

Jordan D. Teuscher proposes the following substitute bill:

**Domestic Relations Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Stephanie Gricius

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**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;
- ▶ addresses the inclusion of Social Security Disability Insurance in the calculation of the gross income of a parent for purposes of child support;
- ▶ modifies the requirements for child care expenses in a child support order, including the requirements for a minimal child care award;

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

62           ▸ includes a coordination clause to address a substantive conflict with the parent-time  
63 schedule for Juneteenth National Freedom Day if this bill and H.B. 309, Juneteenth  
64 Observance Amendments, both pass and become law; and

65           ▸ includes a coordination clause to address make-up parent-time requirements in H.B. 304,  
66 Protective Order Amendments.

67 **Money Appropriated in this Bill:**

68           None

69 **Other Special Clauses:**

70           This bill provides coordination clauses.

71 **Utah Code Sections Affected:**

72 AMENDS:

73           **13-76-101**, as enacted by Laws of Utah 2025, Chapter 446

74           **26B-3-222**, as last amended by Laws of Utah 2024, Chapter 247

75           **26B-8-301**, as renumbered and amended by Laws of Utah 2023, Chapter 306

76           **26B-9-104**, as last amended by Laws of Utah 2025, Chapter 426

77           **53-29-101**, as enacted by Laws of Utah 2025, Chapter 291

78           **53-29-201**, as enacted by Laws of Utah 2025, Chapter 291

79           **53-29-202**, as enacted by Laws of Utah 2025, Chapter 291

80           **53-29-203**, as enacted by Laws of Utah 2025, Chapter 291

81           **53-29-205**, as enacted by Laws of Utah 2025, Chapter 291

82           **53-29-307**, as renumbered and amended by Laws of Utah 2025, Chapter 291

83           **53-29-405**, as enacted by Laws of Utah 2025, Chapter 291

84           **53-30-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

85           **53E-1-102**, as last amended by Laws of Utah 2025, Chapter 343

86           **53E-3-907**, as renumbered and amended by Laws of Utah 2018, Chapter 1

87           **53E-3-1204**, as enacted by Laws of Utah 2025, Chapter 438

88           **53H-11-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
89 Chapter 8

90           **59-10-1005**, as last amended by Laws of Utah 2022, Chapter 456

91           **63A-17-806**, as last amended by Laws of Utah 2025, Chapter 494

92           **75-2-114**, as last amended by Laws of Utah 2025, Chapter 426

93           **75-2-705**, as enacted by Laws of Utah 1998, Chapter 39

94           **76-2-409**, as enacted by Laws of Utah 2020, Chapter 411

95           **76-5-301.2**, as last amended by Laws of Utah 2025, Chapter 426

96 **76-5-404.1**, as last amended by Laws of Utah 2025, Chapters 223, 320  
97 **78A-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
98 **78A-6-104**, as last amended by Laws of Utah 2025, Chapter 426  
99 **78B-7-102**, as last amended by Laws of Utah 2025, Chapters 212, 332  
100 **80-1-102**, as last amended by Laws of Utah 2025, Chapter 426  
101 **81-1-101**, as last amended by Laws of Utah 2025, Chapter 426  
102 **81-2-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
103 **81-2-303**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
104 **81-2-403**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
105 **81-4-104**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
106 **81-5-102**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
107 **81-5-204**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
108 **81-5-608**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
109 **81-5-609**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
110 **81-5-705**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
111 **81-6-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 11  
112 **81-6-202**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
113 **81-6-203**, as last amended by Laws of Utah 2025, Chapter 86  
114 **81-6-213**, as enacted by Laws of Utah 2024, Chapter 366  
115 **81-9-202**, as last amended by Laws of Utah 2025, Chapter 426  
116 **81-9-204**, as last amended by Laws of Utah 2025, Chapter 426  
117 **81-9-206**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
118 **81-9-207**, as last amended by Laws of Utah 2025, Chapter 284  
119 **81-9-208**, as last amended by Laws of Utah 2025, Chapter 426  
120 **81-9-209**, as last amended by Laws of Utah 2025, Chapter 426  
121 **81-9-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
122 **81-9-303**, as last amended by Laws of Utah 2025, Chapter 426  
123 **81-9-304**, as renumbered and amended by Laws of Utah 2024, Chapter 366  
124 **81-9-402**, as last amended by Laws of Utah 2025, Chapter 426  
125 **81-13-204**, as enacted by Laws of Utah 2025, Chapter 426  
126 **81-13-205**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
127 **81-13-207**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
128 **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
129 **81-13-213**, as renumbered and amended by Laws of Utah 2025, Chapter 426

130 ENACTS:

131 **81-6-306**, Utah Code Annotated 1953

132 REPEALS AND REENACTS:

133 **81-6-209**, as last amended by Laws of Utah 2025, Chapter 479

134 REPEALS:

135 **81-6-209.5**, as enacted by Laws of Utah 2025, Chapter 479

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

137 **53-29-202 (05/06/26)**, as enacted by Laws of Utah 2025, Chapter 291

138 **53-29-203 (05/06/26)**, as enacted by Laws of Utah 2025, Chapter 291

139 **81-9-208 (05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

140 **81-9-302 (01/01/27)**, as as renumbered and amended by Laws of Utah 2024, Chapter 366

141 **81-9-303 (01/01/27)**, as as last amended by Laws of Utah 2025, Chapter 426

142 **81-9-304 (01/01/27)**, as as renumbered and amended by Laws of Utah 2024, Chapter 366

143

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

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

146 **13-76-101 . Definitions.**

147 As used in this chapter:

148 (1) "Age category" means one of the following categories of individuals based on age:

149 (a) "child" which means an individual who is under 13 years old;

150 (b) "younger teenager" which means an individual who is at least 13 years old and under  
151 16 years old;

152 (c) "older teenager" which means an individual who is at least 16 years old and under 18  
153 years old; or

154 (d) "adult" which means an individual who is at least 18 years old.

155 (2) "Age category data" means information about a user's age category that is:

156 (a) collected by an app store provider; and

157 (b) shared with a developer.

158 (3) "Age rating" means a classification that provides an assessment of the suitability of an  
159 app's content for different age groups.

160 (4) "App" means a software application or electronic service that a user may run or direct  
161 on a mobile device.

162 (5) "App store" means a publicly available website, software application, or electronic  
163 service that allows users to download apps from third-party developers onto a mobile

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

- 198 determined is at least 18 years old through the app store provider's age verification  
199 methods; and
- 200 (b) may be affiliated with one or more minor accounts.
- 201 (17) "Parental consent disclosure" means the following information that an app store  
202 provider is required to provide to a parent before obtaining parental consent:
- 203 (a) if the app store provider has an age rating for the app or in-app purchase, the app's or  
204 in-app purchase's age rating;
- 205 (b) if the app store provider has a content description for the app or in-app purchase, the  
206 app's or in-app purchase's content description;
- 207 (c) a description of:
- 208 (i) the personal data collected by the app from a user; and  
209 (ii) the personal data shared by the app with a third party; and
- 210 (d) if personal data is collected by the app, the methods implemented by the developer to  
211 protect the personal data.
- 212 (18) "Significant change" means a material modification to an app's terms of service or  
213 privacy policy that:
- 214 (a) changes the categories of data collected, stored, or shared;
- 215 (b) alters the app's age rating or content descriptions;
- 216 (c) adds new monetization features, including:
- 217 (i) in-app purchases; or  
218 (ii) advertisements; or
- 219 (d) materially changes the app's:
- 220 (i) functionality; or  
221 (ii) user experience.
- 222 (19) "Verifiable parental consent" means authorization that:
- 223 (a) is provided by an individual who the app store provider has verified is an adult;
- 224 (b) is given after the app store provider has clearly and conspicuously provided the  
225 parental consent disclosure to the individual; and
- 226 (c) requires the parent to make an affirmative choice to:
- 227 (i) grant consent; or  
228 (ii) decline consent.
- 229 Section 2. Section **26B-3-222** is amended to read:
- 230 **26B-3-222 . Medicaid waiver expansion for extraordinary care reimbursement.**
- 231 (1) As used in this section:

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

266 implement the program described in Subsection (5).

267 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah  
 268 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection  
 269 (5).

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

271 **26B-8-301 . Definitions.**

272 As used in this part:

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

274 (2) "Agent" means an individual:

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

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

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

281 (4) "Decedent" means:

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

284 (b) includes:

285 (i) a stillborn infant; and

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

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

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

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

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

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

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

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

299 (8) "Donor registry" means a database that contains records of anatomical gifts and

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

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

368 (32) "Transplant hospital" means a hospital that furnishes organ transplants and other  
369 medical and surgical specialty services required for the care of transplant patients.

370 Section 4. Section **26B-9-104** is amended to read:

371 **26B-9-104 . Duties of the Office of Recovery Services.**

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

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

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

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

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

378 (b) for the purpose of collecting child support, [~~tø~~]carry out the obligations of the  
379 department contained in:

380 (i) this chapter;

381 (ii) Title 81, Chapter 5, Uniform Parentage Act;

382 (iii) Title 81, Chapter 6, Child Support;

383 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and

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

385 (c) [~~tø~~]collect money due the department which could act to offset expenditures by the  
386 state;

387 (d) [~~tø~~]cooperate with the federal government in programs designed to recover health  
388 and social service funds;

389 (e) [~~tø~~]collect civil or criminal assessments, fines, fees, amounts awarded as restitution,  
390 and reimbursable expenses owed to the state or any of [~~its~~] the state's political  
391 subdivisions, if the office has contracted to provide collection services;

392 (f) [~~tø~~]implement income withholding for collection of child support in accordance with  
393 Part 3, Income Withholding in IV-D Cases;

394 (g) [~~tø~~]enter into agreements with financial institutions doing business in the state to  
395 develop and operate, in coordination with such financial institutions, a data match  
396 system in the manner provided for in Section 26B-9-208;

397 (h) [~~tø~~]establish and maintain the state case registry in the manner required by the  
398 Social Security Act, 42 U.S.C. Sec. 654a, [~~which shall include~~] that includes a record  
399 in each case of:

400 (i) the amount of monthly or other periodic support owed under the order, and other  
401 amounts, including arrearages, interest, late payment penalties, or fees, due or

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

436 the next month; and

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

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

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

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

446 **53-29-101 . Definitions.**

447 As used in this chapter:

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

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

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

453 [~~(3)~~] (4) "Child abuse offender" means an individual who meets the requirements under  
454 Subsection 53-29-202(2)(a).

455 [~~(4)~~] (5)(a) "Convicted" means a plea or conviction of:

456 (i) guilty;

457 (ii) guilty with a mental illness; or

458 (iii) no contest.

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

462 (c) "Convicted" does not include:

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

464 (ii) a diversion agreement; or

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

466 [~~(5)~~] (6) "Division" means the Division of Juvenile Justice and Youth Services.

467 [~~(6)~~] (7) "Employed" means employment that is full time or part time, whether financially  
468 compensated, volunteered, or for the purpose of government or educational benefit.

469 [~~(7)~~] (8) "Kidnap offender" means an individual who meets the requirements under

470 Subsection 53-29-202(2)(c).

471 ~~[(8)]~~ (9) "Offender" means an individual who qualifies as a sex offender, a kidnap offender,  
472 or a child abuse offender as described in Section 53-29-202.

473 ~~[(9)]~~ (10)(a) "Online identifier" means any electronic mail, chat, instant messenger,  
474 social networking, or similar name used for ~~[Internet]~~ internet communication.

475 (b) "Online identifier" does not include date of birth, social security number, PIN  
476 number, or ~~[Internet]~~ internet passwords.

477 (11)(a) "Parent" means, with respect to a child, an individual who has a parent-child  
478 relationship, as defined in Section 81-5-102, with the child.

479 (b) "Parent" includes a noncustodial parent of the child.

480 ~~[(10)]~~ (12) "Primary residence" means the location where an offender regularly resides, even  
481 if the offender intends to move to another location or return to another location at a  
482 future date.

483 ~~[(11)]~~ (13) "Registrable offense" means an offense described in Subsection 53-29-202(1).

484 ~~[(12)]~~ (14) "Registration website" means the Sex, Kidnap, and Child Abuse Offender  
485 Notification and Registration website described in Section 53-29-404.

486 ~~[(13)]~~ (15) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry  
487 maintained by the department and created in Section 53-29-102 to monitor and track  
488 offenders.

489 ~~[(14)]~~ (16) "Registry office" means the office within the department that manages the Sex,  
490 Kidnap, and Child Abuse Offender Registry.

491 ~~[(15)]~~ (17) "Sex offender" means an individual who meets the requirements under  
492 Subsection 53-29-202(2)(b).

493 ~~[(16)]~~ (18) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to  
494 registration in any jurisdiction.

495 Section 6. Section **53-29-201** is amended to read:

496 **53-29-201 . Definitions.**

497 As used in this part:

498 (1) "Court" means a state, federal, or military court.

499 (2) "External jurisdiction" means:

500 (a) a state of the United States not including Utah;

501 (b) the United States federal government;

502 (c) Indian country;

503 (d) a United States territory;

- 504 (e) the United States military; or
- 505 (f) Canada, Australia, New Zealand, or the United Kingdom.
- 506 (3) "Indian country" means:
- 507 (a) all land within the limits of an Indian reservation under the jurisdiction of the United
- 508 States government, regardless of the issuance of any patent, and includes
- 509 rights-of-way running through the reservation;
- 510 (b) all dependent Indian communities within the borders of the United States whether
- 511 within the original or subsequently acquired territory, and whether [~~or not~~] within
- 512 the limits of a state; and
- 513 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
- 514 not been extinguished, including rights-of-way running through the allotments.
- 515 [~~(4) "Natural parent" means a minor's biological or adoptive parent, including the minor's~~
- 516 ~~noncustodial parent.~~]
- 517 [~~(5)~~] (4) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,
- 518 Driving Under the Influence and Reckless Driving.
- 519 Section 7. Section **53-29-202** is amended to read:
- 520 **53-29-202 . Registrable offenses -- Status as a sex offender, kidnap offender, and**
- 521 **child abuse offender established.**
- 522 (1) An individual is an offender described in Subsection (2) and subject to the requirements,
- 523 restrictions, and penalties described in this chapter if the individual:
- 524 (a) has been convicted in this state of:
- 525 (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 526 (ii) child torture under Section 76-5-109.4;
- 527 (iii) a felony or class A misdemeanor violation of enticing a minor under Section
- 528 76-5-417;
- 529 (iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 530 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
- 531 (vi) human trafficking of a child for sexual exploitation under Subsection
- 532 76-5-308.5(4)(b);
- 533 (vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 534 (viii) human trafficking of a vulnerable adult for sexual exploitation under Section
- 535 76-5-311;
- 536 (ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided
- 537 in Subsection 76-5-401(3)(b) or (c);

- 538 (x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense  
539 unless the individual was younger than 21 years old at the time of the offense then  
540 on the individual's second offense;
- 541 (xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 542 (xii) rape under Section 76-5-402;
- 543 (xiii) rape of a child under Section 76-5-402.1;
- 544 (xiv) object rape under Section 76-5-402.2;
- 545 (xv) object rape of a child under Section 76-5-402.3;
- 546 (xvi) a felony violation of forcible sodomy under Section 76-5-403;
- 547 (xvii) sodomy on a child under Section 76-5-403.1;
- 548 (xviii) forcible sexual abuse under Section 76-5-404;
- 549 (xix) sexual abuse of a child under Section 76-5-404.1;
- 550 (xx) aggravated sexual abuse of a child under Section 76-5-404.3;
- 551 (xxi) aggravated sexual assault under Section 76-5-405;
- 552 (xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is  
553 younger than 18 years old and the offense is committed on or after May 10, 2011;
- 554 (xxiii) sexual exploitation of a minor under Section 76-5b-201;
- 555 (xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 556 (xxv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- 557 (xxvi) incest under Section 76-7-102;
- 558 (xxvii) lewdness under Section 76-5-419, if the individual has been convicted of the  
559 offense four or more times;
- 560 (xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of  
561 the offense four or more times;
- 562 (xxix) any combination of convictions of lewdness under Section 76-5-419, and of  
563 sexual battery under Section 76-5-418, that total four or more convictions;
- 564 (xxx) lewdness involving a child under Section 76-5-420;
- 565 (xxxix) a felony or class A misdemeanor violation of:
- 566 (A) voyeurism under Section 76-12-306;
- 567 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 568 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 569 (xxxii) aggravated exploitation of prostitution under Section 76-5d-208;
- 570 (xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not  
571 the [natural]parent of the child victim;

- 572 (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the [  
573 ~~natural~~]parent of the child victim;
- 574 (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the [  
575 ~~natural~~]parent of the child victim;
- 576 (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not  
577 the [~~natural~~]parent of the child victim;
- 578 (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the [  
579 ~~natural~~]parent of the child victim;
- 580 (xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if  
581 the offender was not the [~~natural~~]parent of the child victim;
- 582 (xxxix) aggravated human trafficking for labor under Section 76-5-310, if the  
583 offender was not the [~~natural~~]parent of the child victim;
- 584 (xl) aggravated human smuggling under Section 76-5-310.1, if the offender was not  
585 the [~~natural~~]parent of the child victim;
- 586 (xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the  
587 offender was not the [~~natural~~]parent of the child victim; or
- 588 (xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense  
589 listed in Subsections (1)(a)(i) through (xl);
- 590 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or  
591 conspiracy to commit a criminal offense in an external jurisdiction that is  
592 substantially equivalent to the offense listed in Subsection (1)(a); and
- 593 (ii)(A) is a Utah resident; or
- 594 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month  
595 period, regardless of whether the individual intends to permanently reside in  
596 this state;
- 597 (c)(i)(A) is required to register on a registry in an external jurisdiction for  
598 individuals who have committed an offense listed in Subsection (1)(a) or a  
599 substantially equivalent offense;
- 600 (B) is ordered by a court to register on a registry for individuals who have  
601 committed an offense listed in Subsection (1)(a) or a substantially equivalent  
602 offense; or
- 603 (C) would be required to register on a registry in an external jurisdiction for  
604 individuals who have committed an offense listed in Subsection (1)(a), or a  
605 substantially equivalent offense, if residing in the external jurisdiction of the

- 606 conviction regardless of the date of the conviction or a previous registration  
 607 requirement; and
- 608 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether  
 609 the individual intends to permanently reside in this state;
- 610 (d)(i)(A) is a nonresident regularly employed or working in this state; or  
 611 (B) [~~who~~] is a student in this state; and
- 612 (ii)(A) is convicted of an offense listed in Subsection (1)(a) or a substantially  
 613 equivalent offense in an external jurisdiction; or  
 614 (B) is required to register on a sex, kidnap, and child abuse registry, or an  
 615 equivalent registry, in the individual's state of residence based on a conviction  
 616 for an offense that is not substantially equivalent to an offense listed in  
 617 Subsection (1)(a);
- 618 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of  
 619 an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 620 (f)(i) is adjudicated under Section 80-6-701 for one or more offenses listed in  
 621 Subsection (1)(a); and
- 622 (ii) has been committed to the division for secure care, as defined in Section 80-1-102,  
 623 for that offense if:
- 624 (A) the individual remains in the division's custody until 30 days before the  
 625 individual's 21st birthday;
- 626 (B) the juvenile court extended the juvenile court's jurisdiction over the individual  
 627 under Section 80-6-605 and the individual remains in the division's custody  
 628 until 30 days before the individual's 25th birthday; or
- 629 (C) the individual is moved from the division's custody to the custody of the  
 630 department before expiration of the division's jurisdiction over the individual.
- 631 (2) Subject to Subsection (3), an individual is:
- 632 (a) a child abuse offender if the individual:
- 633 (i) has committed, attempted, solicited, or conspired to commit an offense described  
 634 in Subsection (1)(a)(i) through (ii); or
- 635 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense  
 636 described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
- 637 (b) a sex offender if the individual:
- 638 (i) has committed, attempted, solicited, or conspired to commit an offense described  
 639 in Subsections (1)(a)(iii) through (xxxii); or

- 640 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense  
641 described in Subsections (1)(a)(iii) through (xxxii) or a substantially equivalent  
642 offense; or
- 643 (c) a kidnap offender if the individual:
- 644 (i) has committed, attempted, solicited, or conspired to commit an offense described  
645 in Subsections (1)(a)(xxxiii) through (xli); or
- 646 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense  
647 described in Subsections (1)(a)(xxxiii) through (xli) or a substantially equivalent  
648 offense.
- 649 (3) An individual who has committed a registrable offense described in Subsection  
650 (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense  
651 described in Subsection (1)(a) and is required to register on a sex, kidnap, and child  
652 abuse registry, or an equivalent registry, in the individual's state of residence is a child  
653 abuse offender, sex offender, or kidnap offender based on the individual's status on the  
654 registry in the individual's state of residence.
- 655 (4) Notwithstanding Subsection ~~[53-29-101(4)(a)]~~ 53-29-101(5)(a), a plea of guilty or nolo  
656 contendere to a charge of sexual battery or lewdness that is held in abeyance under Title  
657 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction even if the charge is  
658 subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- 659 Section 8. Section **53-29-203** is amended to read:
- 660 **53-29-203 . Registration lengths -- 10 years -- Lifetime.**
- 661 (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a  
662 registrable offense is required to register on the registry for:
- 663 (a) 10 years after the day on which the offender's sentence for the offense has been  
664 terminated if the registrable offense is for:
- 665 (i) a felony or class A misdemeanor violation of enticing a minor under Section  
666 76-5-417, if the offender enticed the minor to engage in sexual activity that is one  
667 of the offenses described in Subsections (1)(a)(ii) through (xxiv);
- 668 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 669 (iii) child torture under Section 76-5-109.4;
- 670 (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the [  
671 ~~natural~~]parent of the child victim;
- 672 (v) human trafficking for labor under Section 76-5-308, if the offender was not the [  
673 ~~natural~~]parent of the child victim;

- 674 (vi) human smuggling under Section 76-5-308.3, if the offender was not the [~~natural~~]  
675 parent of the child victim;
- 676 (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the  
677 offender was not the [~~natural~~]parent of the child victim;
- 678 (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender  
679 was not the [~~natural~~]parent of the child victim;
- 680 (ix) aggravated human smuggling under Section 76-5-310.1;
- 681 (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 682 (xi) a felony violation of unlawful sexual activity with a minor under Section  
683 76-5-401;
- 684 (xii) sexual abuse of a minor under Section 76-5-401.1;
- 685 (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 686 (xiv) forcible sexual abuse under Section 76-5-404;
- 687 (xv) custodial sexual relations under Section 76-5-412;
- 688 (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 689 (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- 690 (xviii) incest under Section 76-7-102;
- 691 (xix) four to seven convictions of lewdness under Section 76-5-419;
- 692 (xx) four to seven convictions of sexual battery under Section 76-5-418;
- 693 (xxi) any combination of convictions of lewdness under Section 76-5-419, and of  
694 sexual battery under Section 76-5-418, that total four to seven convictions;
- 695 (xxii) lewdness involving a child under Section 76-5-420;
- 696 (xxiii) a felony or class A misdemeanor violation of:
- 697 (A) voyeurism under Section 76-12-306;
- 698 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 699 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 700 (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on  
701 or before May 9, 2011;
- 702 (xxv) attempting, soliciting, or conspiring to commit an offense listed in  
703 Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a  
704 registrable offense; or
- 705 (xxvi) attempting, soliciting, or conspiring to commit:
- 706 (A) aggravated kidnapping under Section 76-5-302, if the offender was not the [  
707 ~~natural~~]parent of the child victim;

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

- 742           ~~natural~~]parent of the child victim;
- 743           (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the
- 744           offender was not the ~~natural~~]parent of the child victim;
- 745           (v) human trafficking of a child for sexual exploitation under Subsection
- 746           76-5-308.5(4)(b), if the offender was not the ~~natural~~]parent of the child victim;
- 747           (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if
- 748           the offender was not the ~~natural~~]parent of the child victim;
- 749           (vii) human trafficking of a vulnerable adult for sexual exploitation under Section
- 750           76-5-311, if the offender was not the ~~natural~~]parent of the child victim;
- 751           (viii) forcible sodomy under Section 76-5-403;
- 752           (ix) sexual abuse of a child under Section 76-5-404.1;
- 753           (x) sexual exploitation of a minor under Section 76-5b-201;
- 754           (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 755           (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
- 756           (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after
- 757           May 10, 2011; or
- 758           (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender
- 759           enticed the minor to engage in sexual activity that is one of the offenses described
- 760           in Subsections (1)(b)(ii) through (xiii).
- 761       (2) An individual who qualifies as an offender based on a conviction in an external
- 762       jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an
- 763       external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is
- 764       required to register on the registry for the time period required by the external
- 765       jurisdiction.
- 766       (3)(a) If the sentencing court at any time after an offender is convicted of an offense
- 767       requiring lifetime registration described in Subsection (1)(b), and after considering
- 768       the factors described in Subsection (3)(b), determines that the offender was under 21
- 769       years old at the time the offense was committed and the offense did not involve force
- 770       or coercion, the requirement that the offender register for the offender's lifetime does
- 771       not apply and the offender shall register for 10 years after the day on which the
- 772       offender's sentence for the offense has been terminated.
- 773       (b) In determining whether an offense committed by an offender involves force or
- 774       coercion under Subsection (3)(a), the sentencing court shall consider:
- 775       (i) the age of the victim;

- 776 (ii) the vulnerability of the victim;
- 777 (iii) the physical, mental, psychological, or emotional harm the victim suffered from  
778 the offense;
- 779 (iv) whether the offender used fraud or deception to commit the offense;
- 780 (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103,  
781 was:
- 782 (A) distributed to the victim by the offender; or
- 783 (B) distributed, produced, or possessed by the offender at the time of the offense,  
784 that involved force or coercion against a victim depicted in the child sexual  
785 abuse material; and
- 786 (vi) any other factor the sentencing court determines is relevant.
- 787 (4) Except for an individual who is adjudicated for a registrable offense and is an offender  
788 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is  
789 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to  
790 registration requirements under this chapter unless the offender:
- 791 (a) is charged by criminal information in juvenile court under Section 80-6-503;
- 792 (b) is bound over to district court in accordance with Section 80-6-504; and
- 793 (c) is convicted of a registrable offense.
- 794 (5) An offender subject to the 10-year or lifetime registration requirements under  
795 Subsection (1) may petition the court for an order of removal from the registry in  
796 accordance with Section 53-29-204, 53-29-205, or 53-29-206.
- 797 Section 9. Section **53-29-205** is amended to read:
- 798 **53-29-205 . Ten-year petition for removal from registry -- Eligibility.**
- 799 (1) An offender who is required to register on the registry for a registrable offense  
800 described in Subsection (3) subject to a 10-year registration period as described in  
801 Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order  
802 of removal from the registry at a 10-year after entrance into the community period  
803 described in Subsection (2) if:
- 804 (a) the offender has not been convicted of another offense that is a class A misdemeanor,  
805 felony, or capital felony within the most recent 10-year period after the date  
806 described in Subsection (2), as evidenced by a certificate of eligibility issued by the  
807 bureau;
- 808 (b) the offender successfully completed all treatment ordered by the court or the Board  
809 of Pardons and Parole relating to the offense; and

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

- 844 (p) sexual extortion under Subsection 76-5b-204(2)(a);  
845 (q) incest under Section 76-7-102;  
846 (r) four or more convictions of lewdness under Section 76-5-419;  
847 (s) four or more convictions of sexual battery under Section 76-5-418;  
848 (t) any combination of convictions of lewdness under Section 76-5-419, and of sexual  
849 battery under Section 76-5-418, that total four or more convictions;  
850 (u) lewdness involving a child under Section 76-5-420;  
851 (v) a felony violation of:  
852 (i) recorded or photographed voyeurism under Section 76-12-307; or  
853 (ii) distribution of images obtained through voyeurism under Section 76-12-308;  
854 (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or  
855 before May 9, 2011;  
856 (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a)  
857 through (v) if the attempt, solicitation, or conspiracy is a registrable offense;  
858 (y) attempting, soliciting, or conspiring to commit:  
859 (i) human trafficking for sexual exploitation under Section 76-5-308.1;  
860 (ii) human trafficking of a child for sexual exploitation under Subsection  
861 76-5-308.5(4)(b);  
862 (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;  
863 (iv) human trafficking of a vulnerable adult for sexual exploitation under Section  
864 76-5-311;  
865 (v) aggravated kidnapping under Section 76-5-302, except if the offender is a [natural-]  
866 parent of the victim;  
867 (vi) forcible sodomy under Section 76-5-403;  
868 (vii) sexual abuse of a child under Section 76-5-404.1;  
869 (viii) sexual exploitation of a minor under Section 76-5b-201;  
870 (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;  
871 (x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or  
872 (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May  
873 10, 2011; or  
874 (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject  
875 to a 20-year petition for removal as described in Section 53-29-206, if:  
876 (i) the sentencing court determines that the offender was under 21 years old at the  
877 time the offense was committed; and

- 878 (ii) the offense did not involve force or coercion as described in Subsection  
879 53-29-203(3).
- 880 (4) An individual who is as an offender under Section 53-29-202 based on a conviction in  
881 an external jurisdiction for a registrable offense, or a substantially equivalent offense,  
882 and is required to register on the external jurisdiction's sex, kidnap, or child abuse  
883 offender registry, or an equivalent registry, may petition for removal from the registry in  
884 accordance with the requirements of this section if the individual:
- 885 (a) does not have a lifetime registration requirement on the external jurisdiction's sex,  
886 kidnap, or child abuse offender registry, or an equivalent registry;
- 887 (b) meets the requirements described in Subsections (1)(a) through (c);
- 888 (c) has resided in this state for at least 183 days in a year for two consecutive years;
- 889 (d) intends to primarily reside in this state; and
- 890 (e) has received an order from a court in the external jurisdiction where the offender was  
891 initially required to register on a sex, kidnap, and child abuse registry, or an  
892 equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap,  
893 and Child Abuse Offender Registry.

