unless an individual who is an unmarried biological father has fully and strictly
4722 complied with the requirements of this section and Section 81-13-212, an out-of-state
4723 order that adjudicates parentage, or an out-of-state declaration or acknowledgment of
4724 paternity:
- 4725 (a) only has the effect of establishing that the individual is an unmarried biological
4726 father of the child adoptee to whom the order, declaration, or acknowledgment
4727 relates; and
- 4728 (b) does not entitle the individual to:
- 4729 (i) notice of any judicial proceeding related to the adoption of the child adoptee;
4730 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or
4731 (iii) the right to custody of, control over, or visitation with the child adoptee.

4732 **Section 58. Repealer.**

4733 This bill repeals:

4734 Section **81-6-209.5, Costs of child care -- Ongoing expense for child care -- Office of**
4735 **Recovery Services study item and report.**

4736 **Section 59. Effective Date.**

4737 This bill takes effect on May 6, 2026.

4738 **Section 60. Coordinating S.B. 257 with S.B. 30.**

4739 If S.B. 257, Domestic Relations Amendments, and S.B. 30, Human Trafficking,

4740 Exploitation, and Smuggling Amendments, both pass and become law, the Legislature intends
 4741 that, on May 6, 2026, the term "natural parent" enacted in the following subsections in S.B. 30
 4742 be changed to "parent":

4743 (1) Subsections 53-29-202(1)(a)(xl) and (xli); and

4744 (2) Subsection 53-29-203(1)(a)(ix).

4745 **Section 61. Coordinating S.B. 257 with H.B. 309.**

4746 If S.B. 257, Domestic Relations Amendments, and H.B. 309, Juneteenth Observance
 4747 Amendments, both pass and become law, the Legislature intends that, on January 1, 2027:

4748 (1) the holiday time period for Juneteenth National Freedom Day described in the tables in
 4749 Subsections 81-9-302(12) and 81-9-303(15) in H.B. 309 be amended to read:

4750 "[(1) Holiday begins at:]

4751 [(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth
 4752 National Freedom Day is not Father's Day; or]

4753 [(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National
 4754 Freedom Day is Father's Day.]

4755 [(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]

4756 (1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth
 4757 National Freedom Day is on the day before Father's Day.

4758 (2) Holiday begins on Sunday at 8:30 p.m. and ends on Tuesday at 8:30 p.m., if Juneteenth
 4759 National Freedom Day is on Father's Day or on the day following Father's Day.

4760 (3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and
 4761 ends at 8:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth
 4762 National Freedom Day is on Father's Day, the day before Father's Day, or the day following
 4763 Father's Day."; and

4764 (2) the holiday time period for Juneteenth National Freedom Day described in the table in
 4765 Subsection 81-9-304(15) in H.B. 309 be amended to read:

4766 "[(1) Holiday begins at:]

4767 [(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth
 4768 National Freedom Day is not Father's Day; or]

4769 [(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National
 4770 Freedom Day is Father's Day.]

4771 [(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]

4772 (1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth
 4773 National Freedom Day is on the day before Father's Day.

(2) Holiday begins on Sunday at 7:30 p.m. and ends on Tuesday at 7:30 p.m., if Juneteenth National Freedom Day is on Father's Day or on the day following Father's Day.

(3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and ends at 7:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth National Freedom Day is on Father's Day, the day before Father's Day, or the day following Father's Day."

Section 62. Coordinating S.B. 257 with S.B. 304.

If S.B. 257, Domestic Relations Amendments, and S.B. 304, Protective Order Amendments, both pass and become law, the Legislature intends that, on May 6, 2026:

(1) Subsection 81-9-208(12) enacted in S.B. 304 not take effect; and

(2) Subsection 81-9-208(13) enacted in S.B. 257 be amended to read:

"(13) (a) Except as provided in Subsection (13)(b), the court shall award make-up parent-time to a parent, upon a motion or petition from the parent, if:

(i) the parent was denied parent-time with a minor child due to an investigation by the Division of Child and Family Services and the investigation did not result in a finding of abuse, neglect, or dependency; or

(ii) (A) the parent can show that a court determined the other parent knowingly falsified a material statement or material information during a protective order proceeding as described in Section 78B-7-208 and the court dismissed the underlying protective order on the merits after providing the parties to the protective order with notice and an opportunity to be heard;

(B) the parent lost parent-time as a result of the other parent's falsification of a material statement or material information during the protective order proceeding; and

(C) there has not been a finding of abuse or neglect against the parent.

(b) A court may deny a motion or petition for make-up parent-time based on Subsection (13)(a)(i) if:

(i) the parent did not diligently exercise parent-time with the child before the investigation by the Division of Child and Family Services; or

(ii) a party shows good cause for denying the motion or petition.

(c) When a court orders make-up parent-time under this Subsection (13):

(i) the court shall order:

(A) parent-time that is the same type and duration of the parent-time that was denied; and

(B) that the make-up parent-time occur within two years from the day on which the court enters the order for make-up parent-time; and

(ii) the court may include weekend or holiday parent-time or extended parent-time that was

_4808 denied to the parent.

_4809 (d) This Subsection (13) does not create a right of action against the Division of Child and

_4810 Family Services."