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

895 **53-29-307 . Sex offender in presence of a child -- Definitions -- Penalties.**

- 896 (1) As used in this section:
- 897 (a) "Accompany" means:
- 898 (i) to be in the presence of an individual; and
- 899 (ii) to move or travel with that individual from one location to another, whether  
900 outdoors, indoors, or in or on any type of vehicle.
- 901 (b) "Child" means an individual younger than 14 years old.
- 902 (2) A sex offender subject to registration in accordance with this chapter, for a registrable  
903 offense committed or attempted to be committed against a child younger than 14 years  
904 old is guilty of a class A misdemeanor if the sex offender requests, invites, or solicits a  
905 child to accompany the sex offender, under circumstances that do not constitute an  
906 attempt to violate Section 76-5-301.1, child kidnapping, unless:
- 907 (a)(i) the sex offender, [~~prior to~~] before accompanying the child:
- 908 (A) verbally advises the child's parent or legal guardian that the sex offender is on  
909 the state sex offender registry and is required by state law to obtain written  
910 permission in order for the sex offender to accompany the child; and
- 911 (B) requests that the child's parent or legal guardian provide written authorization

- 912 for the sex offender to accompany the child, including the specific dates and  
913 locations;
- 914 (ii) the child's parent or legal guardian has provided to the sex offender written  
915 authorization, including the specific dates and locations, for the sex offender to  
916 accompany the child; and
- 917 (iii) the sex offender has possession of the written authorization and is accompanying  
918 the child only at the dates and locations specified in the authorization;
- 919 (b) the child's parent or guardian has verbally authorized the sex offender to accompany  
920 the child either in the child's residence or on property appurtenant to the child's  
921 residence, but in no other locations; or
- 922 (c) the child is the ~~natural~~ child of the sex offender, and the offender is not prohibited  
923 by any court order, or probation or parole provision, from contact with the child.
- 924 (3)(a) A sex offender convicted of a violation of Subsection (2) is subject to registration  
925 in accordance with this chapter, for an additional five years ~~[subsequent to]~~ after the  
926 required registration described in Section 53-29-203.
- 927 (b) The period of additional registration imposed under Subsection (3)(a) is also in  
928 addition to any period of registration imposed under Subsection 53-29-305(3) for  
929 failure to comply with registration requirements.
- 930 (4) It is not a defense to a prosecution under this section that the defendant mistakenly  
931 believed the individual to be 14 years old or older at the time of the offense or was  
932 unaware of the individual's true age.
- 933 (5) This section does not apply if a sex offender is acting to rescue a child who is in an  
934 emergency and life-threatening situation.

935 Section 11. Section **53-29-405** is amended to read:

936 **53-29-405 . Removal for offenses or convictions for which registration is no**  
937 **longer required.**

- 938 (1) The department shall automatically remove an individual who is currently on the  
939 registry if:
- 940 (a) the only offense or offenses for which the individual is on the registry are listed in  
941 Subsection (2); or
- 942 (b) the department receives a formal notification or order from the court or the Board of  
943 Pardons and Parole that the conviction for the registrable offense for which the  
944 individual is on the registry has been reversed, vacated, or pardoned.
- 945 (2) The offenses described in Subsection (1)(a) are:

- 946 (a) a class B or class C misdemeanor for enticing a minor under Section 76-5-417;
- 947 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);
- 948 (c) child kidnapping under Section 76-5-301.1, if the offender was the ~~natural~~-parent of
- 949 the child victim;
- 950 (d) unlawful detention under Section 76-5-304;
- 951 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
- 952 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or
- 953 (f) sodomy, but not forcible sodomy, under Section 76-5-403.
- 954 (3) The department shall notify an individual who has been removed from the registry in
- 955 accordance with Subsection (1) and inform the individual in the notice that the
- 956 individual is no longer required to register as an offender.
- 957 (4) An individual who is currently on the registry may submit a request to the department to
- 958 be removed from the registry if the individual believes that the individual qualifies for
- 959 removal under Subsection (1).
- 960 (5) The department, upon receipt of a request for removal from the registry in accordance
- 961 with this section, shall:
- 962 (a) check the registry for the individual's current status;
- 963 (b) determine whether the individual qualifies for removal based upon this section; and
- 964 (c) notify the individual in writing of the department's determination and whether the
- 965 individual:
- 966 (i) qualifies for removal from the registry; or
- 967 (ii) does not qualify for removal.
- 968 (6) If the department determines that the individual qualifies for removal from the registry,
- 969 the department shall remove the offender from the registry.
- 970 (7)(a) If the department determines that the individual does not qualify for removal from
- 971 the registry, the department shall provide an explanation in writing for the
- 972 department's determination.
- 973 (b) The department's determination under Subsection (7)(a) is final and not subject to
- 974 administrative review.
- 975 (8) The department or an employee of the department is not civilly liable for a
- 976 determination made in good faith in accordance with this section.
- 977 (9)(a) The department shall provide a response to a request for removal within 30 days
- 978 after the day on which the department receives the request.
- 979 (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the

980 day on which the department receives the request, the department shall notify the  
981 individual that the response may be delayed up to 30 additional days.

982 Section 12. Section **53-30-101** is amended to read:

983 **53-30-101 . Definitions.**

984 As used in this chapter:

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

986 (2) "Application for certification" means an application described in Subsection [  
987 ~~53-29-201(1)~~] 53-30-201(1).

988 (3) "Certifying officer" means the commissioner or an individual the commissioner  
989 designates to certify an application for certification.

990 (4) "Credible threat" means a threat to cause death or serious bodily injury that a state or  
991 federal law enforcement agency has confirmed to be authentic.

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

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

994 (7) "Land use authority" means:

995 (a) with respect to protected property located within a municipality, the same as that  
996 term is defined in Section 10-20-102; or

997 (b) with respect to protected property located within an unincorporated area of a county,  
998 the same as that term is defined in Section 17-79-102.

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

1000 (a) within the four years preceding the day on which the individual submits an  
1001 application for certification:

1002 (i) received a credible threat; or

1003 (ii) was physically harmed; and

1004 (b) is at risk of serious bodily injury or death caused by:

1005 (i) the individual who made the credible threat described in Subsection (8)(a)(i) or  
1006 caused the physical harm described in Subsection (8)(a)(ii); or

1007 (ii) an individual affiliated with the individual who made the credible threat described  
1008 in Subsection (8)(a)(i) or caused the physical harm described in Subsection  
1009 (8)(a)(ii).

1010 (9) "Protected property" means real property that is owned or occupied by a protected  
1011 person.

1012 (10) "Protection certificate" means a written determination described in Subsection [  
1013 ~~53-29-201(4)~~] 53-30-201(4).

- 1014 (11)(a) "Security improvement" means an improvement that:
- 1015 (i) is intended to provide protection for a protected person, or a protected person's
- 1016 immediate family member living at the same residence as the protected person,
- 1017 from the risk of death or serious bodily injury caused by an individual who made a
- 1018 credible threat or caused physical harm to the protected person;
- 1019 (ii) is constructed within the boundaries of protected property; and
- 1020 (iii) does not interfere with another property owner's property right.
- 1021 (b) "Security improvement" includes an improvement described in Subsection (11)(a)
- 1022 that provides safe egress from, or safety within, the protected property, including an
- 1023 underground improvement or an improvement that runs below an easement if the
- 1024 improvement does not damage or interfere with the purpose or use of the easement.

1025 Section 13. Section **53E-1-102** is amended to read:

1026 **53E-1-102 . Public education code definitions.**

1027 Unless otherwise indicated, as used in this title, Title 53F, Public Education System --

1028 Funding, and Title 53G, Public Education System -- Local Administration:

- 1029 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.
- 1030 (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303
- 1031 that authorizes the operation of a charter school.
- 1032 (3) "Charter school governing board" means the board that governs a charter school.
- 1033 (4) "Custodial parent" means the same as that term is defined in Section 81-1-101.
- 1034 [~~(4)~~] (5) "District school" means a public school under the control of a local school board.
- 1035 [~~(5)~~] (6) "Individualized education program" or "IEP" means a written statement for a
- 1036 student with a disability that is developed, reviewed, and revised in accordance with the
- 1037 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 1038 [~~(6)~~] (7) "LEA governing board" means:
- 1039 (a) for a school district, the local school board;
- 1040 (b) for a charter school, the charter school governing board; or
- 1041 (c) for the Utah Schools for the Deaf and the Blind, the state board.
- 1042 [~~(7)~~] (8) "Local education agency" or "LEA" means:
- 1043 (a) a school district;
- 1044 (b) a charter school; or
- 1045 (c) the Utah Schools for the Deaf and the Blind.
- 1046 [~~(8)~~] (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
- 1047 Election of Members of Local Boards of Education.

- 1048 [~~(9)~~] (10) "Minimum School Program" means the same as that term is defined in Section  
 1049 53F-2-102.
- 1050 [~~(10)~~ "Parent" means a parent or legal guardian.]
- 1051 (11) "Noncustodial parent" means the same as that term is defined in Section 81-1-101.
- 1052 (12) "Parent" means:
- 1053 (a) an individual who has a parent-child relationship as defined in Section 81-5-102; or  
 1054 (b) a legal guardian.
- 1055 [~~(11)~~] (13) "Public education code" means:
- 1056 (a) this title;  
 1057 (b) Title 53F, Public Education System -- Funding; and  
 1058 (c) Title 53G, Public Education System -- Local Administration.
- 1059 [~~(12)~~] (14) "Section 504 accommodation plan" means a plan developed in accordance with  
 1060 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student  
 1061 with a disability, to meet the student's educational needs and ensure equitable access to a  
 1062 free appropriate public education.
- 1063 [~~(13)~~] (15) "School nurse" means a registered nurse:
- 1064 (a) who holds:  
 1065 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or  
 1066 (ii) a multistate license as that term is defined in Section 58-31e-102; and  
 1067 (b) whose primary role is the care of a defined group of students enrolled in the public  
 1068 school system.
- 1069 [~~(14)~~] (16) "State board" means the State Board of Education.
- 1070 [~~(15)~~] (17) "State superintendent" means the state superintendent of public instruction  
 1071 appointed under Section 53E-3-301.
- 1072 Section 14. Section **53E-3-907** is amended to read:
- 1073 **53E-3-907 . Article VI -- Eligibility -- Enrollment -- Extracurricular activities.**
- 1074 (1) Special power of attorney, relative to the guardianship of a child of a military family  
 1075 and executed under applicable law, shall be sufficient for the purposes of enrollment and  
 1076 all other actions requiring parental participation and consent.
- 1077 (2) A local education agency shall be prohibited from charging local tuition to a  
 1078 transitioning military child placed in the care of a [~~non-custodial~~] noncustodial parent or  
 1079 other person standing in loco parentis who lives in a jurisdiction other than that of the  
 1080 custodial parent.
- 1081 (3) A transitioning military child, placed in the care of a [~~non-custodial~~] noncustodial parent

1082 or other person standing in loco parentis who lives in a jurisdiction other than that of the  
 1083 custodial parent, may continue to attend the school in which the student was enrolled  
 1084 while residing with the custodial parent.

1085 (4) State and local education agencies shall facilitate the opportunity for transitioning  
 1086 military children's inclusion in extracurricular activities, regardless of application  
 1087 deadlines, to the extent they are otherwise qualified.

1088 Section 15. Section **53E-3-1204** is amended to read:

1089 **53E-3-1204 . Parental consent -- Tuition.**

1090 (1) Power of attorney lawfully executed under [~~Title 75, Chapter 9, Uniform Power of~~  
 1091 ~~Attorney Act~~] Title 75A, Chapter 2, Uniform Power of Attorney Act, is sufficient for the  
 1092 purposes of enrollment and other actions requiring parental participation or consent.

1093 (2) An LEA may not charge local tuition to a transferring student placed in the care of a [  
 1094 ~~non-custodial~~] noncustodial parent or other individual standing in loco parentis who lives  
 1095 in a jurisdiction other than that of the custodial parent.

1096 (3) A transferring student, placed in the care of a [~~non-custodial~~] noncustodial parent or  
 1097 other individual standing in loco parentis who lives in a jurisdiction other than that of  
 1098 the custodial parent, may continue to attend the school in which the student was enrolled  
 1099 while residing with the custodial parent.

1100 Section 16. Section **53H-11-202** is amended to read:

1101 **53H-11-202 . Resident student status -- Definitions -- Exceptions.**

1102 (1) As used in this section:

1103 (a) "DOD civilian" means an employee of the United States Department of Defense who  
 1104 is assigned to perform the employee's duties at a military organization based in Utah.

1105 (b) "Eligible person" means an individual who is entitled to post-secondary educational  
 1106 benefits under [~~Title 38, Veterans' Benefits, U.S.C.~~] Veterans' Benefits, 38 U.S.C. Sec.  
 1107 101 et seq.

1108 (c) "Immediate family member" means an individual's spouse or dependent child.

1109 (d) "Inmate" means the same as that term is defined in Section 64-13-1.

1110 (e) "Military service member" means an individual who:

1111 (i) is serving on active duty in the United States Armed Forces;

1112 (ii) is a member of a reserve component of the United States Armed Forces; or

1113 (iii) is a member of the National Guard.

1114 (f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.

1115 (g) "National Guard" means the same as that term is defined in Section 39A-1-102.

- 1116 (h) "Parent" means~~[a student's biological or adoptive parent]~~ , with respect to a student,  
1117 an individual who has a parent-child relationship, as defined in Section 81-5-102,  
1118 with the student.
- 1119 (2) The meaning of "resident student" is determined by reference to the general law on the  
1120 subject of domicile, except as provided in this section.
- 1121 (3)(a) Institutions may grant resident student status to any student who has come to Utah  
1122 and established residency for the purpose of attending an institution of higher  
1123 education, and who, prior to registration as a resident student:
- 1124 (i) has maintained continuous Utah residency status for one full year;  
1125 (ii) has signed a written declaration that the student has relinquished residency in any  
1126 other state; and  
1127 (iii) has submitted objective evidence that the student has taken overt steps to  
1128 establish permanent residency in Utah and that the student does not maintain a  
1129 residence elsewhere.
- 1130 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 1131 (i) a Utah high school transcript issued in the past year confirming attendance at a  
1132 Utah high school in the past 12 months;  
1133 (ii) a Utah voter registration dated a reasonable period prior to application;  
1134 (iii) a Utah driver license or identification card with an original date of issue or a  
1135 renewal date several months prior to application;  
1136 (iv) a Utah vehicle registration dated a reasonable period prior to application;  
1137 (v) evidence of employment in Utah for a reasonable period prior to application;  
1138 (vi) proof of payment of Utah resident income taxes for the previous year;  
1139 (vii) a rental agreement showing the student's name and Utah address for at least 12  
1140 months prior to application; and  
1141 (viii) utility bills showing the student's name and Utah address for at least 12 months  
1142 prior to application.
- 1143 (c) A student who is claimed as a dependent on the tax returns of a person who is not a  
1144 resident of Utah is not eligible to apply for resident student status.
- 1145 (4) Except as provided in Subsection (8), an institution within the state system of higher  
1146 education may establish stricter criteria for determining resident student status.
- 1147 (5) If an institution does not have a minimum credit-hour requirement, that institution shall  
1148 honor the decision of another institution within the state system of higher education to  
1149 grant a student resident student status, unless:

- 1150 (a) the student obtained resident student status under false pretenses; or  
1151 (b) the facts existing at the time of the granting of resident student status have changed.
- 1152 (6) Within the limits established in this chapter, each institution within the state system of  
1153 higher education may, regardless of its policy on obtaining resident student status, waive  
1154 nonresident tuition either in whole or in part, but not other fees.
- 1155 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution  
1156 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the  
1157 maximum number allowed by the appropriate athletic conference as recommended by  
1158 the president of each institution.
- 1159 (8) Notwithstanding Subsection (3), an institution shall grant resident student status for  
1160 tuition purposes to:
- 1161 (a) a military service member, if the military service member provides:
- 1162 (i) the military service member's current United States military identification card;  
1163 (ii) a leave and earning statement of the military service member;  
1164 (iii) the military service member's military orders;  
1165 (iv) documentation of enlistment by the military service member; or  
1166 (v) a statement from the military service member's current commander stating that  
1167 the military service member is currently serving in the military;
- 1168 (b) a military service member's immediate family member, if the military service  
1169 member's immediate family member provides:
- 1170 (i) any of the documentation described in Subsection (8)(a); or  
1171 (ii) the immediate family member's current United States military identification card;
- 1172 (c) a military veteran, regardless of whether the military veteran served in Utah, if the  
1173 military veteran provides evidence of an honorable or general discharge;
- 1174 (d) a military veteran's immediate family member, regardless of whether the military  
1175 veteran served in Utah, if the military veteran's immediate family member provides  
1176 evidence of the military veteran's honorable or general discharge;
- 1177 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who  
1178 is either:
- 1179 (i) domiciled in Utah, recognizing the individual may not be physically present in the  
1180 state due to an assignment; or  
1181 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1182 (A) evidence of the foreign service member's status;  
1183 (B) a statement from the foreign service member's current commander, or

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

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

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

1286 counts for Utah residency for tuition purposes upon termination of the athlete's  
1287 participation in a Utah Olympic athlete training program.

1288 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the  
1289 death of a spouse, or long-term health care responsibilities for an immediate family  
1290 member, including the person's spouse, parent, sibling, or child, may rebut the  
1291 presumption of a nonresident classification by providing substantial evidence that the  
1292 reason for the individual's move to Utah was, in good faith, based on the long-term  
1293 health care responsibilities.

1294 (b) All relevant evidence concerning the motivation for the move shall be considered,  
1295 including:

1296 (i) the person's employment and educational history;

1297 (ii) the dates when the long-term health care responsibilities in Utah were first  
1298 considered, offered, and accepted;

1299 (iii) when the person moved to Utah;

1300 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
1301 as a postsecondary student;

1302 (v) whether the person applied for admission to an institution of higher education  
1303 sooner than four months from the date of moving to Utah;

1304 (vi) evidence that the person is an independent person who is:

1305 (A) at least 24 years old; or

1306 (B) not claimed as a dependent on someone else's tax returns; and

1307 (vii) any other factors related to abandonment of a former domicile and establishment  
1308 of a new domicile in Utah for purposes other than to attend an institution of higher  
1309 education.

1310 (17) A foreign service member or the foreign service member's immediate family member  
1311 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the  
1312 eligibility for resident student status if the foreign service member or immediate family  
1313 member maintains continuous enrollment even in the case of a change in domicile or  
1314 duty station.

1315 (18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for  
1316 resident student status under Subsection (8)(j) or (k) shall retain the eligibility for  
1317 resident student status if the DOD civilian or the DOD civilian's immediate family  
1318 member maintains continuous enrollment even in the case of a change in domicile or  
1319 duty station.

1320 (19) The board, after consultation with the institutions, shall make rules not inconsistent  
1321 with this section:

- 1322 (a) concerning the definition of resident and nonresident students;
- 1323 (b) establishing procedures for classifying and reclassifying students;
- 1324 (c) establishing criteria for determining and judging claims of residency or domicile;
- 1325 (d) establishing appeals procedures; and
- 1326 (e) other matters related to this section.

1327 (20) A student shall be exempt from paying the nonresident portion of total tuition if the  
1328 student:

- 1329 (a) is a foreign national legally admitted to the United States;
- 1330 (b) attended high school in this state for three or more years; and
- 1331 (c) graduated from a high school in this state or received the equivalent of a high school  
1332 diploma in this state.

1333 Section 17. Section **59-10-1005** is amended to read:

1334 **59-10-1005 . Tax credit for at-home parent.**

1335 (1) As used in this section:

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

- 1354                    [(H)] (A) by a child-placing agency, as defined in Section 26B-2-101; and  
 1355                    [(H)] (B) for the purpose of legally adopting the child;
- 1356                    (iv) is a foster parent of a qualifying child; or  
 1357                    (v) is a legal guardian of a qualifying child.
- 1358                    (c) "Qualifying child" means a child who is no more than 12 months of age on the last  
 1359                    day of the taxable year for which the tax credit is claimed.
- 1360                    (2) For a taxable year beginning on or after January 1, 2000, a claimant may claim on the  
 1361                    claimant's individual income tax return a nonrefundable tax credit of \$100 for each  
 1362                    qualifying child if:
- 1363                    (a) the claimant or another claimant filing a joint individual income tax return with the  
 1364                    claimant is an at-home parent; and
- 1365                    (b) the adjusted gross income of all of the claimants filing the individual income tax  
 1366                    return is less than or equal to \$50,000.
- 1367                    (3) A claimant may not carry forward or carry back a tax credit authorized by this section.
- 1368                    (4)(a) In accordance with any rules prescribed by the commission under Subsection  
 1369                    (4)(b), the Division of Finance shall transfer at least annually from the General Fund  
 1370                    into the Income Tax Fund the aggregate amount of all tax credits claimed under this  
 1371                    section.
- 1372                    (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 1373                    commission may make rules for making a transfer from the General Fund into the  
 1374                    Income Tax Fund as required by Subsection (4)(a).
- 1375                    Section 18. Section **63A-17-806** is amended to read:
- 1376                    **63A-17-806 . Definitions -- Infant at Work Pilot Program -- Administration.**
- 1377                    (1) As used in this section:
- 1378                    (a) "Eligible employee" means an employee who has been employed by the Department  
 1379                    of Health and Human Services for a minimum of:
- 1380                    (i) 12 consecutive months; and  
 1381                    (ii) 1,250 hours, excluding paid time off during the 12-month period immediately  
 1382                    preceding the day on which the employee applies for participation in the program.
- 1383                    (b) "Infant" means a baby that is at least six weeks of age and no more than six months  
 1384                    of age.
- 1385                    (c) "Parent" means:
- 1386                    [~~(i) a biological or adoptive parent of an infant; or]~~  
 1387                    (i) an individual who has a parent-child relationship, as defined in Section 81-5-102,

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

1422 (b) The parent and child relationship may be established as provided in Title 81, Chapter  
1423 5, Uniform Parentage Act.

1424 [(2)] (3) An adopted individual is the child of the adopting parent or parents and not of the [  
1425 ~~natural parents, but~~] adopted individual's pre-existing parent, except that the adoption of  
1426 a child by the spouse of [either natural parent] a child's pre-existing parent has no effect  
1427 on the relationship between the child and that [~~natural~~] pre-existing parent.

1428 [(3)] (4) Inheritance from or through a child by [~~either natural~~] the child's parent or the  
1429 child's kindred is precluded unless that [~~natural~~]parent has openly treated the child as  
1430 the [~~natural~~]parent's[;] and has not refused to support the child.

1431 Section 20. Section **75-2-705** is amended to read:

1432 **75-2-705 . Class gifts construed to accord with intestate succession.**

1433 (1)(a) Adopted individuals and individuals born out of wedlock, and their respective  
1434 descendants if appropriate to the class, are included in class gifts and other terms of  
1435 relationship in accordance with the rules for intestate succession.

1436 (b) Terms of relationship that do not differentiate relationships by blood from those by  
1437 affinity, such as "uncles," "aunts," "nieces," or "nephews," are construed to exclude  
1438 relatives by affinity.

1439 (c) Terms of relationship that do not differentiate relationships by the half blood from  
1440 those by the whole blood, such as "brothers," "sisters," "nieces," or "nephews," are  
1441 construed to include both types of relationships.

1442 (2) In addition to the requirements of Subsection (1), in construing a dispositive provision  
1443 of a transferor who is not the [~~natural~~]parent, an individual born to the [~~natural~~]parent  
1444 is not considered the child of that parent unless the individual lived while a minor as a  
1445 regular member of the household of that [~~natural~~]parent or of that parent's parent,  
1446 brother, sister, spouse, or surviving spouse.

1447 (3) In addition to the requirements of Subsection (1), in construing a dispositive provision  
1448 of a transferor who is not the adopting parent, an adopted individual is not considered  
1449 the child of the adopting parent unless the adopted individual lived while a minor, either  
1450 before or after the adoption, as a regular member of the household of the adopting parent.

1451 Section 21. Section **76-2-409** is amended to read:

1452 **76-2-409 . Battered person mitigation.**

1453 (1) As used in this section:

1454 (a) "Abuse" means the same as that term is defined in Section 78B-7-102.

1455 (b) "Cohabitant" means:

- 1456 (i) the same as that term is defined in Section 78B-7-102; or  
1457 (ii) the relationship of a minor and a [~~natural parent, an adoptive~~]parent, a stepparent,  
1458 or an individual living with the minor's [~~natural~~]parent as if a stepparent to the  
1459 minor.

1460 (2)(a) An individual is entitled to battered person mitigation if:

- 1461 (i) the individual committed a criminal offense that was not legally justified;  
1462 (ii) the individual committed the criminal offense against a cohabitant who  
1463 demonstrated a pattern of abuse against the individual or another cohabitant of the  
1464 individual; and  
1465 (iii) the individual reasonably believed that the criminal offense was necessary to end  
1466 the pattern of abuse.

1467 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a  
1468 reasonable person in the individual's circumstances, as the individual's circumstances  
1469 are perceived by the individual.

1470 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by  
1471 clear and convincing evidence, each element that would entitle the individual to  
1472 mitigation under Subsection (2)(a).

1473 (4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense  
1474 of which the individual is convicted.

1475 (5)(a) If the trier of fact is a jury, an individual is not entitled to mitigation under  
1476 Subsection (2)(a) unless the jury:

- 1477 (i) finds the individual proved, in accordance with Subsection (3), that the individual  
1478 is entitled to mitigation by unanimous vote; and  
1479 (ii) returns a special verdict for the reduced charge at the same time the jury returns  
1480 the general verdict.

1481 (b) A nonunanimous vote by the jury on the question of mitigation under Subsection  
1482 (2)(a) does not result in a hung jury.

1483 (6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's  
1484 trial shall give notice of the individual's intent to claim mitigation under Subsection  
1485 (2)(a) to the prosecuting agency at least 30 days before the individual's trial.

1486 Section 22. Section **76-5-301.2** is amended to read:

1487 **76-5-301.2 . Parental kidnapping.**

1488 (1)(a) As used in this section:

- 1489 (i) "Child" means an individual under 18 years old.

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

1524 (ii) before taking the action described in Subsection (2)(a), the parent reports to law  
1525 enforcement the parent's intention to engage in the action and the basis for the  
1526 parent's belief described in Subsection (4)(b)(i).

1527 Section 23. Section **76-5-404.1** is amended to read:

1528 **76-5-404.1 . Sexual abuse of a child -- Penalties -- Limitations.**

1529 (1)(a) As used in this section:

1530 (i) "Adult" means an individual 18 years old or older.

1531 (ii) "Child" means an individual younger than 14 years old.

1532 (iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.

1533 (iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.

1534 (v) "Position of special trust" means:

1535 (A) an adoptive parent;

1536 (B) an athletic manager who is an adult;

1537 (C) an aunt;

1538 (D) a babysitter;

1539 (E) a coach;

1540 (F) a cohabitant of a parent if the cohabitant is an adult;

1541 (G) a counselor;

1542 (H) a doctor or physician;

1543 (I) an employer;

1544 (J) a foster parent;

1545 (K) a grandparent;

1546 (L) a legal guardian;

1547 (M) a ~~natural~~parent;

1548 (N) a recreational leader who is an adult;

1549 (O) a religious leader;

1550 (P) a sibling or a stepsibling who is an adult;

1551 (Q) a scout leader who is an adult;

1552 (R) a stepparent;

1553 (S) a teacher or any other individual employed by or volunteering at a public or  
1554 private elementary school or secondary school, and who is 18 years old or  
1555 older;

1556 (T) an instructor, professor, or teaching assistant at a public or private institution  
1557 of higher education;

1558 (U) an uncle;  
 1559 (V) a youth leader who is an adult; or  
 1560 (W) any individual in a position of authority, other than those individuals listed in  
 1561 Subsections (1)(a)(v)(A) through (V), which enables the individual to exercise  
 1562 undue influence over the child.

1563 (b) Terms defined in Section 76-1-101.5 apply to this section.

1564 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor  
 1565 commits sexual abuse of a child if the actor:

1566 (i)(A) touches, whether over or under the clothing, the buttocks or pubic area of a  
 1567 child;

1568 (B) touches, whether over or under the clothing, the female breast of a child;

1569 (C) touches the anus or genitals of a child over the clothing; or

1570 (D) otherwise takes indecent liberties with a child whether over or under the  
 1571 clothing; and

1572 (ii) the actor's conduct is with intent to:

1573 (A) cause substantial emotional or bodily pain to any individual; or

1574 (B) arouse or gratify the sexual desire of any individual.

1575 (b) Any touching, however slight, is sufficient to constitute the relevant element of a  
 1576 violation of Subsection (2)(a).

1577 (3) A violation of Subsection (2) is a second degree felony.

1578 (4) The offenses referred to in Subsection (2)(a) are:

1579 (a) rape of a child, in violation of Section 76-5-402.1;

1580 (b) object rape of a child, in violation of Section 76-5-402.3;

1581 (c) sodomy on a child, in violation of Section 76-5-403.1; or

1582 (d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

1583 Section 24. Section **78A-5-103** is amended to read:

1584 **78A-5-103 . District court case management.**

1585 (1) The district court of each district shall develop systems of case management.

1586 (2) The case management systems developed by a district court shall:

1587 (a) ensure judicial accountability for the just and timely disposition of cases; and

1588 (b) provide for each judge a full judicial work load that accommodates differences in the  
 1589 subject matter or complexity of cases assigned to different judges.

1590 (3)(a) A district court may establish divisions within the court for the efficient  
 1591 management of different types of cases.

1592 (b) The existence of divisions within the court may not:  
1593 [(a)] (i) affect the jurisdiction of the court nor the validity of court orders; or  
1594 [(b)] (ii) impede public access to the courts.

1595 (4) To the extent possible, the district court of each district shall assign any case or  
1596 proceeding involving the same child or family to a single judge.

1597 Section 25. Section **78A-6-104** is amended to read:

1598 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**  
1599 **protective order.**

1600 (1)(a) The juvenile court has jurisdiction, concurrent with the district court:

1601 (i) to establish parentage, or to order testing for purposes of establishing parentage,  
1602 for a child in accordance with Title 81, Chapter 5, Uniform Parentage Act, when a  
1603 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency  
1604 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental  
1605 Rights, that involves the child;

1606 (ii) over a petition to modify a minor's birth certificate if the juvenile court has  
1607 jurisdiction over the minor's case under Section 78A-6-103; and

1608 (iii) over questions of custody, support, and parent-time of a minor if the juvenile  
1609 court has jurisdiction over the minor's case under Section 78A-6-103.

1610 (b) If the juvenile court obtains jurisdiction over a parentage action under Subsection  
1611 (1)(a)(i), the juvenile court may:

1612 (i) retain jurisdiction over the parentage action until parentage of the child is  
1613 adjudicated; or

1614 (ii) transfer jurisdiction over the parentage action to the district court.

1615 (2)(a) The juvenile court has jurisdiction, concurrent with the district court or the justice  
1616 court otherwise having jurisdiction, over a criminal information filed under Part 4a,  
1617 Adult Criminal Proceedings, for an adult alleged to have committed:

1618 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to  
1619 a minor;

1620 (ii) an offense under Section 53G-6-202, failure to comply with compulsory  
1621 education requirements;

1622 (iii) an offense under Section 80-2-609, failure to report;

1623 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;

1624 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or

1625 (vi) an offense under Section 80-5-601, harboring a runaway.

1626 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law  
1627 under Section 80-6-701 for the juvenile court to exercise jurisdiction under  
1628 Subsection (2)(a).

1629 (3)(a) When a support, custody, or parent-time award has been made by a district court  
1630 in a divorce action or other proceeding, and the jurisdiction of the district court in the  
1631 case is continuing, the juvenile court may acquire jurisdiction in a case involving the  
1632 same child if the child comes within the jurisdiction of the juvenile court under  
1633 Section 78A-6-103.

1634 (b)(i) The juvenile court may, by order, change the custody subject to Subsection  
1635 81-9-204(4), support, parent-time, and visitation rights previously ordered in the  
1636 district court as necessary to implement the order of the juvenile court for the  
1637 safety and welfare of the child.

1638 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so  
1639 long as the juvenile court continues to exercise jurisdiction.

1640 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are  
1641 filed with the district court, the findings and order of the juvenile court are binding on  
1642 the parties to the divorce action as though entered in the district court.

1643 (4) This section does not deprive the district court of jurisdiction to:

1644 (a) appoint a guardian for a child;

1645 (b) determine the support, custody, and parent-time of a child upon writ of habeas  
1646 corpus; or

1647 (c) determine a question of support, custody, and parent-time that is incidental to the  
1648 determination of an action in the district court.

1649 (5) A juvenile court may transfer a petition for a protective order for a child to the district  
1650 court if the juvenile court has entered an ex parte protective order and finds that:

1651 (a) the petitioner and the respondent are the [~~natural parent, adoptive parent,~~] parent or  
1652 step parent of the child who is the object of the petition;

1653 (b) the district court has a petition pending or an order related to custody or parent-time  
1654 entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, Title  
1655 81, Chapter 4, Part 4, Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in  
1656 which the petitioner and the respondent are parties; and

1657 (c) the best interests of the child will be better served in the district court.

1658 Section 26. Section **78B-7-102** is amended to read:

1659 **78B-7-102 . Definitions.**

1660 As used in this chapter:

- 1661 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly  
1662 causing or attempting to cause another individual physical harm or intentionally or  
1663 knowingly placing another individual in reasonable fear of imminent physical harm.
- 1664 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 1665 (3) "Canadian domestic violence protection order" means the same as that term is defined in  
1666 Section 78B-7-1201.
- 1667 (4) "Child" means an individual who is younger than 18 years old.
- 1668 (5) "Civil protective order" means an order issued, [~~subsequent to~~] after a hearing on the  
1669 petition, of which the petitioner and respondent have been given notice, under:
- 1670 (a) Part 2, Child Protective Orders;
- 1671 (b) Part 4, Dating Violence Protective Orders;
- 1672 (c) Part 5, Sexual Violence Protective Orders;
- 1673 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 1674 (e) Part 11, Workplace Violence Protective Orders.
- 1675 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil  
1676 Stalking Injunctions.
- 1677 (7)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an  
1678 individual who is 16 years old or older who:
- 1679 (i) is or was a spouse of the other party;
- 1680 (ii) is or was living as if a spouse of the other party;
- 1681 (iii) is related by blood or marriage to the other party as the individual's parent,  
1682 grandparent, sibling, or any other individual related to the individual by  
1683 consanguinity or affinity to the second degree;
- 1684 (iv) has or had one or more children in common with the other party;
- 1685 (v) is the biological parent of the other party's unborn minor child;
- 1686 (vi) resides or has resided in the same residence as the other party; or
- 1687 (vii) is or was in a consensual sexual relationship with the other party.
- 1688 (b) "Cohabitant" does not include:
- 1689 (i) the relationship of [~~natural parent, adoptive parent, or~~] parent or step-parent to a  
1690 minor child; or
- 1691 (ii) the relationship between [~~natural, adoptive, step, or foster siblings~~] siblings,  
1692 stepsiblings, or foster siblings who are under 18 years old.
- 1693 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.

- 1694 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective  
1695 Orders.
- 1696 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,  
1697 Criminal Stalking Injunctions.
- 1698 (11) "Court clerk" means a district court clerk.
- 1699 (12)(a) "Dating partner" means an individual who:
- 1700 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,  
1701 Emancipation; or  
1702 (B) is 18 years old or older; and  
1703 (ii) is, or has been, in a dating relationship with the other party.
- 1704 (b) "Dating partner" does not include an intimate partner.
- 1705 (13)(a) "Dating relationship" means a social relationship of a romantic or intimate  
1706 nature, or a relationship which has romance or intimacy as a goal by one or both  
1707 parties, regardless of whether the relationship involves sexual intimacy.
- 1708 (b) "Dating relationship" does not include casual fraternization in a business,  
1709 educational, or social context.
- 1710 (c) In determining, based on a totality of the circumstances, whether a dating  
1711 relationship exists:
- 1712 (i) all relevant factors shall be considered, including:
- 1713 (A) whether the parties developed interpersonal bonding above a mere casual  
1714 fraternization;
- 1715 (B) the length of the parties' relationship;
- 1716 (C) the nature and the frequency of the parties' interactions, including  
1717 communications indicating that the parties intended to begin a dating  
1718 relationship;
- 1719 (D) the ongoing expectations of the parties, individual or jointly, with respect to  
1720 the relationship;
- 1721 (E) whether, by statement or conduct, the parties demonstrated an affirmation of  
1722 their relationship to others; and
- 1723 (F) whether other reasons exist that support or detract from a finding that a dating  
1724 relationship exists; and
- 1725 (ii) it is not necessary that all, or a particular number, of the factors described in  
1726 Subsection (13)(c)(i) are found to support the existence of a dating relationship.
- 1727 (14) "Dating violence" means:

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

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

- 1796 (b) "Adjudication" does not include:
- 1797 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 1798 enters the minor's admission; or
- 1799 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 1800 (4)(a) "Adult" means an individual who is 18 years old or older.
- 1801 (b) "Adult" does not include an individual:
- 1802 (i) who is 18 years old or older; and
- 1803 (ii) who is a minor.
- 1804 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 1805 78A-2-801.
- 1806 (6) "Board" means the Board of Juvenile Court Judges.
- 1807 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 1808 years old.
- 1809 (8) "Child and family plan" means a written agreement between a child's parents or
- 1810 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 1811 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 1812 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 1813 (11) "Child protection team" means a team consisting of:
- 1814 (a) the child welfare caseworker assigned to the case;
- 1815 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 1816 child;
- 1817 (c) a representative of the school or school district where the child attends school;
- 1818 (d) if applicable, the law enforcement officer who removed the child from the home;
- 1819 (e) a representative of the appropriate Children's Justice Center, if one is established
- 1820 within the county where the child resides;
- 1821 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 1822 with the child's circumstances;
- 1823 (g) if appropriate, a representative of law enforcement selected by the chief of police or
- 1824 sheriff in the city or county where the child resides; and
- 1825 (h) any other individuals determined appropriate and necessary by the team coordinator
- 1826 and chair.
- 1827 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 1828 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 1829 (13)(a) "Chronic neglect" means repeated or patterned neglect.

- 1830 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 1831 (14) "Clandestine laboratory operation" means the same as that term is defined in Section  
1832 58-37d-3.
- 1833 (15) "Commit" or "committed" means, unless specified otherwise:  
1834 (a) with respect to a child, to transfer legal custody; and  
1835 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 1836 (16) "Community-based program" means a nonsecure residential or nonresidential program,  
1837 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least  
1838 restrictive setting, consistent with public safety, and operated by or under contract with  
1839 the Division of Juvenile Justice and Youth Services.
- 1840 (17) "Community placement" means placement of a minor in a community-based program  
1841 described in Section 80-5-402.
- 1842 (18) "Correctional facility" means:  
1843 (a) a county jail; or  
1844 (b) a secure correctional facility as defined in Section 64-13-1.
- 1845 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a  
1846 minor's likelihood of reoffending.
- 1847 (20) "Department" means the Department of Health and Human Services created in Section  
1848 26B-1-201.
- 1849 (21) "Dependent child" or "dependency" means a child who is without proper care through  
1850 no fault of the child's parent, guardian, or custodian.
- 1851 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a  
1852 parent or a previous custodian to another person, agency, or institution.
- 1853 (23) "Detention" means home detention or secure detention.
- 1854 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice  
1855 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 1856 (25) "Detention risk assessment tool" means an evidence-based tool established under  
1857 Section 80-5-203 that:  
1858 (a) assesses a minor's risk of failing to appear in court or reoffending before  
1859 adjudication; and  
1860 (b) is designed to assist in making a determination of whether a minor shall be held in  
1861 detention.
- 1862 (26) "Developmental immaturity" means incomplete development in one or more domains  
1863 that manifests as a functional limitation in the minor's present ability to:

- 1864 (a) consult with counsel with a reasonable degree of rational understanding; and  
1865 (b) have a rational as well as factual understanding of the proceedings.
- 1866 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,  
1867 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 1868 (28) "Educational neglect" means that, after receiving a notice of compulsory education  
1869 violation under Section 53G-6-202, the parent or guardian fails to make a good faith  
1870 effort to ensure that the child receives an appropriate education.
- 1871 (29) "Educational series" means an evidence-based instructional series:  
1872 (a) obtained at a substance abuse program that is approved by the Division of Integrated  
1873 Healthcare in accordance with Section 26B-5-104; and  
1874 (b) designed to prevent substance use or the onset of a mental health disorder.
- 1875 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 1876 (31) "Evidence-based" means a program or practice that has had multiple randomized  
1877 control studies or a meta-analysis demonstrating that the program or practice is effective  
1878 for a specific population or has been rated as effective by a standardized program  
1879 evaluation tool.
- 1880 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 1881 (33) "Formal probation" means a minor is:  
1882 (a) supervised in the community by, and reports to, a juvenile probation officer or an  
1883 agency designated by the juvenile court; and  
1884 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 1885 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 1886 (35) "Group rehabilitation therapy" means psychological and social counseling of one or  
1887 more individuals in the group, depending upon the recommendation of the therapist.
- 1888 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor,  
1889 including the authority to consent to:  
1890 (a) marriage;  
1891 (b) enlistment in the armed forces;  
1892 (c) major medical, surgical, or psychiatric treatment; or  
1893 (d) legal custody, if legal custody is not vested in another individual, agency, or  
1894 institution.
- 1895 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 1896 (38) "Harm" means:  
1897 (a) physical or developmental injury or damage;

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

- 1932 limitation to the individual's ability to function in society.
- 1933 (48) "Juvenile offender" means:
- 1934 (a) a serious youth offender; or
- 1935 (b) a youth offender.
- 1936 (49) "Juvenile probation officer" means a probation officer appointed under Section
- 1937 78A-6-205.
- 1938 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by
- 1939 the Division of Juvenile Justice and Youth Services, or under contract with the Division
- 1940 of Juvenile Justice and Youth Services, that is responsible for minors taken into
- 1941 temporary custody under Section 80-6-201.
- 1942 (51) "Legal custody" means a relationship embodying:
- 1943 (a) the right to physical custody of the minor;
- 1944 (b) the right and duty to protect, train, and discipline the minor;
- 1945 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
- 1946 medical care;
- 1947 (d) the right to determine where and with whom the minor shall live; and
- 1948 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 1949 (52) "Licensing Information System" means the Licensing Information System maintained
- 1950 by the Division of Child and Family Services under Section 80-2-1002.
- 1951 (53) "Management Information System" means the Management Information System
- 1952 developed by the Division of Child and Family Services under Section 80-2-1001.
- 1953 (54) "Mental illness" means:
- 1954 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
- 1955 behavioral, or related functioning; or
- 1956 (b) the same as that term is defined in:
- 1957 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
- 1958 published by the American Psychiatric Association; or
- 1959 (ii) the current edition of the International Statistical Classification of Diseases and
- 1960 Related Health Problems.
- 1961 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 1962 (a) a child; or
- 1963 (b) an individual:
- 1964 (i)(A) who is at least 18 years old and younger than 21 years old; and
- 1965 (B) for whom the Division of Child and Family Services has been specifically

1966 ordered by the juvenile court to provide services because the individual was an  
1967 abused, neglected, or dependent child or because the individual was  
1968 adjudicated for an offense;

1969 (ii)(A) who is at least 18 years old and younger than 25 years old; and

1970 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
1971 Subsection 78A-6-103(1)(b); or

1972 (iii)(A) who is at least 18 years old and younger than 21 years old; and

1973 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
1974 Subsection 78A-6-103(1)(c).

1975 (56) "Mobile crisis outreach team" means the same as that term is defined in Section  
1976 26B-5-101.

1977 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual  
1978 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,  
1979 or the breast of a female child, or takes indecent liberties with a child as defined in  
1980 Section 76-5-401.1.

1981 (58)(a) "Neglect" means action or inaction causing:

1982 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe  
1983 Relinquishment of a Newborn Child;

1984 (ii) lack of proper parental care of a child by reason of the fault or habits of the  
1985 parent, guardian, or custodian;

1986 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or  
1987 necessary subsistence or medical care, or any other care necessary for the child's  
1988 health, safety, morals, or well-being;

1989 (iv) a child to be at risk of being neglected or abused because another child in the  
1990 same home is neglected or abused;

1991 (v) abandonment of a child through an unregulated child custody transfer under  
1992 Section 81-14-203; or

1993 (vi) educational neglect.

1994 (b) "Neglect" does not include:

1995 (i) a parent or guardian legitimately practicing religious beliefs and who, for that  
1996 reason, does not provide specified medical treatment for a child;

1997 (ii) a health care decision made for a child by the child's parent or guardian, unless  
1998 the state or other party to a proceeding shows, by clear and convincing evidence,  
1999 that the health care decision is not reasonable and informed;

- 2000 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 2001 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
- 2002 maturity to avoid harm or unreasonable risk of harm, to engage in independent
- 2003 activities, including:
- 2004 (A) traveling to and from school, including by walking, running, or bicycling;
- 2005 (B) traveling to and from nearby commercial or recreational facilities;
- 2006 (C) engaging in outdoor play;
- 2007 (D) remaining in a vehicle unattended, except under the conditions described in
- 2008 Subsection 76-5-115(2);
- 2009 (E) remaining at home unattended; or
- 2010 (F) engaging in a similar independent activity.
- 2011 (59) "Neglected child" means a child who has been subjected to neglect.
- 2012 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
- 2013 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
- 2014 consent in writing of:
- 2015 (a) the assigned juvenile probation officer; and
- 2016 (b)(i) the minor; or
- 2017 (ii) the minor and the minor's parent, guardian, or custodian.
- 2018 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
- 2019 disability or related condition, or developmental immaturity, lacks the ability to:
- 2020 (a) understand the nature of the proceedings against the minor or of the potential
- 2021 disposition for the offense charged; or
- 2022 (b) consult with counsel and participate in the proceedings against the minor with a
- 2023 reasonable degree of rational understanding.
- 2024 (62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
- 2025 parent-child relationship, as defined in Section 81-5-102, to a minor[~~under Section~~
- 2026 ~~81-5-201~~].
- 2027 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 2028 (63) "Parole" means a conditional release of a juvenile offender from residency in secure
- 2029 care to live outside of secure care under the supervision of the Division of Juvenile
- 2030 Justice and Youth Services, or another person designated by the Division of Juvenile
- 2031 Justice and Youth Services.
- 2032 (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 2033 (65)(a) "Probation" means a legal status created by court order, following an

- 2034 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the  
2035 minor's home under prescribed conditions.
- 2036 (b) "Probation" includes intake probation or formal probation.
- 2037 (66) "Prosecuting attorney" means:
- 2038 (a) the attorney general and any assistant attorney general;
- 2039 (b) any district attorney or deputy district attorney;
- 2040 (c) any county attorney or assistant county attorney; and
- 2041 (d) any other attorney authorized to commence an action on behalf of the state.
- 2042 (67) "Protective custody" means the shelter of a child by the Division of Child and Family  
2043 Services from the time the child is removed from the home until the earlier of:
- 2044 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 2045 (b) the day on which the child is returned home.
- 2046 (68) "Protective services" means expedited services that are provided:
- 2047 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 2048 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 2049 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the  
2050 causes of neglect or abuse; and
- 2051 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 2052 (c) in cases where the child's welfare is endangered:
- 2053 (i) to bring the situation to the attention of the appropriate juvenile court and law  
2054 enforcement agency;
- 2055 (ii) to cause a protective order to be issued for the protection of the child, when  
2056 appropriate; and
- 2057 (iii) to protect the child from the circumstances that endanger the child's welfare  
2058 including, when appropriate:
- 2059 (A) removal from the child's home;
- 2060 (B) placement in substitute care; and
- 2061 (C) petitioning the court for termination of parental rights.
- 2062 (69) "Protective supervision" means a legal status created by court order, following an  
2063 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 2064 (a) the minor is permitted to remain in the minor's home; and
- 2065 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided  
2066 by an agency designated by the juvenile court.
- 2067 (70)(a) "Related condition" means a condition that:

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

- 2102 (76) "Serious youth offender" means an individual who:
- 2103 (a) is at least 14 years old, but under 25 years old;
- 2104 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
- 2105 of the juvenile court was extended over the individual's case until the individual was
- 2106 25 years old in accordance with Section 80-6-605; and
- 2107 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
- 2108 Services for secure care under Sections 80-6-703 and 80-6-705.
- 2109 (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 2110 (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
- 2111 child.
- 2112 (79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
- 2113 (79)(b):
- 2114 (i) if committed by an individual who is 18 years old or older:
- 2115 (A) chronic abuse;
- 2116 (B) severe abuse;
- 2117 (C) sexual abuse;
- 2118 (D) sexual exploitation;
- 2119 (E) abandonment;
- 2120 (F) chronic neglect; or
- 2121 (G) severe neglect; or
- 2122 (ii) if committed by an individual who is under 18 years old:
- 2123 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child
- 2124 that indicates a significant risk to other children; or
- 2125 (B) sexual behavior with or upon another child that indicates a significant risk to
- 2126 other children.
- 2127 (b) "Severe type of child abuse or neglect" does not include:
- 2128 (i) the use of reasonable and necessary physical restraint by an educator in
- 2129 accordance with Section 53G-8-301 or Section 76-2-401;
- 2130 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 2131 use of reasonable and necessary physical restraint or force in self-defense or
- 2132 otherwise appropriate to the circumstances to obtain possession of a weapon or
- 2133 other dangerous object in the possession or under the control of a child or to
- 2134 protect the child or another individual from physical injury; or
- 2135 (iii) a health care decision made for a child by a child's parent or guardian, unless,

2136 subject to Subsection (79)(c), the state or other party to the proceeding shows, by  
2137 clear and convincing evidence, that the health care decision is not reasonable and  
2138 informed.

2139 (c) Subsection (79)(b)(iii) does not prohibit a parent or guardian from exercising the  
2140 right to obtain a second health care opinion.

2141 (80)(a) "Sexual abuse" means:

2142 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an  
2143 adult directed towards a child;

2144 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation  
2145 committed by a child towards another child if:

2146 (A) there is an indication of force or coercion;

2147 (B) the children are related, as described in Subsection (40), including siblings by  
2148 marriage while the marriage exists or by adoption; or

2149 (C) the act or attempted act constitutes unlawful sexual activity as described in  
2150 Section 76-5-401.3.

2151 (iii) engaging in any conduct with a child that would constitute an offense under any  
2152 of the following, regardless of whether the individual who engages in the conduct  
2153 is actually charged with, or convicted of, the offense:

2154 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;

2155 (B) child bigamy, Section 76-7-101.5;

2156 (C) incest, Section 76-7-102;

2157 (D) voyeurism, Section 76-12-306;

2158 (E) recorded or photographed voyeurism, Section 76-12-307; or

2159 (F) distribution of images obtained through voyeurism, Section 76-12-308; or

2160 (iv) subjecting a child to participate in or threatening to subject a child to participate  
2161 in a sexual relationship, regardless of whether that sexual relationship is part of a  
2162 legal or cultural marriage.

2163 (b) "Sexual abuse" does not include engaging in any conduct with a child that would  
2164 constitute an offense described in:

2165 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator  
2166 of the offense is a minor; or

2167 (ii) Section 76-5-417, enticing a minor.

2168 (81) "Sexual exploitation" means knowingly:

2169 (a) employing, using, persuading, inducing, enticing, or coercing any child to:

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

- 2204 (89) "Substitute care" means:
- 2205 (a) the placement of a minor in a family home, group care facility, or other placement
- 2206 outside the minor's own home, either at the request of a parent or other responsible
- 2207 relative, or upon court order, when it is determined that continuation of care in the
- 2208 minor's own home would be contrary to the minor's welfare;
- 2209 (b) services provided for a minor in the protective custody of the Division of Child and
- 2210 Family Services, or a minor in the temporary custody or custody of the Division of
- 2211 Child and Family Services, as those terms are defined in Section 80-2-102; or
- 2212 (c) the licensing and supervision of a substitute care facility.
- 2213 (90) "Supported" means a finding by the Division of Child and Family Services based on
- 2214 the evidence available at the completion of an investigation, and separate consideration
- 2215 of each allegation made or identified during the investigation, that there is a reasonable
- 2216 basis to conclude that abuse, neglect, or dependency occurred.
- 2217 (91) "Termination of parental rights" means the permanent elimination of all parental rights
- 2218 and duties, including residual parental rights and duties, by court order.
- 2219 (92) "Therapist" means:
- 2220 (a) an individual employed by a state division or agency for the purpose of conducting
- 2221 psychological treatment and counseling of a minor in the division's or agency's
- 2222 custody; or
- 2223 (b) any other individual licensed or approved by the state for the purpose of conducting
- 2224 psychological treatment and counseling.
- 2225 (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
- 2226 the child is at an unreasonable risk of harm or neglect.
- 2227 (94) "Torture" means:
- 2228 (a) the infliction of a serious injury upon a child in an exceptionally cruel or
- 2229 exceptionally depraved manner that causes the child to experience extreme physical
- 2230 or psychological pain or anguish; or
- 2231 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part
- 2232 of a course of conduct or over a prolonged period of time.
- 2233 (95) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 2234 (a) results in behavior that is beyond the control or ability of the child, or the parent or
- 2235 guardian, to manage effectively;
- 2236 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
- 2237 (c) results in the situations described in Subsections (95)(a) and (b).

- 2238 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to  
2239 conclude that abuse, neglect, or dependency occurred.
- 2240 (97) "Unsupported" means a finding by the Division of Child and Family Services at the  
2241 completion of an investigation, after the day on which the Division of Child and Family  
2242 Services concludes the alleged abuse, neglect, or dependency is not without merit, that  
2243 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 2244 (98) "Validated risk and needs assessment" means an evidence-based tool that assesses a  
2245 minor's risk of reoffending and a minor's criminogenic needs.
- 2246 (99) "Without merit" means a finding at the completion of an investigation by the Division  
2247 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or  
2248 dependency did not occur, or that the alleged perpetrator was not responsible for the  
2249 abuse, neglect, or dependency.
- 2250 (100) "Youth offender" means an individual who is:
- 2251 (a) at least 12 years old, but under 21 years old; and
- 2252 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth  
2253 Services for secure care under Sections 80-6-703 and 80-6-705.
- 2254 Section 28. Section **81-1-101** is amended to read:
- 2255 **81-1-101 . Definitions for title.**
- 2256 As used in this title:
- 2257 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and  
2258 81-10-101, a son or daughter of any age.
- 2259 (2) "Court" means:
- 2260 (a) a judge; or
- 2261 (b) a court commissioner if the court commissioner has authority to hear the matter  
2262 under Section 78A-5-107 or the Utah Rules of Judicial Administration.
- 2263 (3) "Custodial parent" means:
- 2264 (a) a parent awarded primary physical custody of a minor child by a court order;
- 2265 (b) if both parents have joint physical custody:
- 2266 (i) the parent awarded more overnights each year by a court order; or
- 2267 (ii) the parent designated as the custodial parent by a court order; or
- 2268 (c) if there is no court order, the parent with whom the minor child resides more than  
2269 one-half of the calendar year without regard to any temporary parent-time.
- 2270 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger  
2271 than 18 years old and is not emancipated.

2272 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of  
2273 any designation of joint legal custody.

2274 (6) "Parent" means, except as provided in Section 81-13-211, an individual with an  
2275 established parent-child relationship as ~~[described in Section 81-5-201]~~ defined in  
2276 Section 81-5-102.

2277 Section 29. Section **81-2-302** is amended to read:

2278 **81-2-302 . Marriage licenses -- Use within state -- Expiration.**

2279 (1) A marriage may not be solemnized in this state without a license issued by the county  
2280 clerk of any county of this state.

2281 (2)(a) A license issued within this state by a county clerk may only be used within this  
2282 state.

2283 (b) A license is considered used within this state if the officiant is physically present in  
2284 the state at the time of solemnization of the marriage.

2285 (c) A license is not considered used within this state when the parties to the marriage are  
2286 not physically present in the state in the same location as the officiant, unless:

2287 (i) the county issuing the marriage license posts on the county's website, in writing, a  
2288 sufficient warning that an online marriage solemnized in this state may be invalid  
2289 in the country where the parties to the marriage reside; and

2290 (ii) the officiant reiterates the warning described in Subsection (2)(c)(i) verbatim  
2291 immediately before solemnizing the marriage.

2292 (3) A warning described in Subsection (2)(c)(i) is considered sufficient if the warning:

2293 (a) appears prominently on the county's website and in the same location on the website  
2294 as an application for a marriage license;

2295 (b) is in bold type of the same or larger font size as the text of the instructions for  
2296 applying for a marriage license; and

2297 (c) is stated in full in at least English, Spanish, Portuguese, Tagalog, French, and  
2298 Mandarin Chinese on the website.

2299 [(3)] (4) A marriage is considered solemnized if:

2300 (a) the parties to the marriage have a valid marriage license;

2301 (b) each party to the marriage willingly, and without duress, declares their intent to enter  
2302 into the marriage;

2303 (c) each party to the marriage has filed all required affidavits with the county clerk that  
2304 issued the marriage license as required under Subsection [81-2-303(4)(a)]

2305 81-2-303(5)(a);

- 2306 (d) an officiant pronounces the parties as married; and  
2307 (e) at least two individuals 18 years old or older witness the declarations of intent and  
2308 the pronouncement.

2309 ~~[(4)]~~ (5) A license that is not used within 32 days after the day on which the license is issued  
2310 is invalid.

2311 Section 30. Section **81-2-303** is amended to read:

2312 **81-2-303 . Application for marriage license -- Contents.**

- 2313 (1) A county clerk may issue a marriage license only after~~[-]~~  
2314 ~~[(a)]~~ an application is filed with the county clerk's office, requiring the following  
2315 information:  
2316 ~~[(i)]~~ (a) the full names of the applicants, including the maiden or bachelor name of each  
2317 applicant;  
2318 ~~[(ii)]~~ (b) the social security numbers of the applicants, unless an applicant has not been  
2319 assigned a number;  
2320 ~~[(iii)]~~ (c) the current address of each applicant;  
2321 ~~[(iv)]~~ (d) the date and place of birth, including the town or city, county, state or country,  
2322 if possible;  
2323 ~~[(v)]~~ (e) the names of the applicants' respective parents, including the maiden name of a  
2324 mother;  
2325 ~~[(vi)]~~ (f) the birthplaces of the applicants' respective parents, including the town or city,  
2326 county, state or country, if possible; and  
2327 ~~[(vii)]~~ (g) the age, legal name, and identity of each applicant is verified.
- 2328 (2) A power of attorney may not be used to secure a marriage license on behalf of a party to  
2329 a marriage.
- 2330 (3)(a) If one or both of the applicants is a minor, the county clerk shall provide each  
2331 minor with a standard petition on a form provided by the Judicial Council to be  
2332 presented to the juvenile court to obtain the authorization required by Section  
2333 81-2-304.
- 2334 (b) The form described in Subsection (3)(a) shall include:  
2335 (i) all information described in Subsection (1);  
2336 (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's  
2337 relationship to the minor in accordance with Subsection 81-2-304(1)(a);  
2338 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described  
2339 in Section 81-2-304 signed under penalty of perjury;

- 2340 (iv) an affidavit for each applicant regarding the accuracy of the information  
2341 contained in the marriage application signed under penalty of perjury; and  
2342 (v) a place for the clerk to sign that indicates that the following have provided  
2343 documentation to support the information contained in the form:  
2344 (A) each applicant; and  
2345 (B) the minor's parent or legal guardian.
- 2346 (4)(a) The social security numbers obtained under the authority of this section may not  
2347 be recorded on the marriage license and are not open to inspection as a part of the  
2348 vital statistics files.
- 2349 (b) The [~~Department of Health and Human Services,~~]Office of Vital [~~Record~~] Records  
2350 and Statistics shall, upon request, supply the social security numbers to the [  
2351 ~~Department of Health and Human Services,~~]Office of Recovery Services.
- 2352 (c) The Office of Recovery Services may not use a social security number obtained  
2353 under the authority of this section for any reason other than the administration of  
2354 child support services.
- 2355 (5)(a) A county clerk may not issue a marriage license until the county clerk receives:  
2356 (i) an affidavit from each party applying for the marriage license, stating that there is  
2357 no lawful reason preventing the marriage; and  
2358 (ii) if one of the parties will not be physically present in the state at the time of  
2359 solemnization of the marriage, an affidavit from each party applying for the  
2360 marriage license, stating that the party consents to personal jurisdiction of the  
2361 state, and of the county issuing the marriage license, for the purposes of filing a  
2362 divorce or annulment of the marriage.
- 2363 (b) A county clerk shall file and preserve each affidavit provided under this section.
- 2364 (c) A party who makes an affidavit described in Subsection [~~(4)(a)~~] (5)(a), or a  
2365 subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of  
2366 perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part  
2367 5, Falsification in Official Matters.
- 2368 (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is  
2369 guilty of a class A misdemeanor.
- 2370 Section 31. Section **81-2-403** is amended to read:  
2371 **81-2-403 . Marriages prohibited and void.**
- 2372 (1) [~~The following marriages are prohibited and declared void:~~] A marriage is prohibited  
2373 and void if:

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

- 2408 (ii) for the respondent, within 30 days after the day on which the respondent is served.
- 2409 (b) If the parties to the temporary separation action do not have a minor child, the parties
- 2410 may choose to attend the divorce orientation course described in Section 81-4-105.
- 2411 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation
- 2412 course requirement.
- 2413 (d) A petition shall include information regarding the divorce orientation course
- 2414 requirement when the petition is served on the respondent.
- 2415 (5) For a party that is unable to pay the costs of the divorce orientation course, and before
- 2416 the court enters a decree of divorce in the action, the court shall:
- 2417 (a) make a final determination of indigency; and
- 2418 (b) order the party to pay the costs of the divorce orientation course if the court
- 2419 determines the party is not indigent.
- 2420 (6)(a) Except for a temporary restraining order under [~~Rule 65A of the~~]Utah Rules of
- 2421 Civil Procedure, Rule 65A, a party may file, but the court may not hear, a motion for
- 2422 an order related to the temporary separation petition until the moving party completes
- 2423 the divorce orientation course.
- 2424 (b) It is an affirmative defense in a temporary separation action that a party has not
- 2425 completed the divorce orientation course and the action may not continue until a
- 2426 party has complied with the divorce orientation course.
- 2427 (7)(a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement
- 2428 that the parties attend the divorce orientation course, on the court's own motion or on
- 2429 the motion of one of the parties, if the court determines course attendance and
- 2430 completion are not necessary, appropriate, feasible, or in the best interest of the
- 2431 parties.
- 2432 (b) If the requirement is waived, the court may permit the temporary separation action to
- 2433 proceed.
- 2434 (8) The petitioner shall serve the petition for a temporary separation order in accordance
- 2435 with the Utah Rules of Civil Procedure.
- 2436 (9) If a party files for divorce within one year after the day on which the petition for
- 2437 temporary separation is filed, the filing fee for a petition for temporary separation shall
- 2438 be credited towards the filing fee for a divorce.

2439 Section 33. Section **81-5-102** is amended to read:

2440 **81-5-102 . Definitions for chapter.**

2441 As used in this chapter:

- 2442 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the  
2443 father of a child.
- 2444 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic  
2445 father or a possible genetic father of a child, but whose paternity has not been  
2446 determined.
- 2447 (3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual  
2448 intercourse.
- 2449 (b) "Assisted reproduction" includes:
- 2450 (i) intrauterine insemination;
- 2451 (ii) donation of eggs;
- 2452 (iii) donation of embryos;
- 2453 (iv) in vitro fertilization and transfer of embryos; or
- 2454 (v) intracytoplasmic sperm injection.
- 2455 (4)(a) "Birth mother" means the woman [~~that~~] who gives birth to the child.
- 2456 (b) "Birth mother" does not include a gestational mother.
- 2457 (5) "Child" means an individual of any age whose parentage may be determined under this  
2458 chapter.
- 2459 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 2460 (7) "Child support services agency" means a public official or agency authorized under  
2461 Title IV-D of the Social Security Act that has the authority to seek:
- 2462 (a) enforcement of support orders or laws relating to the duty of support;
- 2463 (b) establishment or modification of child support;
- 2464 (c) determination of parentage; or
- 2465 (d) location of child-support obligors and their income and assets.
- 2466 (8) "Commence" means to file the initial pleading seeking an adjudication of parentage in  
2467 the appropriate tribunal of this state.
- 2468 (9) "Declarant father" means a male who:
- 2469 (a) along with the birth mother, claims to be the genetic father of a child; and
- 2470 (b) signs a voluntary declaration of paternity to establish the man's parentage.
- 2471 (10) "Determination of parentage" means the establishment of the parent-child relationship  
2472 by:
- 2473 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of  
2474 Paternity; or
- 2475 (b) adjudication by a tribunal.

- 2476 (11)(a) "Donor" means an individual who produces eggs or sperm used for assisted  
2477 reproduction, whether or not for consideration.
- 2478 (b) "Donor" does not include:
- 2479 (i) a husband who provides sperm, or a wife who provides eggs, to be used for  
2480 assisted reproduction by the wife;
- 2481 (ii) a woman who gives birth to a child by means of assisted reproduction, except as  
2482 otherwise provided in Part 8, Gestational Agreement;
- 2483 (iii) a parent under Part 7, Assisted Reproduction; or
- 2484 (iv) an intended parent under Part 8, Gestational Agreement.
- 2485 (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that  
2486 an individual identifies as all or part of the individual's ancestry or that is so identified  
2487 by other information.
- 2488 (13) "Financial support" means:
- 2489 (a) a base child support award as defined in Section 81-6-101;
- 2490 (b) all past-due support that accrues under an order for current periodic payments; and
- 2491 (c) sum certain judgments for past-due support.
- 2492 (14)(a) "Genetic testing" means an analysis of genetic markers to exclude or identify a  
2493 man as the father or a woman as the mother of a child.
- 2494 (b) "Genetic testing" includes an analysis of one or a combination of the following:
- 2495 (i) deoxyribonucleic acid; or
- 2496 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum  
2497 enzymes, serum proteins, or red-cell enzymes.
- 2498 (15) "Gestational mother" means a woman who:
- 2499 (a) is 18 years old or older; and
- 2500 (b) gives birth to a child under a gestational agreement.
- 2501 (16) "Man" means a male individual of any age.
- 2502 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 2503 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 2504 (19) "Parentage" means a parent-child relationship.
- 2505 (20)(a) "Parent-child relationship" means the legal relationship between a child and a  
2506 parent of the child as described in Section 81-5-201.
- 2507 (b) "Parent-child relationship" includes:
- 2508 (i) the mother-child relationship; or
- 2509 (ii) the father-child relationship.

- 2510 (21) "Parentage index" means the likelihood of paternity calculated by computing the ratio  
2511 between:
- 2512 (a) the likelihood that the tested man is the father, based on the genetic markers of the  
2513 tested man and child, conditioned on the hypothesis that the tested man is the father  
2514 of the child; and
- 2515 (b) the likelihood that the tested man is not the father, based on the genetic markers of  
2516 the tested man and child, conditioned on the hypothesis that the tested man is not the  
2517 father of the child and that the father is of the same ethnic or racial group as the  
2518 tested man.
- 2519 (22) "Presumed father" means a man who, by operation of law under Section 81-5-204, is  
2520 recognized as the father of a child until that status is rebutted or confirmed in accordance  
2521 with this chapter.
- 2522 (23) "Probability of parentage" means the measure, for the ethnic or racial group to which  
2523 the alleged father belongs, of the probability that the man in question is the father of the  
2524 child, compared with a random, unrelated man of the same ethnic or racial group,  
2525 expressed as a percentage incorporating the parentage index and a prior probability.
- 2526 (24) "Record" means information that is inscribed on a tangible medium or that is stored in  
2527 an electronic or other medium and is retrievable in perceivable form.
- 2528 (25) "Signatory" means an individual who authenticates a record and is bound by the  
2529 record's terms.
- 2530 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
2531 United States Virgin Islands, any territory, Native American Tribe, or insular possession  
2532 subject to the jurisdiction of the United States.
- 2533 (27) "Support" means the same as that term is defined in Section 81-6-101.
- 2534 (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity  
2535 authorized to establish, enforce, or modify support orders or to determine parentage.
- 2536 (29) "Unmarried biological father" means the same as that term is defined in Section  
2537 81-13-101.
- 2538 Section 34. Section **81-5-204** is amended to read:
- 2539 **81-5-204 . Presumption of parentage.**
- 2540 (1) A man is presumed to be the father of a child if:
- 2541 (a) the man and the birth mother of the child are married to each other and the child is  
2542 born during the marriage;
- 2543 (b) the man and the birth mother of the child were married to each other and the child is

- 2544 born within 300 days after the marriage is terminated by death, annulment,  
 2545 declaration of invalidity, or divorce, or after a decree of separation;
- 2546 (c) before the birth of the child, the man and the birth mother of the child married each  
 2547 other in apparent compliance with law, even if the attempted marriage is or could be  
 2548 declared invalid, and the child is born during the invalid marriage or within 300 days  
 2549 after the marriage's termination by death, annulment, declaration of invalidity, or  
 2550 divorce or after a decree of separation; or
- 2551 (d) after the birth of the child, the man and the birth mother of the child married each  
 2552 other in apparent compliance with law, whether ~~[or not]~~ the marriage is, or could be  
 2553 declared, invalid, the man voluntarily asserted the man's parentage of the child, and  
 2554 there is no other presumptive father of the child, and:
- 2555 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;  
 2556 (ii) the man agreed to be and is named as the child's father on the child's birth  
 2557 certificate; or  
 2558 (iii) the man promised in a record to support the child as his own.

2559 (2) A man is not presumed to be the father of a child not named in a divorce decree if:

- 2560 (a) the child was born at the time of entry of the divorce decree; and  
 2561 (b) there are children named in the divorce decree and the children have a mother-child  
 2562 relationship described in Section 81-5-201 with the same mother as the child.

2563 ~~[(2)]~~ (3) A presumption of parentage established under this section may only be rebutted in  
 2564 accordance with Section 81-5-607.

2565 ~~[(3)]~~ (4) If a child has an adjudicated father, the results of genetic testing are inadmissible to  
 2566 challenge parentage except as described in Section 81-5-607.

2567 Section 35. Section **81-5-608** is amended to read:

2568 **81-5-608 . Authority to deny motion for genetic testing or disregard test results.**

2569 ~~[(1) In a proceeding to adjudicate the parentage of a child having a presumed father or to~~  
 2570 ~~challenge the parentage of a child having a declarant father, the tribunal may deny a~~  
 2571 ~~motion seeking an order for genetic testing of the birth mother, the child, and the~~  
 2572 ~~presumed or declarant father, or if testing has been completed, the tribunal may~~  
 2573 ~~disregard genetic test results that exclude the presumed or declarant father if the tribunal~~  
 2574 ~~determines that:]~~

2575 (1) As used in this section, "possible father" means a man who had a sexual relationship  
 2576 with the birth mother of a child that gave rise to a reasonable belief that the man was the  
 2577 genetic father of the child.

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

2612 the child.

2613 [(3)] (4) If the tribunal denies a motion seeking an order for genetic testing or disregards  
2614 genetic test results that exclude [~~the presumed or declarant father~~] the presumed father,  
2615 declarant father, or possible father, the tribunal shall issue an order adjudicating [~~the~~  
2616 ~~presumed or declarant father~~] the presumed father, declarant father, or possible father to  
2617 be the father of the child.

2618 Section 36. Section **81-5-609** is amended to read:

2619 **81-5-609 . Limitation -- Child having declarant father.**

- 2620 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [  
2621 ~~parentage~~] paternity or a child support services agency may commence a proceeding  
2622 seeking to rescind the declaration or denial or challenge the parentage of the child only  
2623 within the time allowed under Section 81-5-306 or 81-5-307.
- 2624 (2) A proceeding under this section is subject to the application of the principles of estoppel  
2625 established in Section 81-5-608.

2626 Section 37. Section **81-5-705** is amended to read:

2627 **81-5-705 . Limitation on husband's dispute of paternity.**

- 2628 (1) Except as otherwise provided in Subsection (2), the husband of a wife who gives birth  
2629 to a child by means of assisted reproduction may not challenge the husband's paternity  
2630 of the child unless:
- 2631 (a) within two years after learning of the birth of the child the husband commences a  
2632 proceeding to adjudicate the husband's paternity; and
- 2633 (b) the tribunal finds that the [~~spouse~~] husband did not consent to the assisted  
2634 reproduction, before or after the birth of the child.
- 2635 (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal  
2636 determines that:
- 2637 (a) the husband did not provide sperm for, or before or after the birth of the child  
2638 consent to, assisted reproduction by the husband's wife;
- 2639 (b) the husband and the birth mother of the child have not cohabited since the probable  
2640 time of assisted reproduction; and
- 2641 (c) the husband never openly treated the child as the husband's own.
- 2642 (3) The limitation provided in this section applies to a marriage declared invalid after  
2643 assisted reproduction.

2644 Section 38. Section **81-6-101** is amended to read:

2645 **81-6-101 . Definitions for chapter.**

2646 As used in this chapter:

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

- 2680 (11) "Child support tables" means the tables described in [~~Part 3, Child Support Tables~~  
2681 Sections 81-6-304 and 81-6-305.
- 2682 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 2683 (13) "Gross income" means the amount of income calculated for a parent as described in  
2684 Section 81-6-203.
- 2685 (14) "Health care coverage" means coverage under which medical services are provided to  
2686 a child through:
- 2687 (a) fee for service;
- 2688 (b) a health maintenance organization;
- 2689 (c) a preferred provider organization;
- 2690 (d) any other type of private health insurance; or
- 2691 (e) public health care coverage.
- 2692 (15)(a) "Incarceration" means the placement of an obligor who has been ordered to pay  
2693 child support into a carceral setting in which the obligor is not permitted to earn  
2694 wages from employment outside of the carceral setting.
- 2695 (b) "Incarceration" does not include being placed on probation, parole, or work release.
- 2696 (16)(a) "Income" means earnings, compensation, or other payment due to an individual,  
2697 regardless of source, whether denominated as wages, salary, commission, bonus, pay,  
2698 allowances, contract payment, or otherwise, including severance pay, sick pay, and  
2699 incentive pay.
- 2700 (b) "Income" includes:
- 2701 (i) all gain derived from capital assets, labor, or both, including profit gained through  
2702 sale or conversion of capital assets;
- 2703 (ii) interest and dividends;
- 2704 (iii) periodic payments made under pension or retirement programs or insurance  
2705 policies of any type;
- 2706 (iv) unemployment compensation benefits;
- 2707 (v) workers' compensation benefits; and
- 2708 (vi) disability benefits.
- 2709 (17) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 2710 (18) "Low income table" means the table described in Section 81-6-305.
- 2711 (19) "Medical expenses" means health and dental expenses and related insurance costs.
- 2712 (20) "Minimal child care award" means a minimum amount that an obligor has to pay each  
2713 month for the monthly expense of child care.

- 2714 [~~(20)~~] (21) "Minor child" means a child who is younger than 18 years old.
- 2715 [~~(21)~~] (22) "Obligee" means an individual, this state, another state, or another comparable  
2716 jurisdiction to whom child support is owed or who is entitled to reimbursement of child  
2717 support or public assistance.
- 2718 [~~(22)~~] (23) "Obligor" means a person owing a duty of support.
- 2719 [~~(23)~~] (24) "Office" means the Office of Recovery Services within the Department of Health  
2720 and Human Services.
- 2721 [~~(24)~~] (25) "Ongoing expense for child care" means a periodic payment that an  
2722 administrative agency or court orders an obligor parent to pay to assist with the child  
2723 care expenses of the obligor parent's child.
- 2724 [~~(25)~~] (26) "Pregnancy expenses" means an amount equal to:
- 2725 (a) the sum of a pregnant mother's:
- 2726 (i) health insurance premiums while pregnant that are not paid by an employer or  
2727 government program; and
- 2728 (ii) medical costs related to the pregnancy, incurred after the date of conception and  
2729 before the pregnancy ends; and
- 2730 (b) minus any portion of the amount described in Subsection [~~(25)~~](a) (26)(a) that a court  
2731 determines is equitable based on the totality of the circumstances, not including any  
2732 amount paid by the mother or father of the child.
- 2733 [~~(26)~~] (27) "Split custody" means that each parent has physical custody of at least one of the  
2734 children.
- 2735 [~~(27)~~] (28) "State" means a state, territory, possession of the United States, the District of  
2736 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other  
2737 comparable domestic or foreign jurisdiction.
- 2738 [~~(28)~~] (29) "Support" means past-due, present, and future obligations to provide for the  
2739 financial support, maintenance, or medical expenses of a child.
- 2740 [~~(29)~~] (30) "Support order" means:
- 2741 (a) a child support order; or
- 2742 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to  
2743 modification, for alimony.
- 2744 [~~(30)~~] (31) "Suspension" means adjusting a child support order to zero dollars during the  
2745 period of an obligor's incarceration.
- 2746 [~~(31)~~] (32) "Temporary" means a period of time that is projected to be less than 12 months  
2747 in duration.

2748 [~~(32)~~] (33) "Third party" means an agency or a person other than a parent or a child who  
2749 provides care, maintenance, and support to a child.

2750 [~~(33)~~] (34) "Tribunal" means the district court, the Department of Health and Human  
2751 Services, Office of Recovery Services, or court or administrative agency of a state,  
2752 territory, possession of the United States, the District of Columbia, the Commonwealth  
2753 of Puerto Rico, Native American tribe, or other comparable domestic or foreign  
2754 jurisdiction.

2755 [~~(34)~~] (35) "Work-related child care expenses" means reasonable child care costs for up to a  
2756 full-time work week or training schedule as necessitated by the employment or training  
2757 of a parent.

2758 [~~(35)~~] (36) "Worksheet" means a form used to aid in calculating the base child support  
2759 award.

2760 Section 39. Section **81-6-202** is amended to read:

2761 **81-6-202 . Determination of amount of child support -- Application of child**  
2762 **support guidelines -- Requirements for child support order.**

2763 (1)(a) If a prior child support order does not exist, a substantial change in circumstances  
2764 has occurred, or a petition to modify a child support order as described in Section  
2765 81-6-212 is filed, the court determining the amount of prospective child support shall  
2766 require each party to file a proposed award of child support using the child support  
2767 guidelines before the court enters or modifies a child support order.

2768 (b) When no prior child support order exists, the court or administrative agency shall  
2769 determine and assess all arrearages based upon the child support guidelines.

2770 (2)(a) The court or administrative agency shall apply the child support guidelines as a  
2771 rebuttable presumption in establishing or modifying the amount of temporary or  
2772 permanent child support.

2773 (b) The rebuttable presumption means the provisions and considerations required by the  
2774 child support guidelines, the award amounts resulting from the application of the  
2775 child support guidelines, and the use of worksheets consistent with the child support  
2776 guidelines are presumed to be correct, unless the child support guidelines are rebutted  
2777 in accordance with this section.

2778 (3)(a) A written finding or specific finding on the record supporting the conclusion that  
2779 complying with a provision of the child support guidelines or ordering an award  
2780 amount resulting from use of the child support guidelines would be unjust,  
2781 inappropriate, or not in the best interest of a child in a particular case is sufficient to

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

- 2816 determining the award in the case described in Subsection (7)(a).
- 2817 (8) In a proceeding to adjust or modify a child support order, the court or administrative  
2818 agency may consider children, who are born after the entry of the child support order  
2819 and are not in common to both parties, to mitigate an increase in the award, but the court  
2820 or administrative agency may not consider the children:
- 2821 (a) for the benefit of the obligee if the credit would increase the support obligation of the  
2822 obligor from the most recent child support order; or
- 2823 (b) for the benefit of the obligor if the amount of support received by the obligee would  
2824 be decreased from the most recent child support order.
- 2825 (9) A stipulated amount for child support or combined child support and alimony is  
2826 adequate under the child support guidelines if the stipulated child support amount or  
2827 combined amount equals or exceeds the base child support award required by the child  
2828 support guidelines.
- 2829 (10) The court shall include the following provisions in a child support order:
- 2830 (a) a provision establishing the monthly amount of child support obligation for each  
2831 parent in accordance with the child support guidelines;
- 2832 (b) a provision assigning responsibility for the payment of reasonable and necessary  
2833 medical expenses for the child as described in Section 81-6-208;
- 2834 (c) a provision requiring the purchase and maintenance of appropriate health care  
2835 insurance for the medical expenses of the child as described in Section 81-6-208 if  
2836 health care insurance is or becomes available at a reasonable cost;
- 2837 (d) a provision regarding the child care expenses [~~and costs~~] as described in Section  
2838 81-6-209;
- 2839 (e) a provision regarding each parent's right to claim a child as a tax exemption for  
2840 federal and state income tax purposes in accordance with Section 81-6-210;
- 2841 (f) provisions for income withholding as a means of collecting child support, in  
2842 accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,  
2843 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
- 2844 (g) a provision regarding a parent's opportunity to adjust a child support order as  
2845 described in Section 81-6-212.
- 2846 (11) The office shall include the provisions described in Section 26B-9-224 in a child  
2847 support order.

2848 Section 40. Section **81-6-203** is amended to read:

2849 **81-6-203 . Determination of gross income for child support -- Imputing income to**

2850 **a parent.**

2851 (1)(a) Each parent shall provide verification of current income to the court or  
2852 administrative agency.

2853 (b) Each parent shall provide year-to-date pay stubs or employer statements and  
2854 complete copies of tax returns from at least the most recent year, unless the court  
2855 finds the verification is not reasonably available.

2856 (c) Verification of income from records maintained by the Department of Workforce  
2857 Services may be substituted for pay stubs, employer statements, and income tax  
2858 returns.

2859 (2)(a) To calculate gross income of a parent, the court or administrative agency may  
2860 include:

2861 (i) prospective income of the parent, including income from earned and nonearned  
2862 sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from  
2863 anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony  
2864 from previous marriages, annuities, capital gains, Social Security benefits, worker  
2865 compensation benefits, unemployment compensation, income replacement  
2866 disability insurance benefits, Social Security Disability Insurance, and payments  
2867 from nonmeans-tested government programs; and

2868 (ii) income imputed to the parent as described in Subsection (6).

2869 (b) Income from earned income sources is limited to the equivalent of one full-time  
2870 40-hour job.

2871 (c) If and only if during the time before the original support order, the parent normally  
2872 and consistently worked more than 40 hours at the parent's job, the court may  
2873 consider this extra time as a pattern in calculating the parent's ability to provide child  
2874 support.

2875 (3)(a) The court or administrative agency shall use historical and current earnings to  
2876 determine whether an underemployment or overemployment situation exists.

2877 (b) When establishing or modifying a child support order for an obligor who is a parent  
2878 and incarcerated, the office shall follow the requirements of Section 81-6-211.5.

2879 (4)(a) To calculate income from self-employment or operation of a business, the court or  
2880 administrative agency:

2881 (i) shall calculate gross income from self-employment or operation of a business by  
2882 subtracting necessary expenses required for self-employment or business  
2883 operation from gross receipts;

- 2884 (ii) shall review income and expenses from self-employment or operation of a  
2885 business to determine an appropriate level of gross income available to the parent  
2886 to satisfy a child support award; and
- 2887 (iii) may only deduct those expenses necessary to allow the business to operate at a  
2888 reasonable level from gross receipts.
- 2889 (b) Gross income determined under this Subsection (4) may differ from the amount of  
2890 business income determined for tax purposes.
- 2891 (5) When possible, the court or administrative agency shall determine the average monthly  
2892 gross income for each parent by:
- 2893 (a) calculating the gross income of each parent on an annual basis; and  
2894 (b) dividing the annual gross income for each parent by 12.
- 2895 (6)(a) The court or administrative agency may not impute income to a parent unless the  
2896 parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a  
2897 hearing is held and the court or administrative agency enters findings of fact as to the  
2898 evidentiary basis for the imputation.
- 2899 (b) If income is imputed to a parent, the court or administrative agency shall base  
2900 income upon employment potential and probable earnings considering, to the extent  
2901 known:
- 2902 (i) employment opportunities;  
2903 (ii) work history;  
2904 (iii) occupation qualifications;  
2905 (iv) educational attainment;  
2906 (v) literacy;  
2907 (vi) age;  
2908 (vii) health;  
2909 (viii) criminal record;  
2910 (ix) other employment barriers and background factors; and  
2911 (x) prevailing earnings and job availability for persons of similar backgrounds in the  
2912 community.
- 2913 (c) If a parent has no recent work history or a parent's occupation is unknown, the court  
2914 or administrative agency may impute an income to that parent at the federal  
2915 minimum wage for a 40-hour work week.
- 2916 (d) To impute a greater or lesser income, the court or administrative agency shall enter  
2917 specific findings of fact as to the evidentiary basis for the imputation.

- 2918 (e) The court or administrative agency may not impute income to a parent if any of the  
 2919 following conditions exist and the condition is not of a temporary nature:  
 2920 (i) the reasonable costs of child care for the parents' minor child approach or equal  
 2921 the amount of income the custodial parent can earn;  
 2922 (ii) a parent is physically or mentally unable to earn minimum wage;  
 2923 (iii) a parent is engaged in career or occupational training to establish basic job skills;  
 2924 or  
 2925 (iv) unusual emotional or physical needs of a child require the custodial parent's  
 2926 presence in the home.

2927 (7) Notwithstanding Subsection (2), the court or administrative agency may not include the  
 2928 following sources of income when calculating the gross income of a parent:

- 2929 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
 2930 Program;  
 2931 (b) benefits received under a housing subsidy program, the Job Training Partnership Act,  
 2932 Supplemental Security Income, [~~Social Security Disability Insurance,~~]Medicaid,  
 2933 SNAP benefits, or General Assistance;  
 2934 (c) other similar means-tested welfare benefits received by a parent;  
 2935 (d) the earned income of a child who is the subject of a child support award; or  
 2936 (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's  
 2937 own right, such as Supplemental Security Income.

2938 (8)(a) The court or administrative agency shall credit, as child support, the amount of  
 2939 social security benefits received by a child due to the earnings of the parent on whose  
 2940 earning record the social security benefits are based by crediting the amount against  
 2941 the potential obligation of that parent.

2942 (b) The court or administrative agency may consider other unearned income of a child as  
 2943 income of a parent depending upon the circumstances of each case.

2944 Section 41. Section **81-6-209** is repealed and reenacted to read:

2945 **81-6-209 . Requirements for a child support order regarding child care expenses**

2946 **-- Actual expenses.**

2947 (1)(a) Except as otherwise provided in this section, the court or administrative agency  
 2948 shall require in a child support order that:

- 2949 (i) each parent share equally the reasonable work-related child care expenses of the  
 2950 parents; and  
 2951 (ii) the obligor pay a minimal child care award to the obligee if the court or

2952 administrative agency is entering or modifying the child support order on or after  
2953 January 1, 2027.

2954 (b) The court or administrative agency may not order a minimal child care award under  
2955 Subsection (1)(a)(ii) if the obligor's child support obligation is calculated using the  
2956 low income table.

2957 (2)(a) The court or administrative agency shall presume under Subsection (1) that  
2958 work-related child care expenses should be included in a child support order if a  
2959 parent, during extended parent-time, is working and actually incurring expenses for  
2960 child care.

2961 (b) The presumption under Subsection (2)(a) is rebutted if:  
2962 (i) the obligor's base child support award, in combination with the award of medical  
2963 expenses, exceeds 50% of the obligor's adjusted gross income; or  
2964 (ii) by adding the child care expenses, the obligor's child support obligation would  
2965 exceed 50% of the obligor's adjusted gross income.

2966 (3)(a) The court or administrative agency may award child care expenses on a  
2967 case-by-case basis if the child care expenses are related to the employment and  
2968 occupational training of the custodial parent or the child care expenses would be in  
2969 the interest of justice.

2970 (b) The court or administrative agency may assign financial responsibility in a child  
2971 support order for all or a portion of child care expenses incurred on behalf of a child  
2972 due to the employment or occupational training of the custodial parent.

2973 (4)(a) The court or administrative agency may impute a monthly obligation for child  
2974 care expenses when the court imputes income to a parent who is providing child care  
2975 for the child so that the parties are not incurring child care expenses for the child.

2976 (b) The court shall apply any monthly obligation imputed under Subsection (4)(a)  
2977 towards any actual child care expenses incurred within the same month for the child.

2978 (5)(a) The court shall require each party to file a proposed minimal child care award  
2979 before the court makes a determination under Subsection (1)(a)(ii).

2980 (b) To calculate a minimal child care award under Section (1)(a)(ii), the court or  
2981 administrative agency shall:

2982 (i) use the combined adjusted average monthly gross income of the parents as  
2983 calculated for the base child support award under Section 81-6-204; and

2984 (ii) locate the minimum child care award for each child in the minimum child care  
2985 award table in Section 81-6-306 by finding:

- 2986            (A) the combined adjusted average monthly gross income in the table;  
2987            (B) the age of the child in the table; and  
2988            (C) combining the amounts in the table for each child to determine the minimal  
2989            child care award.
- 2990            (c) The court or administrative agency shall presume that the amount calculated under  
2991            Subsection (5)(b) for the minimal child care award is the amount that the obligor  
2992            should pay under Subsection (1)(a)(ii).
- 2993            (d) The presumption described in Subsection (5)(c) is rebuttable upon:  
2994            (i) an agreement of the parties that is acceptable to the court or administrative agency;  
2995            (ii) the court or administrative agency determining that the evidence presented favors  
2996            a different minimum child care award; or  
2997            (iii) a showing, by a preponderance of the evidence, that a different minimum child  
2998            care award is in the best interest of the child.
- 2999            (e) Notwithstanding Subsection (5)(b) or (c), the court or administrative agency may set  
3000            the minimal child care award under Subsection (1)(a)(ii) at zero dollars upon a  
3001            showing, by a preponderance of the evidence, that child care expenses will not be  
3002            incurred.
- 3003            (f) If a child is in the custody of the state and placed in a facility that is managed by the  
3004            state, the obligor does not owe the child's portion of the minimal child care award for  
3005            any month that the child is in the facility.
- 3006            (g) If a minimal child care award is calculated using the minimal child care award table  
3007            in Section 81-6-306, the minimal child care award in a child support order shall be  
3008            automatically adjusted to the appropriate amount in the minimal child care award  
3009            table as the child ages without the need of the court or administrative agency to  
3010            modify the order.
- 3011            (h) The minimal child care award for a child shall terminate at the earlier of:  
3012            (i) the child turning 13 years old; or  
3013            (ii) the child becoming emancipated as that term is defined in Section 81-6-213.
- 3014            (6) In the absence of a court order to the contrary, a parent who incurs a child care expense  
3015            shall provide written verification of the expense and identity of a child care provider to  
3016            the other parent upon initial engagement of a provider and thereafter on the request of  
3017            the other parent.
- 3018            (7)(a) In the absence of a court order to the contrary, the parent shall notify the other  
3019            parent of any change of a child care provider, any change in the monthly expense of

3020 child care, or the termination of child care within 30 calendar days after the day on  
 3021 which the change occurred.

3022 (b) The notification requirement described in Subsection (7)(a) does not apply if there is  
 3023 a protective order or stalking injunction in effect that prohibits a parent from  
 3024 contacting the other parent.

3025 (8) The court may deny a parent incurring work-related child care expenses the right to  
 3026 receive credit for the expenses or to recover the other parent's share of the expenses if  
 3027 the parent incurring the expenses fails to comply with this section.

3028 Section 42. Section **81-6-213** is amended to read:

3029 **81-6-213 . Automatic adjustment of base child support award.**

3030 (1) As used in this section, "emancipated" means:

3031 (a) the child becomes 18 years old or graduates from high school during the child's  
 3032 normal and expected year of graduation, whichever occurs later;

3033 (b) the child dies, marries, or becomes a member of the armed forces of the United  
 3034 States;

3035 (c) the child is emancipated in accordance with Title 80, Chapter 7, Emancipation; or

3036 (d) the obligor's parental rights are terminated by a court in accordance with Title 80,  
 3037 Chapter 4, Termination and Restoration of Parental Rights.

3038 ~~[(+)]~~ (2) Except as otherwise provided in the child support order, the base child support  
 3039 award is automatically adjusted to the base child support award for the remaining  
 3040 number of children due child support, without the need to modify the most recent child  
 3041 support order by a court, when a child[: ] is emancipated.

3042 ~~[(a) becomes 18 years old or graduates from high school during the child's normal and~~  
 3043 ~~expected year of graduation, whichever occurs later;]~~

3044 ~~[(b) dies, marries, becomes a member of the armed forces of the United States; or]~~

3045 ~~[(c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.]~~

3046 ~~[(2)]~~ (3) The base child support award is adjusted as described in Subsection ~~[(+)]~~ (2) by  
 3047 using:

3048 (a) the child support table that was used to establish the most recent child support order[  
 3049 and by using] ; and

3050 (b) [-]the income of the parties as specified in the most recent child support order or the  
 3051 worksheets.

3052 ~~[(3)]~~ (4) The base child support award may not be reduced by a per child amount derived  
 3053 from the base child support award originally ordered.

3054 [(4)] (5) If the incomes of the parties are not specified in the most recent child support order  
 3055 or the worksheets, the information regarding the incomes is not consistent, or the order  
 3056 deviates from the child support guidelines, the base child support award is not  
 3057 automatically adjusted under Subsection [(1)] (2) and the child support order will  
 3058 continue until modified by the issuing tribunal.

3059 [(5)] (6) If the child support order is deviated and the parties subsequently obtain a court  
 3060 order that adjusts the amount of child support back to the date of the emancipation of the  
 3061 child, the office may not be required to repay any difference in the child support  
 3062 collected during the interim.

3063 Section 43. Section **81-6-306** is enacted to read:

3064 **81-6-306 . Minimal child care award table -- Child support orders on or after**  
 3065 **January 1, 2027.**

3066 The following table is used to:

- 3067 (1) establish a minimal child care award for a child support order established on or after  
 3068 January 1, 2027, if the low income table was not used in the calculation of child support;  
 3069 and  
 3070 (2) modify a minimal child care award for a child support order modified on or after  
 3071 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>				
3072	<u>\$0-</u>	<u>\$4,752</u>	<u>\$225</u>	<u>\$263</u>	<u>\$263</u>	<u>\$204</u>
3073	<u>\$4,573-</u>	<u>\$6,911</u>	<u>\$325</u>	<u>\$313</u>	<u>\$300</u>	<u>\$300</u>
3074	<u>\$6,912-</u>	<u>\$10,140</u>	<u>\$410</u>	<u>\$338</u>	<u>\$338</u>	<u>\$305</u>
3075	<u>\$10,141-</u>	<u>\$14,999</u>	<u>\$420</u>	<u>\$345</u>	<u>\$345</u>	<u>\$325</u>
3076	<u>\$15,000-</u>	<u>More than \$15,000</u>	<u>\$450</u>	<u>\$375</u>	<u>\$375</u>	<u>\$363</u>

3080 Section 44. Section **81-9-202** is amended to read:

3081 **81-9-202 . Advisory guidelines for a custody and parent-time arrangement.**

- 3082 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,  
3083 the following advisory guidelines are suggested to govern a custody and parent-time  
3084 arrangement between parents.
- 3085 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a  
3086 court-imposed solution.
- 3087 (3) A parent-time schedule shall be used to maximize the continuity and stability of the  
3088 minor child's life.
- 3089 (4) Each parent shall give special consideration to make the minor child available to attend  
3090 family functions including funerals, weddings, family reunions, religious holidays,  
3091 important ceremonies, and other significant events in the life of the minor child or in the  
3092 life of either parent which may inadvertently conflict with the parent-time schedule.
- 3093 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return of  
3094 the minor child when the parent-time order is entered.
- 3095 (b) The court may change the responsibility described in Subsection (5)(a) at any time a  
3096 subsequent modification is made to the parent-time order.
- 3097 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:  
3098 (i) have the minor child ready for parent-time at the time the minor child is to be  
3099 picked up; and  
3100 (ii) be present at the custodial home or make reasonable alternate arrangements to  
3101 receive the minor child at the time the minor child is returned.
- 3102 (d) If the custodial parent will be transporting the minor child, the noncustodial parent  
3103 shall:  
3104 (i) be at the appointed place at the time the noncustodial parent is to receive the  
3105 minor child; and  
3106 (ii) have the minor child ready to be picked up at the appointed time and place or  
3107 have made reasonable alternate arrangements for the custodial parent to pick up  
3108 the minor child.
- 3109 (6) A parent may not interrupt regular school hours for a school-age minor child for the  
3110 exercise of parent-time.
- 3111 (7) The court may:  
3112 (a) make alterations in the parent-time schedule to reasonably accommodate the work  
3113 schedule of both parents; and  
3114 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the

- 3115 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 3116 (8) The court may make alterations in the parent-time schedule to reasonably accommodate  
3117 the distance between the parties and the expense of exercising parent-time.
- 3118 (9) A parent may not withhold parent-time or child support due to the other parent's failure  
3119 to comply with a court-ordered parent-time schedule.
- 3120 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of  
3121 receiving notice of all significant school, social, sports, and community functions in  
3122 which the minor child is participating or being honored.
- 3123 (b) The noncustodial parent is entitled to attend and participate fully in the functions  
3124 described in Subsection (10)(a).
- 3125 (c) The noncustodial parent shall have access directly to all school reports including  
3126 preschool and daycare reports and medical records.
- 3127 (d) A parent shall immediately notify the other parent in the event of a medical  
3128 emergency.
- 3129 (11) Each parent shall provide the other with the parent's current address and telephone  
3130 number, email address, and other virtual parent-time access information within 24 hours  
3131 of any change.
- 3132 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable and  
3133 uncensored communications with the minor child, in the form of mail privileges and  
3134 virtual parent-time if the equipment is reasonably available.
- 3135 (b) If the parents cannot agree on whether the equipment is reasonably available, the  
3136 court shall decide whether the equipment for virtual parent-time is reasonably  
3137 available by taking into consideration:
- 3138 (i) the best interests of the minor child;
- 3139 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and  
3140 (iii) any other factors the court considers material.
- 3141 (13)(a) Parental care is presumed to be better care for the minor child than surrogate care.
- 3142 (b) The court shall encourage the parties to cooperate in allowing the noncustodial  
3143 parent, if willing and able to transport the minor child, to provide the child care.
- 3144 (c) Child care arrangements existing during the marriage are preferred as are child care  
3145 arrangements with nominal or no charge.
- 3146 (14) Each parent shall:
- 3147 (a) provide all surrogate care providers with the name, current address, and telephone  
3148 number of the other parent; and

- 3149 (b) provide the noncustodial parent with the name, current address, and telephone  
 3150 number of all surrogate care providers unless the court for good cause orders  
 3151 otherwise.
- 3152 (15)(a) Each parent is entitled to an equal division of major religious holidays celebrated  
 3153 by the parents.
- 3154 (b) The parent who celebrates a religious holiday that the other parent does not celebrate  
 3155 shall have the right to be together with the minor child on the religious holiday.
- 3156 (16) If the minor child is on a different parent-time schedule than a sibling, based on  
 3157 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for  
 3158 parent-time with all the minor children so that parent-time is uniform between school  
 3159 aged and nonschool aged children, is appropriate.
- 3160 (17)(a) When one or both parents are servicemembers or contemplating joining a  
 3161 uniformed service, the parents should resolve issues of custodial responsibility in the  
 3162 event of deployment as soon as practicable through reaching a voluntary agreement  
 3163 pursuant to Section 81-10-201 or through court order obtained pursuant to this part.
- 3164 (b) Service members shall ensure their family care plan reflects orders and agreements  
 3165 entered and filed pursuant to Chapter 10, Uniform Deployed Parents Custody, [  
 3166 ~~Parent-time~~] Parent-Time, and Visitation Act.
- 3167 (18) A parent shall immediately notify the other parent if:
- 3168 (a) the parent resides with an individual or provides an individual with access to the  
 3169 minor child; and
- 3170 (b) the parent knows that the individual:
- 3171 (i) is required to register as a sex offender, a kidnap offender, or a child abuse  
 3172 offender for an offense committed against a minor child under Title 53, Chapter  
 3173 29, Sex, Kidnap, and Child Abuse Offender Registry; or
- 3174 (ii) has been convicted of an offense described in:
- 3175 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,~~  
 3176 ~~76-5-109.4, 76-5-114, or 76-5-208;~~]
- 3177 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4,~~  
 3178 ~~Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or~~  
 3179 ~~76-5-419;~~]
- 3180 [~~(C) an offense for kidnapping or human trafficking of a minor child under Title~~  
 3181 ~~76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;~~]
- 3182 [~~(D) a sexual exploitation offense against a minor child under Title 76, Chapter~~

- 3183 ~~5b, Sexual Exploitation Act; or]~~
- 3184 (A) Section 76-5-109, child abuse;
- 3185 (B) Section 76-6-109.2, aggravated child abuse;
- 3186 (C) Section 76-5-109.3, child abandonment;
- 3187 (D) Section 76-5-109.4, child torture;
- 3188 (E) Section 76-5-114, commission of domestic violence in the presence of a child;
- 3189 (F) Section 76-5-208, child abuse homicide;
- 3190 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for
- 3191 which the victim was younger than 18 years old;
- 3192 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger
- 3193 than 18 years old; or
- 3194 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was
- 3195 younger than 18 years old; or

3196 [~~(E)~~] (iii) has been convicted of an offense that is substantially similar to an offense

3197 under [~~Subsections (18)(b)(ii)(A) through (D)~~]. Subsection (18)(b)(ii).

3198 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the

3199 parent shall provide the following information to the other parent:

- 3200 (i) an itinerary of travel dates;
- 3201 (ii) destinations;
- 3202 (iii) places where the minor child or traveling parent can be reached; and
- 3203 (iv) the name and telephone number of an available third person who would be
- 3204 knowledgeable of the minor child's location.

3205 (b) The notification requirement described in Subsection (19)(a) does not apply if there

3206 is a protective order or stalking injunction in effect that prohibits a parent from

3207 contacting the other parent.

3208 [~~(b)~~] (c) Unchaperoned travel of a minor child under [~~the age of five years~~] five years old

3209 is not recommended.

3210 Section 45. Section **81-9-204** is amended to read:

3211 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**

3212 **Preferences.**

- 3213 (1) In a proceeding between parents in which the custody and parent-time of a minor child
- 3214 is at issue, the court shall consider the best interests of the minor child in determining
- 3215 any form of custody and parent-time.
- 3216 (2) The court shall determine whether an order for custody or parent-time is in the best

- 3217 interests of the minor child by a preponderance of the evidence.
- 3218 (3) In determining any form of custody and parent-time under Subsection (1), the court  
3219 shall consider:
- 3220 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic  
3221 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a  
3222 household member of the parent;
- 3223 (b) whether the parent has intentionally exposed the minor child to:
- 3224 (i) pornography; or
- 3225 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in  
3226 Section 76-5c-101; and
- 3227 (c) whether custody and parent-time would endanger the minor child's health or physical  
3228 or psychological safety.
- 3229 (4) In determining the form of custody and parent-time that is in the best interests of the  
3230 minor child, the court may consider, among other factors the court finds relevant, the  
3231 following for each parent:
- 3232 (a) evidence of psychological maltreatment;
- 3233 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the  
3234 developmental needs of the minor child, including the minor child's:
- 3235 (i) physical needs;
- 3236 (ii) emotional needs;
- 3237 (iii) educational needs;
- 3238 (iv) medical needs; and
- 3239 (v) any special needs;
- 3240 (c) the parent's capacity and willingness to function as a parent, including:
- 3241 (i) parenting skills;
- 3242 (ii) co-parenting skills, including:
- 3243 (A) ability to appropriately communicate with the other parent;
- 3244 (B) ability to encourage the sharing of love and affection; and
- 3245 (C) willingness to allow frequent and continuous contact between the minor child  
3246 and the other parent, except that, if the court determines that the parent is  
3247 acting to protect the minor child from domestic violence, neglect, or abuse, the  
3248 parent's protective actions may be taken into consideration; and
- 3249 (iii) ability to provide personal care rather than surrogate care;
- 3250 (d) the past conduct and demonstrated moral character of the parent as described in

- 3251 Subsection (9);
- 3252 (e) the emotional stability of the parent;
- 3253 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 3254 drinking, or other causes;
- 3255 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 3256 (h) duration and depth of desire for custody or parent-time;
- 3257 (i) the parent's religious compatibility with the minor child;
- 3258 (j) the parent's financial responsibility;
- 3259 (k) the child's interaction and relationship with step-parents, extended family members
- 3260 of other individuals who may significantly affect the minor child's best interests;
- 3261 (l) who has been the primary caretaker of the minor child;
- 3262 (m) previous parenting arrangements in which the minor child has been happy and
- 3263 well-adjusted in the home, school, and community;
- 3264 (n) the relative benefit of keeping siblings together;
- 3265 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 3266 minor child's cognitive ability and emotional maturity;
- 3267 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 3268 quality, and nature of the relationship between the parent and the minor child; and
- 3269 (q) any other factor the court finds relevant.
- 3270 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
- 3271 determines that extenuating circumstances exist that would necessitate the testimony
- 3272 of the minor child be heard and there is no other reasonable method to present the
- 3273 minor child's testimony.
- 3274 (b)(i) The court may inquire and take into consideration the minor child's desires
- 3275 regarding future custody or parent-time schedules, but the expressed desires are
- 3276 not controlling and the court may determine the minor child's custody or
- 3277 parent-time otherwise.
- 3278 (ii) The desires of a minor child who is 14 years old or older shall be given added
- 3279 weight, but is not the single controlling factor.
- 3280 (c)(i) If an interview with a minor child is conducted by the court in accordance with
- 3281 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 3282 (ii) The prior consent of the parties may be obtained but is not necessary if the court
- 3283 finds that an interview with a minor child is the only method to ascertain the
- 3284 minor child's desires regarding custody.

- 3285 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a  
3286 parent due to a disability, as defined in Section 57-21-2, in awarding custody or  
3287 determining whether a substantial change has occurred for the purpose of modifying  
3288 an award of custody.
- 3289 (b) The court may not consider the disability of a parent as a factor in awarding custody  
3290 or modifying an award of custody based on a determination of a substantial change in  
3291 circumstances, unless the court makes specific findings that:
- 3292 (i) the disability significantly or substantially inhibits the parent's ability to provide  
3293 for the physical and emotional needs of the minor child at issue; and
- 3294 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
3295 available to supplement the parent's ability to provide for the physical and  
3296 emotional needs of the minor child at issue.
- 3297 (c) Nothing in this section may be construed to apply to adoption proceedings under  
3298 Chapter 13, Adoption.
- 3299 (7) This section does not establish:
- 3300 (a) a preference for either parent solely because of the gender of the parent; or  
3301 (b) a preference for or against joint physical custody or sole physical custody, but allows  
3302 the court and the family the widest discretion to choose a parenting plan that is in the  
3303 best interest of the minor child.
- 3304 (8) When an issue before the court involves custodial responsibility in the event of a  
3305 deployment of a parent who is a service member and the service member has not yet  
3306 been notified of deployment, the court shall resolve the issue based on the standards in  
3307 Sections 81-10-306 through 81-10-309.
- 3308 (9) In considering the past conduct and demonstrated moral standards of each party under  
3309 Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 3310 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
3311 dosage form, a cannabis product in a medicinal dosage form, or a medical  
3312 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production  
3313 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid  
3314 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently  
3315 than the court would consider or treat the lawful possession or use of any  
3316 prescribed controlled substance; or
- 3317 (ii) discriminate against a parent because of the parent's status as a:
- 3318 (A) cannabis production establishment agent, as that term is defined in Section

- 3319 4-41a-102;
- 3320 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 3321 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 3322 or
- 3323 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
- 3324 Cannabinoid Research and Medical Cannabis; or
- 3325 (b) discriminate against a parent based upon the parent's agreement or disagreement with
- 3326 a minor child of the couple's:
- 3327 (i) assertion that the minor child's gender identity is different from the minor child's
- 3328 biological sex;
- 3329 (ii) practice of having or expressing a different gender identity than the minor child's
- 3330 biological sex; or
- 3331 (iii) sexual orientation.
- 3332 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
- 3333 violence is presented.
- 3334 (b) The court shall consider as primary, the safety and well-being of the minor child and
- 3335 the parent who experiences domestic violence.
- 3336 (c) A court shall consider an order issued by a court in accordance with Title 78B,
- 3337 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
- 3338 substantiated potential harm to the minor child.
- 3339 (d) If a parent relocates because of an act of domestic violence or family violence by the
- 3340 other parent[-] :
- 3341 (i) the court shall make specific findings and orders with regards to the application of
- 3342 Section 81-9-209[-] ; and
- 3343 (ii) the court may not require the parent to disclose the parent's address to the other
- 3344 parent.
- 3345 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
- 3346 potential harm to the minor child:
- 3347 (a) it is in the best interest of the minor child to have frequent, meaningful, and
- 3348 continuing access to each parent following separation or divorce;
- 3349 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
- 3350 access with the parent's minor child consistent with the minor child's best interests;
- 3351 and
- 3352 (c) it is in the best interest of the minor child to have both parents actively involved in

3353 parenting the minor child.

3354 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or  
3355 parent-time of a minor child to a parent convicted of a sexual offense, as defined in  
3356 Section 77-37-2, that resulted in the conception of the minor child unless:

3357 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents  
3358 to custody or parent-time and the court determines it is in the best interest of the  
3359 minor child to award custody or parent-time to the convicted parent; or

3360 (b) after the date of the conviction, the convicted parent and the nonconvicted parent  
3361 cohabit and establish a mutual custodial environment for the minor child.

3362 (13) A denial of custody or parent-time under Subsection (12) does not:

3363 (a) terminate the parental rights of the parent denied parent-time or custody; or

3364 (b) affect the obligation of the convicted parent to financially support the minor child.

3365 Section 46. Section **81-9-206** is amended to read:

3366 **81-9-206 . Determination of parent-time schedule -- Parent-time factors.**

3367 (1) If the parties are unable to agree on a parent-time schedule, the court may:

3368 (a) establish a parent-time schedule; or

3369 (b) order a parent-time schedule described in Part 3, Parent-time Schedules.

3370 (2) There is a presumption that the advisory guidelines described in Section 81-9-202 and  
3371 the parent-time schedules described in Part 3, Parent-time Schedules, are the minimum  
3372 parent-time to which the noncustodial parent and the minor child are entitled.

3373 (3) In accordance with Section 81-9-104, when ordering a parent-time schedule a court  
3374 shall consider:

3375 (a) evidence of domestic violence, physical abuse, or sexual abuse involving the minor  
3376 child, a parent, or a household member of the parent; and

3377 (b) whether parent-time [~~would~~] is likely to endanger the minor child's health or physical  
3378 or psychological safety.

3379 (4) A court may consider the following when ordering a parent-time schedule:

3380 (a) evidence of psychological maltreatment;

3381 (b) the distance between the residency of the minor child and the noncustodial parent;

3382 (c) the lack of demonstrated parenting skills without safeguards to ensure the minor  
3383 child's well-being during parent-time;

3384 (d) the financial inability of the noncustodial parent to provide adequate food and shelter  
3385 for the minor child during periods of parent-time;

3386 (e) the preference of the minor child if the court determines the minor child is of

- 3387 sufficient maturity;
- 3388 (f) the incarceration of the noncustodial parent in a county jail, secure youth corrections  
3389 facility, or an adult corrections facility;
- 3390 (g) shared interests between the minor child and the noncustodial parent;
- 3391 (h) the involvement or lack of involvement of the noncustodial parent in the school,  
3392 community, religious, or other related activities of the minor child;
- 3393 (i) the availability of the noncustodial parent to care for the minor child when the  
3394 custodial parent is unavailable to do so because of work or other circumstances;
- 3395 (j) a substantial and chronic pattern of missing, canceling, or denying regularly  
3396 scheduled parent-time;
- 3397 (k) the minimal duration of and lack of significant bonding in the parents' relationship  
3398 before the conception of the minor child;
- 3399 (l) the parent-time schedule of siblings;
- 3400 (m) the lack of reasonable alternatives to the needs of a nursing minor child; and  
3401 ~~[(nn)]~~ (n) any other criteria the court determines relevant to the best interests of the minor  
3402 child.
- 3403 (5) The court shall enter the reasons underlying the court's order for parent-time that:  
3404 (a) incorporates a parent-time schedule described in Section 81-9-302 or 81-9-304; or  
3405 (b) provides more or less parent-time than a parent-time schedule described in Section  
3406 81-9-302 or 81-9-304.
- 3407 (6) A court may not order a parent-time schedule unless the court determines by a  
3408 preponderance of the evidence that the parent-time schedule is in the best interest of the  
3409 minor child.
- 3410 ~~[(7) Once the parent-time schedule has been established, the parties may not alter the  
3411 parent-time schedule except by mutual consent of the parties or a court order.]~~
- 3412 ~~[(8)]~~ (7)(a) If the court orders parent-time and a protective order or stalking injunction is  
3413 still in place, the court shall consider whether to order the parents to conduct  
3414 parent-time pick-up and transfer through a third party.
- 3415 (b) The parent who is the stated victim in the protective order or stalking injunction may  
3416 submit to the court, and the court shall consider, the name of a person considered  
3417 suitable to act as the third party.
- 3418 (c) If the court orders the parents to conduct parent-time through a third party, the  
3419 parenting plan shall specify the time, day, place, manner, and the third party to be  
3420 used to implement the exchange.

3421 ~~[(9)]~~ (8) If there is a protective order, stalking injunction, or the court finds that a parent has  
 3422 committed domestic violence, the court shall:

- 3423 (a) consider the impact of domestic violence in awarding parent-time; and  
 3424 (b) make specific findings regarding the award of parent-time.

3425 ~~[(10)]~~ (9) Upon a specific finding by the court of the need for peace officer enforcement, the  
 3426 court may include a provision in an order for parent-time that authorizes a peace officer  
 3427 to enforce the order for parent-time.

3428 ~~[(11)]~~ (10) When parent-time has not taken place for an extended period of time and the  
 3429 minor child lacks an appropriate bond with the noncustodial parent, both parents shall:

- 3430 (a) consider the possible adverse effects upon the minor child; and  
 3431 (b) gradually reintroduce an appropriate parent-time plan for the noncustodial parent.

3432 (11) If a court enters an order establishing a parent-time schedule for a minor child:

- 3433 (a) the court order governs the parent-time schedule for the minor child; and  
 3434 (b) an amendment to this chapter does not modify the parent-time schedule unless the  
 3435 court orders otherwise.

3436 (12) Once a parent-time schedule has been established for a minor child, the parties may  
 3437 only modify the parent-time schedule if:

- 3438 (a) there is mutual consent of the parties to the modification that is in writing and signed  
 3439 by both parties; or  
 3440 (b) the court modifies the parent-time schedule in a new order.

3441 Section 47. Section **81-9-207** is amended to read:

3442 **81-9-207 . Supervised parent-time.**

3443 ~~[(1) If it is necessary to protect a minor child and there is no less restrictive means~~  
 3444 ~~reasonably available, and in accordance with Section 81-9-104, a court may order~~  
 3445 ~~supervised parent-time if the court finds evidence that the minor child would be subject~~  
 3446 ~~to physical or emotional harm or child abuse, as described in Sections 76-5-109,~~  
 3447 ~~76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, and 80-1-102, from the noncustodial~~  
 3448 ~~parent if left unsupervised with the noncustodial parent.]~~

3449 (1) As used in this section:

- 3450 (a) "Abuse" means the same as that term is defined in Section 81-1-102.  
 3451 (b) "Abuse" includes an offense described in:  
 3452 (i) Section 76-5-109, child abuse;  
 3453 (ii) Section 76-6-109.2, aggravated child abuse;  
 3454 (iii) Section 76-5-109.3, child abandonment;

- 3455            (iv) Section 76-5-109.4, child torture;
- 3456            (v) Section 76-5-114, commission of domestic violence in the presence of a child; or
- 3457            (vi) Section 76-5-208, child abuse homicide.
- 3458        (2) A court may order supervised parent-time of a minor child in accordance with Section
- 3459            81-9-104 if the court finds:
- 3460            (a) evidence that the minor child is likely to be subject to physical harm, emotional
- 3461            harm, or abuse from the noncustodial parent if left unsupervised with the
- 3462            noncustodial parent;
- 3463            (b) it is necessary to protect the minor child; and
- 3464            (c) there are no less restrictive means reasonably available.
- 3465        [(2)] (3) If the court finds evidence of domestic violence, child abuse, or an ongoing risk to
- 3466            a child, and orders supervised parent-time, the court shall give preference to supervision
- 3467            by a professional individual or private agency trained in child abuse reporting laws, the
- 3468            developmental needs of a child, and the dynamics of domestic violence, child abuse,
- 3469            sexual abuse, and substance abuse.
- 3470        [(3)] (4) If a professional individual or private agency described in Subsection [(2)] (3) is not
- 3471            available, affordable, or practicable under the circumstances, a court shall give
- 3472            preference to supervision by an individual who is:
- 3473            (a) capable and willing to provide physical and psychological safety and security to the
- 3474            minor child, and to assist in the avoidance and prevention of domestic and family
- 3475            violence; and
- 3476            (b) is trained in child abuse reporting laws, the developmental needs of a child, and the
- 3477            dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.
- 3478        [(4)] (5) If an individual described in Subsection [(2) or (3)] (3) or (4) is not available,
- 3479            affordable, or practicable under the circumstances, or if the court does not find evidence
- 3480            of domestic violence, child abuse, or an ongoing risk to a minor child, a court may order
- 3481            supervised parent-time that is supervised by an individual who is willing to supervise,
- 3482            and is capable of protecting the minor child from physical or emotional harm, or child
- 3483            abuse, and the court shall give preference to individuals suggested by the parties,
- 3484            including relatives.
- 3485        [(5)] (6) At the time supervised parent-time is imposed, the court shall consider:
- 3486            (a) whether the cost of professional or agency services is likely to prevent the
- 3487            noncustodial parent from exercising parent-time; and
- 3488            (b) whether the requirement for supervised parent-time should expire after a set period

3489 of time.

3490 [(6)] (7)(a) Except when the court makes a finding that, due to abuse by or the incapacity  
3491 of the noncustodial parent, supervised parent-time will be necessary indefinitely to  
3492 ensure the physical or psychological safety and protection of the minor child, the  
3493 court shall, in [its] the court's order for supervised parent-time, provide specific goals  
3494 and expectations for the noncustodial parent to accomplish before unsupervised  
3495 parent-time may be granted.

3496 (b) The court shall schedule one or more follow-up hearings to revisit the issue of  
3497 supervised parent-time.

3498 [(7)] (8) A noncustodial parent may, at any time, petition the court to modify the order for  
3499 supervised parent-time if the noncustodial parent can demonstrate that the specific goals  
3500 and expectations set by the court as described in Subsection [(6)] (7) have been  
3501 accomplished.

3502 *The following section is affected by a coordination clause at the end of this bill.*

3503 Section 48. Section **81-9-208** is amended to read:

3504 **81-9-208 . Modification or termination of a custody or parent-time order --**  
3505 **Noncompliance with a parent-time order -- Denial of access due to investigation.**

3506 (1) The court has continuing jurisdiction to make subsequent changes to modify:

3507 (a) custody of a minor child if there is a showing of a substantial and material change in  
3508 circumstances since the entry of the order; and

3509 (b) parent-time for a minor child if there is a showing that there is a change in  
3510 circumstances since the entry of the order.

3511 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a  
3512 showing by a parent that the other parent:

3513 (a) resides with an individual or provides an individual with access to the minor child;  
3514 and

3515 (b) knows that the individual:

3516 (i) is required to register as a sex offender, a kidnap offender, or a child abuse  
3517 offender for an offense committed against a minor child under Title 53, Chapter  
3518 29, Sex, Kidnap, and Child Abuse Offender Registry; or

3519 (ii) has been convicted of an offense described in:

3520 [~~(A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,~~  
3521 ~~76-5-109.4, 76-5-114, or 76-5-208;~~]

3522 [~~(B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4,~~

3523 Sexual Offenses, other than an offense under Section 76-5-417, 76-5-418, or  
 3524 76-5-419;]

3525 [(C) an offense for kidnapping or human trafficking of a minor child under Title  
 3526 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;]

3527 [(D) a sexual exploitation offense against a minor child under Title 76, Chapter  
 3528 5b, Sexual Exploitation Act; or]

3529 (A) Section 76-5-109, child abuse;

3530 (B) Section 76-6-109.2, aggravated child abuse;

3531 (C) Section 76-5-109.3, child abandonment;

3532 (D) Section 76-5-109.4, child torture;

3533 (E) Section 76-5-114, commission of domestic violence in the presence of a child;

3534 (F) Section 76-5-208, child abuse homicide;

3535 (G) Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling, for  
 3536 which the victim was younger than 18 years old; or

3537 (H) Title 76, Chapter 5, Part 4, Sexual Offenses, for which the victim was younger  
 3538 than 18 years old;

3539 (I) Title 76, Chapter 5b, Sexual Exploitation Act, for which the victim was  
 3540 younger than 18 years old; or

3541 [(E)] (iii) has been convicted of an offense that is substantially similar to an offense  
 3542 under [Subsections (2)(b)(ii)(A) through (D)] Subsection (2)(b)(ii).

3543 (3)(a) For a custody order that is entered on or after May 6, 2026, a minor child turning  
 3544 five years old constitutes a substantial and material change in circumstances under  
 3545 Subsection (1)(a), unless the order addresses custody of the minor child upon the  
 3546 minor child turning five years old.

3547 (b) For a parent-time order that is entered on or after May 6, 2026, a minor child turning  
 3548 five years old constitutes a change in circumstances under Subsection (1)(b), unless  
 3549 the order addresses parent-time for the minor child upon the minor child turning five  
 3550 years old.

3551 [(3)] (4) On the petition of one or both of the parents, or the joint legal or physical  
 3552 custodians if they are not the parents, the court may, after a hearing, modify or terminate  
 3553 an order that established joint legal custody or joint physical custody if:

3554 (a) the verified petition or accompanying affidavit initially alleges that admissible  
 3555 evidence will show that there has been a substantial and material change in the  
 3556 circumstances of the minor child or one or both parents or joint legal or physical

- 3557 custodians since the entry of the order to be modified;
- 3558 (b) a modification of the terms and conditions of the order would be an improvement for  
3559 and in the best interest of the minor child; and
- 3560 (c)(i) both parents have complied in good faith with the dispute resolution procedure  
3561 in accordance with Subsection 81-9-205(8); or
- 3562 (ii) if no dispute resolution procedure is contained in the order that established joint  
3563 legal custody or joint physical custody, the court orders the parents to participate  
3564 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)  
3565 unless the parents certify that, in good faith, they have used a dispute resolution  
3566 procedure to resolve their dispute.
- 3567 [~~(4)~~] (5)(a) In determining whether the best interest of a minor child will be served by  
3568 either modifying or terminating the joint legal custody or joint physical custody  
3569 order, the court shall, in addition to other factors the court considers relevant,  
3570 consider the factors described in Sections 81-9-204 and 81-9-205.
- 3571 (b) A court order modifying or terminating an existing joint legal custody or joint  
3572 physical custody order shall contain written findings that:
- 3573 (i) a substantial and material change of circumstance has occurred; and  
3574 (ii) a modification of the terms and conditions of the order would be an improvement  
3575 for and in the best interest of the minor child.
- 3576 (c) The court shall give substantial weight to the existing joint legal custody or joint  
3577 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 3578 [~~(5)~~] (6) The court shall, in every case regarding a petition for termination of a joint legal  
3579 custody or joint physical custody order, consider reasonable alternatives to preserve the  
3580 existing order in accordance with Section 81-9-204.
- 3581 [~~(6)~~] (7) The court may modify the terms and conditions of the existing order in accordance  
3582 with this chapter and may order the parents to file a parenting plan in accordance with  
3583 Section 81-9-203.
- 3584 [~~(7)~~] (8) A parent requesting a modification from sole custody to joint legal custody or joint  
3585 physical custody or both, or any other type of shared parenting arrangement, shall file  
3586 and serve a proposed parenting plan with the petition to modify in accordance with  
3587 Section 81-9-203.
- 3588 [~~(8)~~] (9) If an issue before the court involves custodial responsibility in the event of  
3589 deployment of one or both parents who are service members, and the service member  
3590 has not yet been notified of deployment, the court shall resolve the issue based on the

3591 standards in Sections 81-10-306 through 81-10-309.

3592 [~~(9)~~] (10) If the court finds that an action to modify custody or parent-time is filed or  
3593 answered frivolously and, in a manner, designed to harass the other party, the court shall  
3594 assess attorney fees as costs against the offending party.

3595 [~~(10)~~] (11) If a petition to modify custody or parent-time provisions of a court order is made  
3596 and denied, the court shall order the petitioner to pay the reasonable attorney fees  
3597 expended by the prevailing party in that action if the court determines that the petition  
3598 was without merit and not asserted or defended against in good faith.

3599 [~~(11)~~] (12) If a motion or petition alleges noncompliance with a parent-time order by a  
3600 parent, or a visitation order by a grandparent or other member of the immediate family  
3601 where a visitation or parent-time right has been previously granted by the court, the  
3602 court:

3603 (a) may award to the prevailing party:

3604 (i) actual attorney fees incurred;

3605 (ii) the costs incurred by the prevailing party because of the other party's failure to  
3606 provide or exercise court-ordered visitation or parent-time, including:

3607 (A) court costs;

3608 (B) child care expenses;

3609 (C) transportation expenses actually incurred;

3610 (D) lost wages, if ascertainable; or

3611 (E) counseling for a parent or a minor child if ordered or approved by the court; or

3612 (iii) any other appropriate equitable remedy; and

3613 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up  
3614 parent-time is not in the best interest of the minor child.

3615 (13)(a) Except as provided in Subsection (13)(b), the court shall award make-up  
3616 parent-time to a parent, upon a motion or petition from the parent, if:

3617 (i) the parent was denied parent-time with a minor child due to an investigation by  
3618 the Division of Child and Family Services; and

3619 (ii) the investigation did not result in a finding of abuse, neglect, or dependency.

3620 (b) A court may deny a motion or petition for make-up parent-time if:

3621 (i) the parent did not diligently exercise parent-time with the child before the  
3622 investigation by the Division of Child and Family Services; or

3623 (ii) a party shows good cause for denying the motion or petition.

3624 (c) When a court orders make-up parent-time under Subsection (13)(a):

- 3625 (i) the court shall order:
- 3626 (A) parent-time that is the same type and duration of the parent-time that was
- 3627 denied; and
- 3628 (B) that the make-up parent-time occur within two years from the day on which
- 3629 the court enters the order for make-up parent-time; and
- 3630 (ii) the court may include weekend or holiday parent-time or extended parent-time
- 3631 that was denied to the parent.
- 3632 (d) This Subsection (13) does not create a right of action against the Division of Child
- 3633 and Family Services.

3634 Section 49. Section **81-9-209** is amended to read:

3635 **81-9-209 . Notice of relocation -- Effect of relocation on parent-time schedule.**

- 3636 (1) As used in this section, "relocation" means moving 150 miles or more from the
- 3637 residence of the other parent.
- 3638 (2) The relocating parent shall provide written notice to the other parent at least 60 days
- 3639 before the day on which the relocating parent intends to relocate.
- 3640 (3) The written notice of relocation [~~under~~] described in Subsection (2) shall contain
- 3641 statements affirming[-]:
- 3642 (a) the parent-time provisions in Subsection (9) or a parent-time schedule approved by
- 3643 both parties will be followed; and
- 3644 (b) that a parent will not interfere with the other's parental rights pursuant to court
- 3645 ordered parent-time arrangements or the parent-time schedule approved by both
- 3646 parties.
- 3647 (4) [~~The court shall, upon motion of any party or upon the court's own motion,]~~ Upon a
- 3648 motion of any party or upon the court's own motion, the court shall schedule a hearing
- 3649 with notice to:
- 3650 (a) review the notice of relocation and the relevant parent-time schedule under Section
- 3651 81-9-302 or 81-9-304; and
- 3652 (b) make appropriate orders regarding the parent-time schedule and costs for
- 3653 parent-time transportation.
- 3654 (5) In a hearing to review the notice of relocation, the court shall, in determining if the
- 3655 relocation of a custodial parent is in the best interest of the minor child, consider any
- 3656 other factors that the court considers relevant to the determination.
- 3657 (6) If the court determines that relocation is not in the best interest of the minor child, and
- 3658 the custodial parent relocates, the court may order a change of custody.

- 3659 (7)(a) If the court finds that the relocation is in the best interest of the minor child, the  
3660 court shall determine the parent-time schedule and allocate the transportation costs  
3661 that will be incurred for the minor child to visit the noncustodial parent.
- 3662 (b) In making a determination under Subsection (7)(a), the court shall consider:  
3663 (i) the reason for the parent's relocation;  
3664 (ii) the additional costs or difficulty to both parents in exercising parent-time;  
3665 (iii) the economic resources of both parents; and  
3666 (iv) other factors the court considers necessary and relevant.
- 3667 (8) If a parent relocates because of an act of domestic violence or family violence by the  
3668 other parent, the court shall make specific findings and orders with regard to the  
3669 application of this section.
- 3670 (9) Unless otherwise ordered by the court, and upon the relocation of one of the parties, the  
3671 following schedule is the minimum parent-time that the noncustodial parent is entitled to  
3672 a minor child who is five to 18 years old:
- 3673 (a) in years ending in an odd number, the minor child shall spend the following holidays  
3674 with the noncustodial parent:  
3675 [~~(i) Thanksgiving holiday beginning Wednesday until Sunday; and]~~  
3676 [~~(ii) Spring break, if applicable, beginning the last day of school before the holiday~~  
3677 ~~until the day before school resumes;]~~
- 3678 (i)(A) fall break if the minor child's school dismisses for a fall break, beginning on  
3679 the day that school dismisses for fall break and ending on the day before school  
3680 resumes; or  
3681 (B) Labor Day if the minor child's school does not dismiss for a fall break,  
3682 beginning on the day that school dismisses for Labor Day and ending on the  
3683 day before school resumes; and
- 3684 (ii) the entire winter break period, beginning on the day that school dismisses for the  
3685 winter break and ending on the day before school resumes;
- 3686 (b) in years ending in an even number, the minor child shall spend the following  
3687 holidays with the noncustodial parent:  
3688 [~~(i) the entire winter school break period; and]~~  
3689 [~~(ii) the Fall school break beginning the last day of school before the holiday until the~~  
3690 ~~day before school resumes;]~~
- 3691 (i)(A) spring break, beginning on the day that school dismisses for the spring  
3692 break and ending on the day before school resumes; or

3693 (B) Presidents' Day if the minor child's school does not dismiss for a spring break,  
 3694 beginning on the day that school dismisses for Presidents' Day and ending on  
 3695 the day before school resumes; and

3696 (ii) Thanksgiving, beginning on the day that school dismisses for Thanksgiving and  
 3697 ending on the day before school resumes;

3698 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive  
 3699 weeks~~;~~ and] with:

3700 (i) the noncustodial parent entitled to the first 1/2 of the summer or off-track time in  
 3701 years ending in an odd number; and

3702 (ii) the noncustodial parent entitled to the second 1/2 of the summer or off-track time  
 3703 in years ending in an even number; and

3704 (d) one weekend per month, at the option and expense of the noncustodial parent.

3705 (10) For extended parent-time ~~under~~ described in Subsection (9)(c), the [minor child  
 3706 should be returned] noncustodial parent shall return the minor child to the custodial home  
 3707 no later than seven days before school begins, except that this week is counted when  
 3708 determining the amount of parent-time to be divided between the parents for the summer  
 3709 or off-track period.

3710 (11)(a) ~~[The]~~ Upon relocation of one of the parties, the court may also set a parent-time  
 3711 schedule for a minor child who is younger than five years old.

3712 (b) The schedule described in Subsection (11)(a) shall take into consideration the  
 3713 following:

3714 (i) the age of the minor child;

3715 (ii) the developmental needs of the minor child;

3716 (iii) the distance between the parents' homes;

3717 (iv) the travel arrangements and cost;

3718 (v) the level of attachment between the minor child and the noncustodial parent; and

3719 (vi) any other factors relevant to the best interest of the minor child.

3720 ~~[(12) The noncustodial parent's monthly weekend entitlement is subject to the following~~  
 3721 ~~restrictions.]~~

3722 ~~[(a)]~~

3723 ~~[(+)]~~ (12)(a)(i) If the noncustodial parent has not designated a specific weekend ~~[for~~  
 3724 parent-time] on which the noncustodial parent will exercise parent-time under  
 3725 Subsection (9)(d), the noncustodial parent shall receive the last weekend of each  
 3726 month~~[ unless a holiday assigned to the custodial parent falls on that particular~~

- 3727 weekend].
- 3728 (ii) If a holiday assigned to the custodial parent falls on [~~the last weekend of the~~  
 3729 ~~month~~] a weekend on which the noncustodial parent normally exercises  
 3730 parent-time under Subsection (9)(d), the noncustodial parent is entitled to the [  
 3731 ~~next to the last weekend of the month~~] weekend before the holiday.
- 3732 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday extends  
 3733 into or through the first weekend of the next month, that weekend [~~shall be~~] is  
 3734 considered the noncustodial parent's monthly weekend entitlement under Subsection  
 3735 (9)(d) for that month.
- 3736 (c) If a minor child is out of school for teacher development days or snow days after the  
 3737 minor child begins the school year, or other days not included in the list of holidays  
 3738 in Subsection (9), and those days are contiguous with the noncustodial parent's  
 3739 monthly weekend or holiday parent-time, those days shall be included in the weekend  
 3740 or holiday parent-time.
- 3741 (13)(a) In addition to the parent-time for which a noncustodial parent is entitled under  
 3742 Subsection (9), the noncustodial parent is entitled to, at least two times a week:
- 3743 (i) brief telephone contact with the minor child at reasonable hours and for a  
 3744 reasonable duration; and
- 3745 (ii) virtual parent-time if the equipment is reasonably available at reasonable hours  
 3746 and for reasonable duration.
- 3747 (b) If the parties cannot agree on whether the equipment is reasonably available, the  
 3748 court shall decide whether the equipment for virtual parent-time is reasonably  
 3749 available, taking into consideration:
- 3750 (i) the best interest of the minor child;
- 3751 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 3752 (iii) any other factors the court considers material.
- 3753 (c) Virtual parent-time supplements, but does not replace, the in-person parent-time  
 3754 described in Subsection (9).
- 3755 [~~(13)~~] (14) The custodial parent is entitled to all parent-time not specifically allocated to the  
 3756 noncustodial parent.
- 3757 [~~(14)~~] (15) In the event finances and distance preclude the exercise of minimum parent-time  
 3758 for the noncustodial parent during the school year, the court should consider awarding  
 3759 more time for the noncustodial parent during the summer time if it is in the best interests  
 3760 of the minor child.

3761 [(15)] (16)(a) Upon the motion of any party, the court may order uninterrupted  
3762 parent-time with the noncustodial parent for a minimum of 30 days during extended  
3763 parent-time, unless the court finds it is not in the best interest of the minor child.  
3764 (b) If the court orders uninterrupted parent-time during a period not covered by this  
3765 section, the court shall specify in [its] the court's order which parent is responsible for  
3766 the minor child's travel expenses.

3767 [(16)] (17)(a) Unless otherwise ordered by the court the relocating party shall be  
3768 responsible for all the minor child's travel expenses relating to Subsections (9)(a) and  
3769 (b) and 1/2 of the minor child's travel expenses relating to Subsection (9)(c), provided  
3770 the noncustodial parent is current on all support obligations.  
3771 (b) If the noncustodial parent has been found in contempt for not being current on all  
3772 support obligations, the noncustodial parent is responsible for all of the minor child's  
3773 travel expenses under Subsection (9), unless the court rules otherwise.  
3774 (c) A responsible party shall make a reimbursement to the other for the minor child's  
3775 travel expenses within 30 days of receipt of documents detailing those expenses.

3776 [(17)] (18) The court may apply this provision to any preexisting decree of divorce.

3777 [(18)] (19) Any action under this section may be set for an expedited hearing.

3778 [(19)] (20) A parent who fails to comply with the notice of relocation in Subsection (2) is in  
3779 contempt of the court's order.

3780 Section 50. Section **81-9-302** is amended to read:

3781 **81-9-302 . Minimum schedule for parent-time for a minor child five to 18 years**  
3782 **old.**

3783 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time  
3784 schedule for a minor child who is five to 18 years old.

3785 (2) If the parties do not agree to a parent-time schedule for a minor child [~~described in~~  
3786 ~~Subsection (1)] who is five to 18 years old, the following schedule is considered the  
3787 minimum parent-time to which the noncustodial parent is entitled to the minor child:~~

3788 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or  
3789 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30  
3790 p.m.; or

3791 (ii) at the election of the noncustodial parent, one weekday to be specified by the  
3792 noncustodial parent or the court:

3793 (A) beginning at the time that the minor child's school is regularly dismissed and  
3794 ending at 8:30 p.m.; or

- 3795 (B) if school is not in session, the noncustodial parent is available to be with the  
 3796 minor child, and in accommodation with the custodial parent's work schedule,  
 3797 beginning at [9] 8 a.m. and ending at 8:30 p.m.;
- 3798 (b)(i) beginning on the first weekend after entry of the decree, alternating weekends  
 3799 beginning at [6] 5:30 p.m. on Friday and ending on Sunday at [7] 8:30 p.m.; or  
 3800 (ii) at the election of the noncustodial parent and beginning on the first weekend after  
 3801 the entry of the decree, alternating weekends:
- 3802 (A) beginning at the time that the minor child's school is regularly dismissed on  
 3803 Friday and ending on Sunday at [7] 8:30 p.m.; or  
 3804 (B) if school is not in session, the noncustodial parent is available to be with the  
 3805 minor child, and in accommodation with the custodial parent's work schedule,  
 3806 beginning on Friday at [9] 8 a.m. and ending on Sunday at [7] 8:30 p.m.;
- 3807 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
 3808 schedule described in Subsection (12); and
- 3809 (d) extended parent-time with the minor child when school is not in session for summer  
 3810 break in accordance with Subsection (3).
- 3811 (3)(a) For extended parent-time with the minor child ~~[under]~~ described in Subsection  
 3812 (2)(d) and at the election of the noncustodial parent, the noncustodial parent is  
 3813 entitled up to four weeks of parent-time with the minor child~~[-which may be~~  
 3814 ~~consecutive,]~~ when school is not in session for summer break, beginning at 8 a.m. on  
 3815 the first day and ending at 8:30 p.m. on the last day.
- 3816 (b) For the four weeks of extended parent-time for a noncustodial parent under  
 3817 Subsection (3)(a):
- 3818 (i) two weeks~~[-which may be consecutive,]~~ shall be uninterrupted parent-time for the  
 3819 noncustodial parent; and
- 3820 (ii) two weeks~~[-which may be consecutive,]~~ may be interrupted by the custodial  
 3821 parent for a weekday visit on the same day on which the noncustodial parent is  
 3822 granted weekday day parent-time.
- 3823 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
 3824 two weeks~~[-which may be consecutive,]~~ when school is not in session for summer  
 3825 break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.
- 3826 (d) Extended parent-time described in this Subsection (3) shall be consecutive, except  
 3827 that the four weeks of extended parent-time for the noncustodial parent may be  
 3828 divided into two separate 14-day periods that are not consecutive.

- 3829 (4)(a) Each parent shall provide notification to the other parent of the parent's plans for  
3830 the exercise of extended parent-time for summer break under Subsection (3).
- 3831 (b) For the notification requirement ~~under~~ described in Subsection (4)(a):
- 3832 (i) in odd-numbered years:
- 3833 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;  
3834 and
- 3835 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;  
3836 and
- 3837 (ii) in even-numbered years:
- 3838 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;  
3839 and
- 3840 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 3841 (c)(i) If a parent fails to provide a notification within the time periods described in  
3842 Subsection (4)(b), the complying parent may determine the schedule for summer  
3843 break for the noncomplying parent.
- 3844 (ii) If both parents fail to provide notice within the time periods described in  
3845 Subsection (4)(b), the first parent to provide notice may determine the schedule  
3846 for summer break for that parent and the other parent.
- 3847 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under  
3848 Subsection (3)(b)(ii), the custodial parent shall provide notification to the  
3849 noncustodial parent of the intent to interrupt parent-time within 10 days after the day  
3850 on which the custodial parent receives notification of the noncustodial parent's plans  
3851 for the exercise of interrupted extended parent-time.
- 3852 (5)(a) An election should be made by the noncustodial parent at the time of entry of the  
3853 divorce decree or court order, except that the election may be changed by mutual  
3854 agreement, court order, or by the noncustodial parent in the event of a change in the  
3855 minor child's schedule.
- 3856 (b) An election by either parent concerning parent-time shall be made a part of the  
3857 decree and made a part of the parent-time order.
- 3858 (6)(a) Changes may not be made to the parent-time schedule under this section, except  
3859 that if a conflict arises in the parent-time schedule, the following order of precedence  
3860 shall be applied when determining which parent is entitled to parent-time:
- 3861 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (12);  
3862 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising

- 3863                   uninterrupted extended parent-time under Subsection (3) and takes the minor child  
3864                   away from that parent's residence during the uninterrupted extended parent-time;
- 3865                   (iii) the holiday schedule for any holiday under Subsection (12) that is not Father's  
3866                   Day, Mother's Day, or the minor child's birthday;
- 3867                   (iv) extended parent-time under Subsection (3); and  
3868                   (v) the schedule for weekday or weekend parent-time.
- 3869                   (b) A parent exercising parent-time for the minor child's birthday may bring other  
3870                   siblings along for the minor child's birthday.
- 3871                   (7) A stepparent, grandparent, or other responsible adult designated by [~~the nonecustodial~~] a  
3872                   parent, may pick up the minor child for parent-time if the [~~eustodial~~] other parent is  
3873                   aware of the identity of the individual and the [~~nonecustodial~~]parent will be with the  
3874                   minor child by 7 p.m.
- 3875                   (8) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time  
3876                   shall be responsible for the minor child's attendance at school for that school day.
- 3877                   (9) If there is more than one minor child and the minor children's school schedules vary for  
3878                   purpose of a holiday, at the option of the parent exercising the holiday or the parent's  
3879                   half of the holiday, the minor children may remain together for the holiday period  
3880                   beginning the first evening that all minor children's schools are dismissed for the holiday  
3881                   and ending the evening before any minor child returns to school.
- 3882                   (10)(a) Telephone contact shall be at reasonable hours and for a reasonable duration.
- 3883                   (b)(i) Virtual parent-time, if the equipment is reasonably available and the parents  
3884                   reside at least 100 miles apart, shall be at reasonable hours and for reasonable  
3885                   duration.
- 3886                   (ii) If the parties cannot agree on whether the equipment is reasonably available, the  
3887                   court shall decide whether the equipment for virtual parent-time is reasonably  
3888                   available, taking into consideration:
- 3889                   (A) the best interests of the minor child;  
3890                   (B) each parent's ability to handle any additional expenses for virtual parent-time;  
3891                   and  
3892                   (C) any other factors the court considers material.
- 3893                   (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 3894                   (11) If there is a minor child five to 18 years old and a minor child under five years old and  
3895                   both minor children are the children of the parties, the parents and the court should  
3896                   consider an upward deviation for parent-time with all the minor children so that

3897 parent-time is uniform based on a schedule under this section.

3898 (12) The following table is the holiday schedule for parent-time under this section.

3899	Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
3900	Dr. Martin Luther King Jr. Day	<p>(1) Holiday begins <del>Friday at (a) 9 a.m.</del> if school is not in session and the parent can be with the minor child;  <del>(b) the time that school is regularly dismissed; or</del>                      ]:  <u>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</u></p> <p><del>[(e) 6 p.m.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del></p> <p>(2) Holiday ends at [7] 8:30 p.m. on Dr. Martin Luther King Jr. Day.</p>	Odd years	Even years
3901	<del>[President's] Presidents' Day</del>	<p>(1) Holiday begins <del>Friday at:</del>  <del>[(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del>  <del>(b)] (a) at the time that school is [regularly dismissed] dismissed for Presidents' Day; or</del>  <del>[(e) 6 p.m.] (b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</del></p> <p>(2) Holiday ends at [7] 8:30 p.m. on the day before school resumes.</p>	Even years	Odd years

3902	Spring Break	<p>(1) Holiday begins at:</p> <p><u>[6] (a) the time that school is dismissed for spring break; or</u></p> <p><u>(b) 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>(2) Holiday ends at [7] <u>8:30 p.m. on the day before school resumes.</u></p>	Odd years	Even years
3903	Memorial Day	<p>(1) Holiday begins<del> [Friday at]:</del></p> <p><del> [(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p><del> (b) ]</del> (a) <u>at the time that school is [regu-</u></p> <p><u>larly dismissed] dismissed for Memorial</u></p> <p><u>Day; or</u></p> <p><del> [(c) 6] (b) Friday at 5:30 p.m. at the</del></p> <p>election of the parent granted the holi-</p> <p>day.</p> <p>(2) Holiday ends at [7] <u>8:30 p.m. on</u></p> <p><u>Memorial Day.</u></p>	Even years	Odd years
3904	Mother's Day	<p>(1) Holiday begins<del> [on Mother's Day at</del></p> <p><del> 9 a.m.]</del> <u>at 5:30 p.m. on the day before</u></p> <p><u>Mother's Day.</u></p> <p>(2) Holiday ends on Mother's Day at</p> <p>[7] <u>8:30 p.m.</u></p>	All years if non-custodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
3905	Father's Day	<p>(1) Holiday begins <del> [on Father's Day at 9</del></p> <p><del> a.m.]</del> <u>at 5:30 p.m. on the day before Fa-</u></p> <p><u>ther's Day.</u></p>	All years if non-custodial parent is the father or other parent granted the	All years if custodial parent is the father or other parent

		(2) Holiday ends on Father's Day at [7] <u>8:30</u> p.m.	holiday in the order.	granted the holiday in the order.
3906	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] <u>5:30</u> 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] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at [6] <u>8:30</u> p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
3907	Independence Day	(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 5th at [6] <u>8:30</u> p.m.	Odd years	Even years
3908	Pioneer Day	(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 25th at [6] <u>8:30</u> p.m.	Even years	Odd years
3909	Labor Day	(1) Holiday begins [ <del>on Friday at</del> ]: [ <del>(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del> ] [ <del>(b) (a) at the time that school is [regularly dismissed] dismissed for Labor Day; or</del> ] [ <del>(c) 6</del> ] (b) Friday at <u>5:30</u> p.m. at the election of the parent granted the holiday. (2) Holiday ends at [7] <u>8:30</u> p.m. on Labor Day.	Odd years	Even years

3910	[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]
3911	Fall Break	(1) Holiday begins at [ <del>6 p.m.</del> ] : (a) <u>the time that school is dismissed for fall break; or</u> (b) 5:30 p.m. on the day school is dismissed for fall break <u>at the election of the parent granted the holiday.</u> (2) Holiday ends at [ <del>7</del> ] 8:30 p.m. on the day before school resumes.	Odd years	Even years
3912	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 [ <del>4</del> ] 3 p.m. if there is no school. (2) Holiday ends at [ <del>9</del> ] 8:30 p.m. on the same day the holiday begins.	Even years	Odd years
3913	[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]
3914	Thanksgiving	(1) Holiday begins [ <del>on Wednesday</del> ] at: [ <del>(a) 6 p.m.; or</del> (b) <del>the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</del> ] (a) <u>the time that school is dismissed for Thanksgiving; or</u>	Even years	Odd years

		(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.</u> on the day before school resumes.		
3915	Winter Break (First Half)	(1) Holiday begins at: (a) [ <del>6 p.m. on the day on</del> ] <u>the time</u> that school dismisses for winter break; or (b) [ <del>the time school is regularly dismissed</del> ] <u>5:30 p.m.</u> on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at [7] <u>8:30 p.m.</u>	Odd years	Even years
3916	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] <u>8:30 p.m.</u> (2) Holiday ends at [7] <u>8:30 p.m.</u> on the day before school resumes <u>after the winter break.</u>	Even years	Odd years
3917	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>8:30 p.m.</u>	Even years	Odd years
3918	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>8:30 p.m.</u>	Odd years	Even years

3919 Section 51. Section **81-9-303** is amended to read:

3920 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**  
3921 **old.**

3922 (1)(a) The optional parent-time schedule in this section applies [~~to~~] when establishing a  
3923 parent-time schedule for a minor child who is five to 18 years old.

3924 (b) For purposes of calculating child support, the optional parent-time schedule in this  
3925 section is 145 overnights.

3926 (c) Any impact on child support shall be consistent with joint physical custody.

3927 (2) The parents and the court may consider the increased parent-time schedule in this

- 3928 section as a minimum parent-time schedule when the parties agree or the noncustodial  
3929 parent can demonstrate:
- 3930 (a) the noncustodial parent has been actively involved in the minor child's life;
  - 3931 (b) the parties can communicate effectively regarding the minor child or the  
3932 noncustodial parent has a plan to accomplish effective communications regarding the  
3933 minor child;
  - 3934 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
  - 3935 (d) the increased parent-time would be in the best interest of the minor child; and
  - 3936 (e) any other factor the court considers relevant.
- 3937 (3) In determining whether a noncustodial parent has been actively involved in the minor  
3938 child's life, the court shall consider:
- 3939 (a) demonstrated responsibility in caring for the minor child;
  - 3940 (b) involvement in childcare;
  - 3941 (c) presence or volunteer efforts in the minor child's school and at extracurricular  
3942 activities;
  - 3943 (d) assistance with the minor child's homework;
  - 3944 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
  - 3945 (f) bonding with the minor child; and
  - 3946 (g) any other factor the court considers relevant.
- 3947 (4) In determining whether a noncustodial parent has the ability to facilitate the increased  
3948 parent-time, the court shall consider:
- 3949 (a) the geographic distance between the residences of the parents and the distance  
3950 between the parents' residences and the minor child's school;
  - 3951 (b) the noncustodial parent's ability to assist with after school care;
  - 3952 (c) the health of the minor child and the noncustodial parent in accordance with  
3953 Subsection 81-9-204(4);
  - 3954 (d) flexibility of employment or another schedule of the noncustodial parent;
  - 3955 (e) ability to provide appropriate playtime with the minor child;
  - 3956 (f) history and ability of the noncustodial parent to implement a flexible schedule for the  
3957 minor child;
  - 3958 (g) physical facilities of the noncustodial parent's residence; and
  - 3959 (h) any other factor the court considers relevant.
- 3960 (5) If the parties agree or the court enters an order for the optional parent-time schedule  
3961 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed

- 3962 with any order incorporating the optional parent-time schedule described in Subsection  
3963 (6).
- 3964 (6) The following schedule is considered the optional parent-time to which the noncustodial  
3965 parent is entitled to the minor child:
- 3966 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or  
3967 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the  
3968 following day upon delivering the minor child to school or at 8 a.m. if there is no  
3969 school; or
- 3970 (ii) at the election of the noncustodial parent, one weekday specified by the  
3971 noncustodial parent or the court:
- 3972 (A) beginning at the time the minor child's school is regularly dismissed until the  
3973 following day upon delivering the minor child to school or at 8 a.m. if there is  
3974 no school; or
- 3975 (B) if there is no school, the noncustodial parent is available to be with the minor  
3976 child, and in accommodation with the custodial parent's work schedule,  
3977 beginning at 8 a.m. and ending on the following day upon delivering the minor  
3978 child to school or at 8 a.m. if there is no school;
- 3979 (b)(i) beginning the first weekend after the entry of the decree, alternating weekends  
3980 beginning at [6] 5:30 p.m. on Friday and ending on Monday upon delivering the  
3981 minor child to school or at 8 a.m. if there is no school; or
- 3982 (ii) at the election of the noncustodial parent, beginning the first weekend after the  
3983 entry of the decree, alternating weekends:
- 3984 (A) beginning at the time the minor child's school is regularly dismissed on Friday  
3985 and ending on Monday upon delivering the minor child to school or at 8 a.m. if  
3986 there is no school; or
- 3987 (B) if there is no school, the noncustodial parent is available to be with the minor  
3988 child, and in accommodation with the custodial parent's work schedule,  
3989 beginning on Friday at [9] 8 a.m. and ending on Monday upon delivering the  
3990 minor child to school or at 8 a.m. if there is no school;
- 3991 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
3992 schedule described in Subsection (15); and
- 3993 (d) extended parent-time with the minor child when school is not in session for summer  
3994 break in accordance with Subsection (7).
- 3995 (7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the

3996 election of the noncustodial parent, the noncustodial parent is entitled up to four  
 3997 weeks of parent-time with the minor child~~[, which may be consecutive,]~~ when school  
 3998 is not in session for summer break, beginning at 8 a.m. on the first day and ending at  
 3999 8:30 p.m. on the last day.

4000 (b) For the four weeks of extended parent-time for a noncustodial parent under  
 4001 Subsection (7)(a):

4002 (i) two weeks~~[, which may be consecutive,]~~ shall be uninterrupted parent-time for the  
 4003 noncustodial parent; and

4004 (ii) two weeks~~[, which may be consecutive,]~~ may be interrupted by the custodial  
 4005 parent for a weekday visit on the same day on which the noncustodial parent is  
 4006 granted weekday day parent-time.

4007 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
 4008 two weeks~~[, which may be consecutive,]~~ when school is not in session for summer  
 4009 break, beginning at 8 a.m. on the first day and ending at 8:30 p.m. on the last day.

4010 (d) Extended parent-time described in this Subsection (7) shall be consecutive, except  
 4011 that the four weeks of extended parent-time for the noncustodial parent may be  
 4012 divided into two 14-day separate periods that are not consecutive.

4013 (8)(a) Each parent shall provide notification to the other parent of the parent's plans for  
 4014 the exercise of parent-time for summer break under Subsection (7).

4015 (b) For the notification requirement ~~[under]~~ described in Subsection (8)(a):

4016 (i) in odd-numbered years:

4017 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;

4018 and

4019 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;

4020 and

4021 (ii) in even-numbered years:

4022 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;

4023 and

4024 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

4025 (c)(i) If a parent fails to provide a notification within the time periods described in  
 4026 Subsection (8)(b), the complying parent may determine the schedule for summer  
 4027 break for the noncomplying parent.

4028 (ii) If both parents fail to provide notice within the time periods described in  
 4029 Subsection (8)(b), the first parent to provide notice may determine the schedule

4030 for summer break for that parent and the other parent.

4031 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under  
4032 Subsection (7)(b)(ii), the custodial parent shall provide notification to the  
4033 noncustodial parent of the intent to interrupt parent-time within 10 days after the day  
4034 on which the custodial parent receives notification of the noncustodial parent's plans  
4035 for the exercise of interrupted extended parent-time.

4036 (9)(a) An election should be made by the noncustodial parent at the time of entry of the  
4037 divorce decree or court order, except that the election may be changed by mutual  
4038 agreement, court order, or by the noncustodial parent in the event of a change in the  
4039 minor child's schedule.

4040 (b) An election by either parent concerning parent-time shall be made a part of the  
4041 decree and made a part of the parent-time order.

4042 (10)(a) Changes may not be made to the parent-time schedule under this section, except  
4043 that if a conflict arises in the parent-time schedule, the following order of precedence  
4044 shall be applied when determining which parent is entitled to parent-time:

4045 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);

4046 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising  
4047 uninterrupted extended parent-time under Subsection (7) and takes the minor child  
4048 away from that parent's residence during the uninterrupted extended parent-time;

4049 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's  
4050 Day, Mother's Day, or the minor child's birthday;

4051 (iv) extended parent-time under Subsection (7); and

4052 (v) the schedule for weekday or weekend parent-time.

4053 (b) A parent exercising parent-time for the minor child's birthday may bring other  
4054 siblings along for the minor child's birthday.

4055 (11) A stepparent, grandparent, or other responsible adult designated by [~~the noneustodial~~] a  
4056 parent, may pick up the minor child for parent-time if the [eustodial] other parent is  
4057 aware of the identity of the individual and the [~~noneustodial~~]parent will be with the  
4058 minor child by 7 p.m.

4059 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time  
4060 shall be responsible for the minor child's attendance at school for that school day.

4061 (13) If there is more than one minor child and the minor children's school schedules vary  
4062 for purpose of a holiday, at the option of the parent exercising the holiday or the parent's  
4063 half of the holiday, the minor children may remain together for the holiday period

4064 beginning the first evening that all minor children's schools are dismissed for the holiday  
 4065 and ending the evening before any minor child returns to school.

4066 (14) If there is a minor child five to 18 years old and a minor child under five years old and  
 4067 both minor children are the children of the parties, the parents and the court should  
 4068 consider an upward deviation for parent-time with all the minor children so that  
 4069 parent-time is uniform based on a schedule under this section.

4070 (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
4071  4072 Dr. Martin Luther King Jr. Day	<p>(1) Holiday begins<del> [Friday at (a) 9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p><del>(b) the time that school is regularly dismissed; or</del></p> <p><del>]</del> :</p> <p><u>(a) at the time that school is dismissed for Dr. Martin Luther King Jr. Day; or</u></p> <p><del>[(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.</del></p> <p>(2) Holiday ends[:</p> <p><del>(a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or</del></p> <p><del>(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</u></del></p>	Odd years	Even years

		<u>child to school on the day that school resumes.</u>		
4073	[President's ] <u>Presidents' Day</u>	(1) Holiday begins[ <del>Friday at:</del> (a) <del>9 a.m. if school is not in session and the parent can be with the minor child;</del> ] : <u>(a) at the time that school is dismissed for Presidents' Day; or</u> <del>[(b) the time that school is regularly dismissed; or</del> (c) <del>6 p.m. at the election of the parent granted the holiday.]</del> (b) <u>Friday at 5:30 p.m. at the election of the parent granted the holiday.</u> (2) Holiday ends[: (a) <del>upon delivering the minor child to school on the day following President's Day; or</del> (b) <del>at 8 a.m. on the day following President's Day if there is no school.]</del> <u>upon delivering the minor child to school on the day that school resumes.</u>	Even years	Odd years
4074	Spring Break	(1) Holiday begins at[ <del>6 p.m. on the day that school dismisses for spring break.]</del> : <u>(a) the time school is dismissed for spring break; or</u> <u>(b) 5:30 p.m. on the day that school dismisses for spring break at the election of the parent granted the holiday.</u> (2) Holiday ends[: (a) <del>upon delivering the minor child to school on the day following the end of spring break; or</del> (b) <del>at 8 a.m. on the day following the end of spring break if there is no school.]</del> <u>up-</u>	Odd years	Even years

		<u>on delivering the minor child to school on the day that school resumes.</u>		
4075	Memorial Day	(1) Holiday begins [ <del>Friday at:</del> (a) <del>9 a.m. if school is not in session and the parent can be with the minor child;</del> (b) <del>the time that school is regularly dismissed;</del> or (c) <del>6 p.m. at the election of the parent granted the holiday.] :</del>	Even years	Odd years
		(a) <u>at the time that school is dismissed for Memorial Day;</u> or (b) <u>Friday at 5:30 p.m. 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 Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.		
4076	Mother's Day	(1) Holiday begins [ <del>on Mother's Day at 9 a.m.</del> ] <u>at 5:30 p.m. on the day before Mother's Day.</u> (2) Holiday ends on Mother's Day at [7] <u>8:30 p.m.</u>	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.
4077	Father's Day	(1) Holiday begins [ <del>on Father's Day at 9 a.m.</del> ] <u>at 5:30 p.m. on the day before Father's Day.</u> (2) Holiday ends on Father's Day at [7] <u>8:30 p.m.</u>	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.
4078	Juneteenth National Freedom Day	(1) Holiday begins at: (a) [6] <u>5:30 p.m. on the day before Juneteenth National Freedom Day if the day</u>	Even years	Odd years

		<p>before Juneteenth National Freedom Day is not Father's Day; or</p> <p>(b) [9] <u>8</u> a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day.</p> <p>(2) Holiday ends at [6] <u>5:30</u> p.m. on the day following Juneteenth National Freedom Day.</p>		
4079	Independence Day	<p>(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m.</p> <p>(2) Holiday ends on July 5th at [6] <u>8:30</u> p.m.</p>	Odd years	Even years
4080	Pioneer Day	<p>(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m.</p> <p>(2) Holiday ends on July 25th at [6] <u>8:30</u> p.m.</p>	Even years	Odd years
4081	Labor Day	<p>(1) Holiday begins [<del>Friday at:</del></p> <p><del>(a) 9 a.m. if school is not in session and the parent can be with the minor child;</del></p> <p><del>(b) the time that school is regularly dismissed; or</del></p> <p><del>(c) 6 p.m. at the election of the parent granted the holiday.] :</del></p> <p><u>(a) at the time that school is dismissed for Labor Day; or</u></p> <p><u>(b) Friday at 5:30 p.m. at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[<del>:</del></p> <p><del>(a) upon delivering the minor child to school on the day following Labor Day;</del></p> <p><del>or</del></p> <p><del>(b) at 8 a.m. on the day following Labor Day if there is no school.] <u>upon deliver-</u></del></p>	Odd years	Even years

		<u>ing the minor child to school on the day that school resumes.</u>		
4082	[Columbus Day	(1) <del>Holiday begins at 6 p.m. on the day before Columbus Day.</del> (2) <del>Holiday ends at 7 p.m. on Columbus Day.</del>	Even years	Odd years]
4083	Fall Break	(1) <del>Holiday begins at</del> [6 p.m. on the day school is dismissed for fall break.] : (a) <u>the time that school is dismissed for fall break; or</u> (b) <u>5:30 p.m. on the day that school dismisses for fall break at the election of the parent granted the holiday.</u> (2) <del>Holiday ends</del> [: (a) <del>upon delivering the minor child to school on the day following the end of fall break; or</del> (b) <del>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></del>	Odd years	Even years
4084	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] 8:30 p.m. on the same day the holiday begins.	Even years	Odd years
4085	[Veterans Day	(1) <del>Holiday begins at 6 p.m. on the day before Veterans Day.</del> (2) <del>Holiday ends at 7 p.m. on Veterans Day.</del>	Odd years	Even years]

4086	Thanksgiving	<p>(1) Holiday begins [<del>on Wednesday at:</del>  <del>(a) 6 p.m.; or</del>  <del>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.] at:</del></p> <p><u>(a) the time that school is dismissed for Thanksgiving; or</u>  <u>(b) 5:30 p.m. on the day that school dismisses for Thanksgiving at the election of the parent granted the holiday.</u></p> <p>(2) Holiday ends[:  <del>(a) upon delivering the minor child to school on the Monday following Thanksgiving; or</del>  <del>(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></del></p>	Even years	Odd years
4087	Winter Break (First Half)	<p>(1) Holiday begins at:  <del>(a) [6 p.m. on the day] the time that school dismisses for winter break; or</del>  <del>(b) [the time school is regularly dismissed] 5:30 p.m. on the day that school dismisses for winter break at the election of the parent granted the holiday.</del></p> <p>(2) Holiday ends on December 27th at  <del>[7] 8:30 p.m.</del></p>	Odd years	Even years
4088	Winter Break (Second Half)	<p>(1) Holiday begins on December 27th at  <del>[7] 8:30 p.m.</del></p> <p>(2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.</p>	Even years	Odd years

4089	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
4090	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

4091 Section 52. Section **81-9-304** is amended to read:

4092 **81-9-304 . Minimum schedule for parent-time for a minor child under five years**

4093 **old.**

- 4094 (1) The parent-time schedule in this section applies [tø] when establishing a parent-time  
4095 schedule for a minor child who is younger than five years old.
- 4096 (2) If the parties do not agree to a parent-time schedule, the schedules in Subsections (3)  
4097 through (8) are considered the minimum parent-time to which the noncustodial parent is  
4098 entitled to the minor child.
- 4099 (3) For a minor child who is younger than five months old, the noncustodial parent is  
4100 entitled to:
- 4101 (a) three two-hour visits every week; and  
4102 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule  
4103 under Subsection (15).
- 4104 (4) For a minor child who is at least five months old but younger than nine months old, the  
4105 noncustodial parent is entitled to:
- 4106 (a) three three-hour visits every week; and  
4107 (b) two hours for each holiday granted to the noncustodial parent in the holiday schedule  
4108 under Subsection (15).
- 4109 (5) For a minor child who is at least nine months old but younger than 12 months old, the  
4110 noncustodial parent is entitled to:
- 4111 (a) one eight-hour visit every week;  
4112 (b) one three-hour visit every week; and  
4113 (c) eight hours for each holiday granted to the noncustodial parent in accordance with  
4114 the holiday schedule under Subsection (15).
- 4115 (6) For a minor child who is at least 12 months old but younger than 18 months old, the  
4116 noncustodial parent is entitled to:
- 4117 (a) one three-hour visit every week;  
4118 [(b) one eight-hour visit on alternating weekends to be specified by the noncustodial  
4119 parent or court;]

- 4120           ~~[(e)]~~ (b) ~~[an overnight visit on opposite weekends from Subsection (6)(b)]~~ beginning on  
4121           the first weekend after the entry of the decree, alternating weekends beginning at [6]  
4122           5:30 p.m. on Friday and ending ~~[at noon on Saturday]~~ on Sunday at 7:30 p.m.; and  
4123           ~~[(d)]~~ (c) eight hours for each holiday granted to the noncustodial parent in the holiday  
4124           schedule under Subsection (15).
- 4125       (7) For a minor child who is at least 18 months old but younger than three years old, the  
4126       noncustodial parent is entitled to:
- 4127           (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4128               (i) beginning at 5:30 p.m. and ending at ~~[8:30]~~ 7:30 p.m.; or  
4129               (ii) if the minor child is being cared for during the day outside the minor child's  
4130               regular place of residence and with advance notice to the custodial parent,  
4131               beginning at the time that the minor child is picked up from the caregiver and  
4132               ending at ~~[8:30]~~ 7:30 p.m.;
- 4133           (b) beginning on the first weekend after the entry of the decree, alternating weekends  
4134               beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
- 4135           (c) each holiday granted to the noncustodial parent in accordance with the holiday  
4136               schedule described in Subsection (15); and
- 4137           (d) extended parent-time for two one-week periods, separated by at least four weeks, at  
4138               the option of the noncustodial parent, as follows:
- 4139               (i) one week of uninterrupted parent-time for the noncustodial parent, beginning at 8  
4140               a.m. on the first day and ending at 7:30 p.m. on the last day; and  
4141               (ii) one week of interrupted parent-time, beginning at 8 a.m. on the first day and  
4142               ending at 7:30 p.m. on the last day, where the custodial parent may have an equal  
4143               amount of weekday parent-time as the noncustodial parent on the same day on  
4144               which the noncustodial parent is granted weekday parent-time under Subsection  
4145               (7)(a).
- 4146       (8) For a minor child who is at least three years old but younger than five years old, the  
4147       noncustodial parent is entitled to:
- 4148           (a) one weekday evening to be specified by the noncustodial parent or the court:
- 4149               (i) beginning at 5:30 p.m. and ending at ~~[8:30]~~ 7:30 p.m.; or  
4150               (ii) if the minor child is being cared for during the day outside the minor child's  
4151               regular place of residence and with advance notice to the custodial parent,  
4152               beginning at the time that the minor child is picked up from the caregiver and  
4153               ending at ~~[8:30]~~ 7:30 p.m.;

- 4154 (b) beginning on the first weekend after the entry of the decree, alternating weekends  
4155 beginning at [6] 5:30 p.m. on Friday and ending at [7] 7:30 p.m. on Sunday;
- 4156 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
4157 schedule described in Subsection (15); and
- 4158 (d) extended parent-time for two two-week periods, separated by at least four weeks, at  
4159 the option of the noncustodial parent, as follows:
- 4160 (i) two weeks of uninterrupted parent-time, [~~which may be consecutive,~~] for the  
4161 noncustodial parent, beginning at 8 a.m. on the first day and ending at 7:30 p.m.  
4162 on the last day; and
- 4163 (ii) two weeks of interrupted parent-time, [~~which may be consecutive,~~] beginning at 8  
4164 a.m. on the first day and ending at 7:30 p.m. on the last day, where the custodial  
4165 parent may have an equal amount of weekday parent-time as the noncustodial  
4166 parent on the same day on which the noncustodial parent is granted weekday  
4167 parent-time under Subsection [~~(8)(a)~~] (8)(a)(i).
- 4168 (9) For a minor child who is at least 18 months old but younger than five years old, the  
4169 custodial parent is entitled to one week of uninterrupted extended parent-time.
- 4170 (10)(a) For a minor child who is nine months old or older, the noncustodial parent shall  
4171 have at least two times a week:
- 4172 (i) brief telephone contact at reasonable hours and for a reasonable duration; and  
4173 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside  
4174 at least 100 miles apart, at reasonable hours and for reasonable duration.
- 4175 (b) If the parties cannot agree on whether the equipment is reasonably available, the  
4176 court shall decide whether the equipment for virtual parent-time is reasonably  
4177 available, taking into consideration:
- 4178 (i) the best interests of the minor child;  
4179 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and  
4180 (iii) any other factors the court considers material.
- 4181 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.
- 4182 (11) For a minor child who is younger than nine months old, unless the parents agree  
4183 otherwise, parent-time should take place in the home of the custodial parent, an  
4184 established child-care setting, or other environment familiar to the minor child, at the  
4185 option of the noncustodial parent.
- 4186 (12)(a) Changes may not be made to the parent-time schedule under this section, except  
4187 that if a conflict arises in the parent-time schedule, the following order of precedence

- 4188 shall be applied when determining which parent is entitled to parent-time:
- 4189 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 4190 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
- 4191 uninterrupted extended parent-time under Subsection (7)(d), (8)(d), or (9) and
- 4192 takes the minor child away from that parent's residence during the uninterrupted
- 4193 extended parent-time;
- 4194 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
- 4195 Day, Mother's Day, or the minor child's birthday;
- 4196 (iv) extended parent-time under Subsection (7)(d), (8)(d), or (9); and
- 4197 (v) the schedule for weekday or weekend parent-time.
- 4198 (b) A parent exercising parent-time for the minor child's birthday may bring other
- 4199 siblings along for the minor child's birthday.
- 4200 (13) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
- 4201 shall be responsible for the minor child's attendance at school for that school day.
- 4202 (14) A parent shall notify the other parent at least 30 days in advance of the parent's plans
- 4203 for the exercise of extended parent-time under Subsection (7)(d), (8)(d), or (9).
- 4204 (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
4207 Dr. Martin Luther King Jr. 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 Dr. Martin Luther King Jr. Day.	Odd years	Even years
4208 [Presidents'] 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.	Even years	Odd years

		(2) Holiday ends at [7] 7:30 p.m. on [President's] Presidents' Day.		
4209	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
4210	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
4211	Mother's Day	(1) Holiday begins [ <del>on Mother's Day at 9 a.m.</del> ] 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.
4212	Father's Day	(1) Holiday begins [ <del>on Father's Day at 9 a.m.</del> ] 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.
4213	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.	Even years	Odd years

		(2) Holiday ends at [6] <u>7:30</u> p.m. on the day following Juneteenth National Freedom Day.		
4214	Independence Day	(1) Holiday begins on July 3rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 5th at [6] <u>7:30</u> p.m.	Odd years	Even years
4215	Pioneer Day	(1) Holiday begins on July 23rd at [6] <u>5:30</u> p.m. (2) Holiday ends on July 25th at [6] <u>7:30</u> p.m.	Even years	Odd years
4216	Labor 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 Labor Day.	Odd years	Even years
4217	<del>[Columbus Day</del>	<del>(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.</del>	Even years	Odd years]
4218	Fall Break	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day school is dismissed for fall break. (2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.	Odd years	Even years
4219	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.	Even years	Odd years

		(2) Holiday ends at [9] <u>7:30</u> p.m. on the same day the holiday begins.		
4220	[Veterans Day	(1) <del>Holiday begins at 6 p.m. on the day before Veterans Day.</del> (2) <del>Holiday ends at 7 p.m. on Veterans Day.</del>	Odd years	Even years]
4221	Thanksgiving	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at [7] <u>7:30</u> p.m. on day before school resumes.	Even years	Odd years
4222	Winter Break (First Half)	(1) Holiday begins at [6] <u>5:30</u> p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at [7] <u>7:30</u> p.m.	Odd years	Even years
4223	Winter Break (Second Half)	(1) Holiday begins on December 27th at [7] <u>7:30</u> p.m. (2) Holiday ends at [7] <u>7:30</u> p.m. on the day before school resumes.	Even years	Odd years
4224	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>7:30</u> p.m.	Even years	Odd years
4225	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at [9] <u>7:30</u> p.m.	Odd years	Even years

4226 Section 53. Section **81-9-402** is amended to read:

4227 **81-9-402 . Custody and visitation for individuals other than a parent -- Venue.**

4228 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a  
4229 parent retain the fundamental right and duty to exercise primary control over the care,  
4230 supervision, upbringing, and education of a minor child of the parent.

4231 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's  
4232 best interests.

4233 (2) The presumption in Subsection (1) is rebutted and a court may grant custodial or

- 4234 visitation rights to an individual other than a parent if the court finds, by clear and  
4235 convincing evidence, that the individual seeking custodial or visitation rights has  
4236 established that:
- 4237 (a) the individual has intentionally assumed the role and obligations of a parent;
  - 4238 (b) the individual and the minor child have formed a substantial emotional bond and  
4239 created a parent-child type relationship;
  - 4240 (c) the individual substantially contributed emotionally or financially to the minor child's  
4241 well being;
  - 4242 (d) the assumption of the parental role is not the result of a financially compensated  
4243 surrogate care arrangement;
  - 4244 (e) the continuation of the relationship between the individual and the minor child is in  
4245 the minor child's best interest;
  - 4246 (f) the loss or cessation of the relationship between the individual and the minor child  
4247 would substantially harm the minor child; and
  - 4248 (g) the parent:
    - 4249 (i) is absent as of the time of filing of the petition;
    - 4250 (ii) does not have the ability to exercise primary physical custody of the minor child  
4251 as of the time of filing of the petition; or
    - 4252 (iii) has abused or neglected the minor child, or that another court has found that the  
4253 parent has abused or neglected the minor child.
- 4254 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,  
4255 an individual shall file a verified petition, or a petition supported by an affidavit, for  
4256 custodial or visitation rights to the minor child in the juvenile court if a matter is pending  
4257 in the juvenile court, or in the district court in the county where the minor child:
- 4258 (a) currently resides; or
  - 4259 (b) lived with a parent or an individual other than a parent who acted as a parent within  
4260 six months before the commencement of the action.
- 4261 (4) An individual may file a petition under this section in a pending divorce, parentage  
4262 action, or other proceeding, including a proceeding in the juvenile court involving  
4263 custody of or visitation with a minor child.
- 4264 (5) The petition shall include detailed facts supporting the petitioner's right to file the  
4265 petition including the criteria set forth in Subsection (2) and residency information  
4266 described in Section 81-11-209.
- 4267 (6) An individual may not file a petition under this section against a parent who is actively

- 4268 serving outside the state in any branch of the military.
- 4269 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the  
 4270 Utah Rules of Civil Procedure on all of the following:
- 4271 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;  
 4272 (b) any individual who has court-ordered custody or visitation rights;  
 4273 (c) the minor child's guardian;  
 4274 (d) the guardian ad litem, if one has been appointed;  
 4275 (e) an individual or agency that has physical custody of the minor child or that claims to  
 4276 have custody or visitation rights; and  
 4277 (f) any other individual or agency that has previously appeared in any action regarding  
 4278 custody of or visitation with the minor child.
- 4279 (8) The court may order a custody evaluation to be conducted in any proceeding brought  
 4280 under this section.
- 4281 (9) The court may enter temporary orders in a proceeding brought under this section  
 4282 pending the entry of final orders.
- 4283 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child  
 4284 under this section to an individual:
- 4285 (a) who is not the parent of the minor child; and  
 4286 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no  
 4287 contest to a felony or attempted felony involving conduct that constitutes any of the  
 4288 following:
- 4289 (i) child abuse, as described in [~~Sections 76-5-109, 76-5-109.2, 76-5-109.3,~~  
 4290 ~~76-5-109.4, and 76-5-114~~] Section 76-5-109;
- 4291 (ii) aggravated child abuse, as described in Section 76-5-109.2;
- 4292 (iii) child abandonment, as described in Section 76-5-109.3;
- 4293 (iv) child torture, as described in Section 76-5-109.4;
- 4294 (v) commission of domestic violence in the presence of a child, as described in  
 4295 Section 76-5-114;
- 4296 [(~~ii~~)] (vi) child abuse homicide, as described in Section 76-5-208;
- 4297 [(~~iii~~)] (vii) child kidnapping, as described in Section 76-5-301.1;
- 4298 [(~~iv~~)] (viii) human trafficking of a child, as described in Section 76-5-308.5;
- 4299 [(~~v~~)] (ix) sexual abuse of a minor, as described in Section 76-5-401.1;
- 4300 [(~~vi~~)] (x) rape of a child, as described in Section 76-5-402.1;
- 4301 [(~~vii~~)] (xi) object rape of a child, as described in Section 76-5-402.3;

- 4302            [~~(viii)~~] (xii) sodomy on a child, as described in Section 76-5-403.1;
- 4303            [~~(ix)~~] (xiii) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated
- 4304            sexual abuse of a child, as described in Section 76-5-404.3;
- 4305            [~~(x)~~] (xiv) sexual exploitation of a minor, as described in Section 76-5b-201;
- 4306            [~~(xi)~~] (xv) aggravated sexual exploitation of a minor, as described in Section
- 4307            76-5b-201.1; or
- 4308            [~~(xii)~~] (xvi) an offense in another state that, if committed in this state, would
- 4309            constitute an offense described in this Subsection (10).
- 4310 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed
- 4311            in Subsection (10) that prevents a court from granting custody except as provided in
- 4312            this Subsection (11).
- 4313 (b) An individual described in Subsection (10) may only be considered for custody of a
- 4314            minor child if the following criteria are met by clear and convincing evidence:
- 4315            (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 4316            (ii) at least 10 years have elapsed from the day on which the individual is
- 4317            successfully released from prison, jail, parole, or probation related to a
- 4318            disqualifying offense;
- 4319            (iii) during the 10 years before the day on which the individual files a petition with
- 4320            the court seeking custody the individual has not been convicted, plead guilty, or
- 4321            plead no contest to an offense greater than an infraction or traffic violation that
- 4322            would likely impact the health, safety, or well-being of the minor child;
- 4323            (iv) the individual can provide evidence of successful treatment or rehabilitation
- 4324            directly related to the disqualifying offense;
- 4325            (v) the court determines that the risk related to the disqualifying offense is unlikely to
- 4326            cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 4327            currently or at any time in the future when considering all of the following:
- 4328            (A) the minor child's age;
- 4329            (B) the minor child's gender;
- 4330            (C) the minor child's development;
- 4331            (D) the nature and seriousness of the disqualifying offense;
- 4332            (E) the preferences of a minor child who is 12 years old or older;
- 4333            (F) any available assessments, including custody evaluations, parenting
- 4334            assessments, psychological or mental health assessments, and bonding
- 4335            assessments; and

- 4336 (G) any other relevant information;
- 4337 (vi) the individual can provide evidence of the following:
- 4338 (A) the relationship with the minor child is of long duration;
- 4339 (B) that an emotional bond exists with the minor child; and
- 4340 (C) that custody by the individual who has committed the disqualifying offense
- 4341 ensures the best interests of the minor child are met;
- 4342 (vii)(A) there is no other responsible relative known to the court who has or likely
- 4343 could develop an emotional bond with the minor child and does not have a
- 4344 disqualifying offense; or
- 4345 (B) if there is a responsible relative known to the court that does not have a
- 4346 disqualifying offense, Subsection (11)(d) applies; and
- 4347 (viii) that the continuation of the relationship between the individual with the
- 4348 disqualifying offense and the minor child could not be sufficiently maintained
- 4349 through any type of visitation if custody were given to the relative with no
- 4350 disqualifying offense described in Subsection (11)(d).
- 4351 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 4352 why placement with that individual is in the best interest of the minor child over
- 4353 another responsible relative or equally situated individual who does not have a
- 4354 disqualifying offense.
- 4355 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
- 4356 the court who does not have a disqualifying offense:
- 4357 (i) preference for custody is given to a relative who does not have a disqualifying
- 4358 offense; and
- 4359 (ii) before the court may place custody with the individual who has the disqualifying
- 4360 offense over another responsible, willing, and able relative:
- 4361 (A) an impartial custody evaluation shall be completed; and
- 4362 (B) a guardian ad litem shall be assigned.
- 4363 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
- 4364 decision on custody has not been made and to a case filed on or after March 25, 2017.
- 4365 Section 54. Section **81-13-204** is amended to read:
- 4366 **81-13-204 . Petition for adoption of a minor child.**
- 4367 (1) A person may bring a petition for adoption of a minor child:
- 4368 (a) before the birth of the minor child; or
- 4369 (b) before or after the minor child is placed in the home of the adoptive parent for the

- 4370 purpose of adoption.
- 4371 (2)(a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child  
4372 shall state whether the minor child was born in another state.
- 4373 (b) If the minor child was born in another state, the petition and the court's final decree  
4374 of adoption shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate  
4375 Compact on Placement of Children, have been complied with.
- 4376 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required  
4377 to complete a preplacement adoptive evaluation under Section [~~81-13-404~~] 81-13-403.
- 4378 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec.  
4379 1903, a child-placing agency and a petitioner shall comply with the Indian Child  
4380 Welfare Act, 25 U.S.C. Sec. 1901 et seq.
- 4381 Section 55. Section **81-13-205** is amended to read:
- 4382 **81-13-205 . Petition to terminate parental rights of a minor child.**
- 4383 (1) A party may bring a petition seeking to terminate parental rights [øf] to a minor child for  
4384 the purpose of facilitating the adoption of the minor child in a court with jurisdiction  
4385 under Title 78A, Judiciary and Judicial Administration.
- 4386 (2) A petition to terminate parental rights under this section may be:
- 4387 (a) joined with a proceeding on an adoption petition; or
- 4388 (b) filed as a separate proceeding before or after a petition to adopt the minor child is  
4389 filed.
- 4390 (3) A court may enter a final order terminating parental rights before a final decree of  
4391 adoption is entered.
- 4392 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to  
4393 proceedings to terminate parental rights as described in Section 78A-6-103.
- 4394 (b) A court may not terminate parental rights [øf] to a minor child if the minor child is  
4395 under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency,  
4396 or termination of parental rights proceeding.
- 4397 (5) The court may terminate an individual's parental rights [øf] to a minor child if:
- 4398 (a) the individual executes a voluntary consent to adoption, or relinquishment for  
4399 adoption, of the minor child, in accordance with:
- 4400 (i) the requirements of this chapter; or
- 4401 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 4402 (b) the individual is an unmarried biological father who is not entitled to consent to  
4403 adoption, or relinquishment for adoption, under Section 81-13-212 or 81-13-213;

- 4404 (c) the individual:
- 4405 (i) received notice of the adoption proceeding relating to the minor child under
- 4406 Section 81-13-207; and
- 4407 (ii) failed to file a motion for relief, under Subsection 81-13-207(6), within 30 days
- 4408 after the day on which the individual was served with notice of the adoption
- 4409 proceeding;
- 4410 (d) the court finds, under Section 81-5-607, that the individual is not a parent of the
- 4411 minor child; or
- 4412 (e) the individual's parental rights are terminated on grounds described in Title 80,
- 4413 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
- 4414 best interests of the minor child.
- 4415 (6) The court shall appoint an indigent defense service provider in accordance with Title
- 4416 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
- 4417 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
- 4418 Termination and Restoration of Parental Rights, or whose parental rights are subject to
- 4419 termination under this section.
- 4420 (7) If a county incurs expenses in providing indigent defense services to an indigent
- 4421 individual facing any action initiated by a private party under Title 80, Chapter 4,
- 4422 Termination and Restoration of Parental Rights, or termination of parental rights under
- 4423 this section, the county may apply for reimbursement from the Utah Indigent Defense
- 4424 Commission in accordance with Section 78B-22-406.
- 4425 (8) A petition filed under this section is subject to the procedural requirements of this
- 4426 chapter.
- 4427 Section 56. Section **81-13-207** is amended to read:
- 4428 **81-13-207 . Notice of an adoption proceeding for a minor child.**
- 4429 (1) A petitioner in an adoption proceeding described in Section 81-13-204, 81-13-205, or
- 4430 81-13-206 shall serve a notice of the adoption proceeding on each of the following
- 4431 persons:
- 4432 (a) any person or agency whose consent or relinquishment is required under Section
- 4433 81-13-212 or 81-13-213, unless that right has been terminated by:
- 4434 (i) waiver;
- 4435 (ii) relinquishment;
- 4436 (iii) actual or implied consent; or
- 4437 (iv) judicial action;

- 4438 (b) any person who has initiated a parentage proceeding and filed notice of that action  
4439 with [the] the office in accordance with Subsection (3);
- 4440 (c) any legally appointed custodian or guardian of the child adoptee;
- 4441 (d) the petitioner's spouse if the petitioner is married and the petitioner's spouse has not  
4442 joined in the petition;
- 4443 (e) the child adoptee's spouse if the child adoptee is married;
- 4444 (f) any individual who, before the time the birth mother executes the birth mother's  
4445 consent for adoption or relinquishes the child adoptee for adoption, is recorded on the  
4446 birth certificate as the child adoptee's parent, with the knowledge and consent of the  
4447 birth mother;
- 4448 (g) any individual who is:
- 4449 (i) openly living in the same household with the child adoptee at the time the consent  
4450 is executed or relinquishment made; and
- 4451 (ii) holding the individual out to be the child adoptee's parent; and
- 4452 (h) an individual who is married to the child adoptee's birth mother at the time the birth  
4453 mother executes the birth mother's consent to the adoption or relinquishes the child  
4454 adoptee for adoption, unless the court finds that the mother's spouse is not the child  
4455 adoptee's parent under Section 81-5-607.
- 4456 (2)(a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the  
4457 notice described in Subsection (1) at any time after the petition for the adoption  
4458 proceeding is filed.
- 4459 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth  
4460 mother before the birth mother has given birth to the minor child who is the subject  
4461 of the petition.
- 4462 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior  
4463 to the final dispositional hearing.
- 4464 (3)(a) An unmarried biological father, by virtue of the fact that the unmarried biological  
4465 father has engaged in a sexual relationship with a woman:
- 4466 (i) is considered to be on notice that a pregnancy and an adoption proceeding  
4467 regarding a minor child may occur; and
- 4468 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 4469 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption  
4470 proceeding with regard to the unmarried biological father's minor child only as  
4471 provided in this section or Section 81-13-209.

- 4472 (c) In order to preserve any right to notice, an unmarried biological father shall,  
4473 consistent with Subsection (3)(f):
- 4474 (i) initiate proceedings in a court with jurisdiction under Title 78A, Judiciary and  
4475 Judicial Administration, to establish parentage under Chapter 5, Uniform  
4476 Parentage Act; and
- 4477 (ii) file a notice of commencement of the proceedings described in Subsection  
4478 (3)(c)(i) with the office.
- 4479 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil  
4480 Actions, an unmarried biological father may initiate an action described in  
4481 Subsection (3)(c) in any county if the unmarried biological father does not know the  
4482 county in which the birth mother resides.
- 4483 (e) The Department of Health and Human Services shall provide forms for the purpose  
4484 of filing the notice described in Subsection (3)(c)(ii), and make those forms available  
4485 in the office of the county health department in each county.
- 4486 (f) When the office receives a completed form, the office shall:
- 4487 (i) record the date and time the form was received; and
- 4488 (ii) immediately enter the information provided by the unmarried biological father in  
4489 the confidential registry described in Subsection 81-13-213(4)(c).
- 4490 (g)(i) An unmarried biological father may file the action and notice described in  
4491 Subsection (3)(c) before or after the minor child's birth.
- 4492 (ii) An unmarried biological father shall file the action and notice described in  
4493 Subsection (3)(c) before the birth mother's:
- 4494 (A) execution of consent to adoption of the minor child; or
- 4495 (B) relinquishment of the minor child for adoption.
- 4496 (h) Notwithstanding Subsection [~~(2)(b)~~] (3)(b), an unmarried biological father is not  
4497 entitled to notice of an adoption proceeding in a case where it is shown that the minor  
4498 child was conceived as a result of conduct that constitutes a sexual offense,  
4499 regardless of whether the unmarried biological father is formally charged with or  
4500 convicted of the sexual offense.
- 4501 (4) Notice provided in accordance with this section need not disclose the name of the birth  
4502 mother of the minor child who is the subject of an adoption proceeding.
- 4503 (5) The notice required by this section:
- 4504 (a) shall specifically state that the person served shall fulfill the requirements of  
4505 Subsection (6)(a) within 30 days after the day on which the person receives service if

- 4506 the person intends to intervene in or contest the adoption;
- 4507 (b) shall state the consequences, described in Subsection (6)(b), for failure of a person to
- 4508 file a motion for relief within 30 days after the day on which the person is served
- 4509 with notice of an adoption proceeding;
- 4510 (c) is not required to include, or be accompanied by, a summons or a copy of the petition
- 4511 for adoption;
- 4512 (d) shall state where the person may obtain a copy of the petition for adoption; and
- 4513 (e) shall indicate the right to the appointment of counsel for a party whom the court
- 4514 determines is indigent and at risk of losing the party's parental rights.
- 4515 (6)(a) A person who has been served with notice of an adoption proceeding and who
- 4516 wishes to contest the adoption shall file a motion to intervene in the adoption
- 4517 proceeding:
- 4518 (i) within 30 days after the day on which the person was served with notice of the
- 4519 adoption proceeding;
- 4520 (ii) setting forth specific relief sought; and
- 4521 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
- 4522 which the motion is based.
- 4523 (b) A person who fails to fully and strictly comply with all of the requirements described
- 4524 in Subsection (6)(a) within 30 days after the day on which the person was served with
- 4525 notice of the adoption proceeding:
- 4526 (i) waives any right to further notice in connection with the adoption;
- 4527 (ii) forfeits all rights in relation to the adoptee; and
- 4528 (iii) is barred from thereafter bringing or maintaining any action to assert any interest
- 4529 in the adoptee.
- 4530 (7)(a)(i) Subject to Subsection (5)(c), the petitioner shall serve a person whose
- 4531 consent is necessary under Section 81-13-212 or 81-13-213 in accordance with the
- 4532 Utah Rules of Civil Procedure.
- 4533 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
- 4534 shall designate the content of the notice regarding the identity of the parties.
- 4535 (iii) The notice described in this Subsection (7)(a) may not include the name of a
- 4536 person seeking to adopt the adoptee.
- 4537 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice
- 4538 is required under this section, service by certified mail, return receipt requested, is
- 4539 sufficient.

- 4540 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two  
 4541 attempts, the court may issue an order providing for service by publication,  
 4542 posting, or by any other manner of service.
- 4543 (c) Notice to an individual, who has initiated a parentage proceeding and filed notice of  
 4544 that action with the office in accordance with the requirements of Subsection (3),  
 4545 shall be served by certified mail, return receipt requested, at the last address filed  
 4546 with the office.
- 4547 (8) The notice required by this section may be waived in writing by the person entitled to  
 4548 receive notice.
- 4549 (9) Proof of service of notice on all persons for whom notice is required by this section  
 4550 shall be filed with the court before the final dispositional hearing on the adoption.
- 4551 (10) Notwithstanding any other provision of law, neither the notice of an adoption  
 4552 proceeding nor any process in that proceeding is required to contain the name of the  
 4553 person or persons seeking to adopt the child adoptee.
- 4554 (11) Except as to those persons whose consent to an adoption is required under Section  
 4555 81-13-212 or 81-13-213, the sole purpose of notice under this section is to enable the  
 4556 person served to:
- 4557 (a) intervene in the adoption; and
- 4558 (b) present evidence to the court relevant to the best interest of the child adoptee.
- 4559 Section 57. Section **81-13-212** is amended to read:
- 4560 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**  
 4561 **minor child -- Implied consent.**
- 4562 (1) Except as provided in Subsection (2), the following persons are required to consent to  
 4563 an adoption of a minor child, or to relinquishment of a minor child, before an adoption  
 4564 of the minor child is granted:
- 4565 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child  
 4566 adoptee does not have the mental capacity to consent;
- 4567 (b) a man or woman who:
- 4568 (i) by operation of law under Section [~~81-5-204~~] 81-5-201, is recognized as the father  
 4569 or mother of the proposed adoptee, unless:
- 4570 (A) the presumption is rebutted under Section 81-5-607;
- 4571 (B) at the time of the marriage, the man or woman knew or reasonably should  
 4572 have known that the marriage to the mother of the proposed child adoptee was  
 4573 or could be declared invalid; or

- 4574 (C) the man or woman was not married to the mother of the proposed child  
4575 adoptee until after the mother consented to adoption, or relinquishment for  
4576 adoption, of the proposed child adoptee; or
- 4577 (ii) is the parent of the child adoptee by a previous legal adoption;
- 4578 (c) the birth mother of the child adoptee;
- 4579 (d) an individual who has been adjudicated to be the child adoptee's parent by a court  
4580 with jurisdiction before the birth mother's execution of consent to adoption or the  
4581 birth mother's relinquishment of the child adoptee for adoption;
- 4582 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary  
4583 declaration of paternity with the office in accordance with Chapter 5, Uniform  
4584 Parentage Act, before the birth mother's execution of consent to adoption or the birth  
4585 mother's relinquishment of the child adoptee for adoption;
- 4586 (f) an unmarried biological father of the child adoptee, whose consent is not required  
4587 under Subsection (1)(d) or (1)(e), only if the unmarried biological father fully and  
4588 strictly complies with the requirements of Section 81-13-213; and
- 4589 (g) the person or agency to whom an adoptee has been relinquished and that is placing  
4590 the child adoptee for adoption.
- 4591 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through  
4592 (f) is not required if the individual's parental rights relating to the child adoptee have  
4593 been terminated by a court.
- 4594 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered  
4595 filed when the voluntary declaration is entered into a database that:
- 4596 (a) can be accessed by the Department of Health and Human Services; and  
4597 (b) is designated by the office as the official database for voluntary declarations of  
4598 paternity.
- 4599 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may  
4600 execute a consent or relinquishment at any time, including before the birth of the  
4601 child adoptee.
- 4602 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish  
4603 control or custody of the child adoptee, until at least 24 hours after the birth of the  
4604 child adoptee.
- 4605 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at  
4606 least 12 years old.
- 4607 (5)(a) A birth parent who is younger than 18 years old has the power to:

- 4608 (i) consent to the adoption of the birth parent's minor child; and  
4609 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 4610 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the  
4611 same force and effect as a consent or relinquishment executed by a birth parent who  
4612 is an adult.
- 4613 (c) A birth parent, who is younger than 18 years old and has executed a consent or  
4614 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years  
4615 old or otherwise becoming emancipated.
- 4616 (6) A consent or relinquishment is effective when the consent or relinquishment is signed  
4617 and may not be revoked.
- 4618 (7)(a) As used in this Subsection (7):
- 4619 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the  
4620 pregnancy, to offer and provide financial and emotional support to the birth  
4621 mother for a period of 180 days before the day on which the child adoptee is born.
- 4622 (ii) "Emotional support" means a pattern of statements or actions that indicate to a  
4623 reasonable person that a birth parent intends to provide for the physical and  
4624 emotional well-being of an unborn child adoptee.
- 4625 (b) A consent or relinquishment required by Subsection (1) may be implied by any of  
4626 the following acts:
- 4627 (i) abandonment;
- 4628 (ii) leaving the child adoptee with a third party for 30 consecutive days without  
4629 providing the third party with the birth parent's identification;
- 4630 (iii) knowingly leaving the child adoptee with another person for 180 consecutive  
4631 days without providing for support, communicating, or otherwise maintaining a  
4632 substantial relationship with the child adoptee; or
- 4633 (iv) receiving notification of a pending adoption proceeding as described in Section  
4634 81-13-207, or of a termination proceeding described in Section 81-13-205, and  
4635 failing to respond as required.
- 4636 (c) For purposes of this Subsection (7), a court may not:
- 4637 (i) determine that a birth parent abandoned the birth mother if the birth parent failed  
4638 to provide financial or emotional support because the birth mother refused to  
4639 accept support; or
- 4640 (ii) find that the birth parent failed to provide emotional support if the individual's  
4641 failure was due to impossibility of performance.

- 4642 (d) Implied consent under this Subsection (7) may not be withdrawn.  
4643 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an  
4644 unmarried biological father.

4645 Section 58. Section **81-13-213** is amended to read:

4646 **81-13-213 . Consent of unmarried biological father.**

4647 (1) As used in this section, "qualifying circumstance" means that, at any point during the  
4648 time period beginning at the conception of the child adoptee and ending at the time that  
4649 the birth mother executes a consent to adoption or relinquishment of the child adoptee  
4650 for adoption:

- 4651 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or  
4652 a temporary basis of no less than 30 consecutive days, in the state;  
4653 (b) the birth mother intended to give birth to the child adoptee in the state;  
4654 (c) the child adoptee was born in the state; or  
4655 (d) the birth mother intended to execute a consent to adoption or relinquishment of the  
4656 child adoptee for adoption in the state or under the laws of the state.

4657 (2) Except as provided in Subsections (3)(a) and (8), and subject to Subsections (6) and (7),  
4658 the consent of an unmarried biological father to the adoption of a child adoptee, who is  
4659 placed with prospective adoptive parents more than 180 days after birth, is not required  
4660 unless the unmarried biological father:

- 4661 (a)(i) developed a substantial relationship with the child adoptee by:  
4662 (A) visiting the child adoptee monthly, unless the unmarried biological father was  
4663 physically or financially unable to visit the child adoptee on a monthly basis; or  
4664 (B) engaging in regular communication with the child adoptee or with the person  
4665 or authorized agency that has lawful custody of the child adoptee;  
4666 (ii) took some measure of responsibility for the child adoptee and the child adoptee's  
4667 future; and  
4668 (iii) demonstrated a full commitment to the responsibilities of parenthood by  
4669 financial support of the child adoptee of a fair and reasonable sum in accordance  
4670 with the unmarried biological father's ability; or  
4671 (b)(i) if the child adoptee is younger than one year old, openly lived with the child  
4672 adoptee immediately preceding placement of the child adoptee with the  
4673 prospective adoptive parents for a period of at least 180 days during the period of  
4674 time beginning on the day on which the child adoptee is born and ending on the  
4675 day on which the child adoptee is placed with prospective adoptive parents;

- 4676 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee  
4677 immediately preceding placement of the child adoptee with the prospective  
4678 adoptive parents for a period of at least 180 days during the one-year period  
4679 immediately preceding the day on which the child adoptee is placed with  
4680 prospective adoptive parents; [øɾ] and
- 4681 (iii) openly held himself out to be the father of the child adoptee during the 180-day  
4682 period described in Subsection (2)(b)(i) or (ii).
- 4683 (3)(a) If an unmarried biological father was prevented from complying with a  
4684 requirement described in Subsection (2) by the person or authorized agency having  
4685 lawful custody of the child adoptee, the unmarried biological father is not required to  
4686 comply with that requirement.
- 4687 (b) The subjective intent of an unmarried biological father, whether expressed or  
4688 otherwise, that is unsupported by evidence that the requirements in Subsection (2)  
4689 have been met, shall not preclude a determination that the unmarried biological father  
4690 failed to meet the requirements of Subsection (2).
- 4691 (4) Except as provided in Subsections (7) and (8), and subject to Subsection (6), the consent  
4692 of an unmarried biological father to the adoption of a child adoptee, who is 180 days old  
4693 or younger at the time that the child adoptee is placed with the prospective adoptive  
4694 parents, is not required unless, before the time that the birth mother executes the birth  
4695 mother's consent for adoption or relinquishes the child adoptee for adoption, the  
4696 unmarried biological father:
- 4697 (a) initiates proceedings in a court with jurisdiction under Title 78A, Judiciary and  
4698 Judicial Administration, to establish parentage under Chapter 5, Uniform Parentage  
4699 Act;
- 4700 (b) files with the court that is presiding over the parentage proceeding a sworn affidavit:  
4701 (i) stating that the unmarried biological father is fully able and willing to have full  
4702 custody of the child adoptee;
- 4703 (ii) setting forth the unmarried biological father's plans for care of the child adoptee;  
4704 and
- 4705 (iii) agreeing to a court order of child support and the payment of expenses incurred  
4706 in connection with the birth mother's pregnancy and the child adoptee's birth;
- 4707 (c) consistent with Subsection (5), files notice of the commencement of parentage  
4708 proceedings described in Subsection (4)(a), with the office in a confidential registry  
4709 established by the office for that purpose; and

- 4710 (d) offered to pay and paid, during the pregnancy and after the child adoptee's birth, a  
4711 fair and reasonable amount of the expenses incurred in connection with the birth  
4712 mother's pregnancy and the child adoptee's birth, in accordance with the unmarried  
4713 biological father's financial ability, unless:
- 4714 (i) the unmarried biological father did not have actual knowledge of the pregnancy;
  - 4715 (ii) the unmarried biological father was prevented from paying the expenses by the  
4716 person or authorized agency having lawful custody of the child adoptee; or
  - 4717 (iii) the birth mother refused to accept the unmarried biological father's offer to pay  
4718 the expenses described in this Subsection (4)(d).
- 4719 (5)(a) The notice described in Subsection (4)(c) is considered filed when received by the  
4720 office.
- 4721 (b) If the unmarried biological father fully complies with the requirements of Subsection  
4722 (4), and an adoption of the child adoptee is not completed, the unmarried biological  
4723 father shall, without any order of the court, be legally obligated for a reasonable  
4724 amount of child support, pregnancy expenses, and child birth expenses, in accordance  
4725 with the unmarried biological father's financial ability.
- 4726 (6) Unless the unmarried biological father's ability to assert the right to consent has been  
4727 lost for failure to comply with Section 81-13-208, or lost under another provision of  
4728 Utah law, an unmarried biological father shall have at least one business day after the  
4729 child adoptee's birth to fully and strictly comply with the requirements of Subsection (4).
- 4730 (7) The consent of an unmarried biological father to the adoption of a child adoptee is not  
4731 required under this section if:
- 4732 (a) the court determines, in accordance with the requirements and procedures of Title 80,  
4733 Chapter 4, Termination and Restoration of Parental Rights, that the unmarried  
4734 biological father's rights should be terminated, based on the petition of any interested  
4735 party;
  - 4736 (b)(i) a voluntary declaration of paternity declaring the unmarried biological father to  
4737 be the father of the child adoptee is rescinded under Section 81-5-306; and
  - 4738 (ii) the unmarried biological father fails to comply with Subsection (4) within 10  
4739 business days after the day that notice of the rescission described in Subsection  
4740 (7)(b)(i) is mailed by the office as provided in Section 81-5-306; or
  - 4741 (c) the unmarried biological father is notified under Section 81-13-208 and fails to  
4742 preserve the unmarried biological father's rights in accordance with the requirements  
4743 of Section 81-13-208.

- 4744 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father  
4745 to the adoption of a child adoptee is required if:
- 4746 (a)(i) the unmarried biological father did not know, and through the exercise of  
4747 reasonable diligence could not have known, before the time the birth mother  
4748 executed a consent to adoption or relinquishment of the child adoptee for adoption  
4749 that a qualifying circumstance existed;
- 4750 (ii) before the birth mother executed a consent to adoption or relinquishment of the  
4751 child adoptee for adoption, the unmarried biological father fully complied with the  
4752 requirements to establish parental rights and duties in the child adoptee, and to  
4753 preserve the right to notice of a proceeding in connection with the adoption of the  
4754 child adoptee, imposed by:
- 4755 (A) the last state where the unmarried biological father knew, or through the  
4756 exercise of reasonable diligence should have known, that the birth mother  
4757 resided in before the birth mother executed the consent to adoption or  
4758 relinquishment of the child adoptee for adoption; or
- 4759 (B) the state where the child adoptee was conceived; and
- 4760 (iii) the unmarried biological father has demonstrated, based on the totality of the  
4761 circumstances, a full commitment to the unmarried biological father's parental  
4762 responsibilities as described in Subsection (9); or
- 4763 (b)(i) the unmarried biological father knew, or through the exercise of reasonable  
4764 diligence should have known, before the time the birth mother executed a consent  
4765 to adoption or relinquishment of the child adoptee for adoption that a qualifying  
4766 circumstance existed; and
- 4767 (ii) the unmarried biological father complied with the requirements of Subsections (2)  
4768 through (7) before the later of:
- 4769 (A) 20 days after the day that the unmarried biological father knew, or through the  
4770 exercise of reasonable diligence should have known, that a qualifying  
4771 circumstance existed; or
- 4772 (B) the time that the birth mother executed a consent to adoption or  
4773 relinquishment of the child adoptee for adoption.
- 4774 (9) When determining whether an unmarried biological father has demonstrated a full  
4775 commitment to the unmarried biological father's parental responsibilities for purposes of  
4776 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,  
4777 if applicable:

- 4778 (a) the efforts the unmarried biological father has taken to discover the location of the  
4779 child adoptee or the child adoptee's birth mother;
- 4780 (b) whether the unmarried biological father has expressed and demonstrated an interest  
4781 in taking responsibility for the child adoptee;
- 4782 (c) whether, and to what extent, the unmarried biological father has developed, or  
4783 attempted to develop, a relationship with the child adoptee;
- 4784 (d) whether the unmarried biological father offered to provide and, unless the offer was  
4785 rejected, did provide, financial support for the child adoptee or the child adoptee's  
4786 birth mother;
- 4787 (e) whether, and to what extent, the unmarried biological father has communicated, or  
4788 attempted to communicate, with the child adoptee or the child adoptee's birth mother;
- 4789 (f) whether the unmarried biological father has timely filed legal proceedings to  
4790 establish the unmarried biological father's parentage of, and take responsibility for,  
4791 the child adoptee; and
- 4792 (g) whether the unmarried biological father has timely filed a notice with a public  
4793 official or agency relating to:
- 4794 (i) the unmarried biological father's parentage of the child adoptee;
- 4795 (ii) legal proceedings to establish the unmarried biological father's parentage of the  
4796 child adoptee; or
- 4797 (iii) other evidence that shows whether the unmarried biological father has  
4798 demonstrated a full commitment to the unmarried biological father's parental  
4799 responsibilities.
- 4800 (10) An unmarried biological father who does not fully and strictly comply with the  
4801 requirements of this section is considered to have waived and surrendered any right in  
4802 relation to the child adoptee, including the right to:
- 4803 (a) notice of any judicial proceeding in connection with the adoption of the child  
4804 adoptee; and
- 4805 (b) consent, or refuse to consent, to the adoption of the child adoptee.
- 4806 (11) Notwithstanding any other provision of this section, the consent of an unmarried  
4807 biological father is not required in a case where it is shown that the child adoptee was  
4808 conceived as a result of conduct that constitutes a sexual offense, regardless of whether  
4809 the unmarried biological father is formally charged with or convicted of the sexual  
4810 offense.
- 4811 (12) Unless the child adoptee is conceived or born within a marriage, the petitioner in an

4812 adoption proceeding shall, before entrance of a final decree of adoption, file with the  
 4813 court a certificate from the office, stating:  
 4814 (a) that a diligent search has been made of the registry of notices from unmarried  
 4815 biological fathers described in Subsection (4)(c); and  
 4816 (b)(i) that no filing has been found pertaining to the unmarried biological father of  
 4817 the child adoptee in question; or  
 4818 (ii) if a filing is found, the name of the unmarried biological father and the time and  
 4819 date of filing.

4820 (13) Unless an individual who is an unmarried biological father has fully and strictly  
 4821 complied with the requirements of this section and Section 81-13-212, an out-of-state  
 4822 order that adjudicates parentage, or an out-of-state declaration or acknowledgment of  
 4823 paternity:

4824 (a) only has the effect of establishing that the individual is an unmarried biological  
 4825 father of the child adoptee to whom the order, declaration, or acknowledgment  
 4826 relates; and  
 4827 (b) does not entitle the individual to:  
 4828 (i) notice of any judicial proceeding related to the adoption of the child adoptee;  
 4829 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or  
 4830 (iii) the right to custody of, control over, or visitation with the child adoptee.

4831 Section 59. **Repealer.**

4832 This bill repeals:

4833 Section **81-6-209.5, Costs of child care -- Ongoing expense for child care -- Office of**  
 4834 **Recovery Services study item and report.**

4835 Section 60. **Effective Date.**

4836 This bill takes effect on May 6, 2026.

4837 Section 61. **Coordinating S.B. 257 with S.B. 30.**

4838 If S.B. 257, Domestic Relations Amendments, and S.B. 30, Human Trafficking,

4839 Exploitation, and Smuggling Amendments, both pass and become law, the Legislature intends

4840 that, on May 6, 2026, the term "natural parent" enacted in the following subsections in S.B. 30

4841 be changed to "parent":

4842 (1) Subsections 53-29-202(1)(a)(xl) and (xli); and

4843 (2) Subsection 53-29-203(1)(a)(ix).

4844 Section 62. **Coordinating S.B. 257 with H.B. 309.**

4845 If S.B. 257, Domestic Relations Amendments, and H.B. 309, Juneteenth Observance

4846 Amendments, both pass and become law, the Legislature intends that, on January 1, 2027:  
 4847 (1) the holiday time period for Juneteenth National Freedom Day described in the tables in  
 4848 Subsections 81-9-302(12) and 81-9-303(15) in H.B. 309 be amended to read:  
 4849 "[(1) Holiday begins at:]  
 4850 [(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth  
 4851 National Freedom Day is not Father's Day; or]  
 4852 [(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National  
 4853 Freedom Day is Father's Day.]  
 4854 [(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]  
 4855 (1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth  
 4856 National Freedom Day is on the day before Father's Day.  
 4857 (2) Holiday begins on Sunday at 8:30 p.m. and ends on Tuesday at 8:30 p.m., if Juneteenth  
 4858 National Freedom Day is on Father's Day or on the day following Father's Day.  
 4859 (3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and  
 4860 ends at 8:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth  
 4861 National Freedom Day is on Father's Day, the day before Father's Day, or the day following  
 4862 Father's Day."; and  
 4863 (2) the holiday time period for Juneteenth National Freedom Day described in the table in  
 4864 Subsection 81-9-304(15) in H.B. 309 be amended to read:  
 4865 "[(1) Holiday begins at:]  
 4866 [(a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth  
 4867 National Freedom Day is not Father's Day; or]  
 4868 [(b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National  
 4869 Freedom Day is Father's Day.]  
 4870 [(2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.]  
 4871 (1) Holiday begins on Friday at 5:30 p.m. and ends on Saturday at 5:30 p.m., if Juneteenth  
 4872 National Freedom Day is on the day before Father's Day.  
 4873 (2) Holiday begins on Sunday at 7:30 p.m. and ends on Tuesday at 7:30 p.m., if Juneteenth  
 4874 National Freedom Day is on Father's Day or on the day following Father's Day.  
 4875 (3) Holiday begins at 5:30 p.m. on the day before Juneteenth National Freedom Day and  
 4876 ends at 7:30 p.m. on the day following Juneteenth National Freedom Day, unless Juneteenth  
 4877 National Freedom Day is on Father's Day, the day before Father's Day, or the day following  
 4878 Father's Day."

4879 Section 63. **Coordinating S.B. 257 with S.B. 304.**

4880 If S.B. 257, Domestic Relations Amendments, and S.B. 304, Protective Order  
\_4881 Amendments, both pass and become law, the Legislature intends that, on May 6, 2026:  
\_4882 (1) Subsection 81-9-208(12) enacted in S.B. 304 not take effect; and  
\_4883 (2) Subsection 81-9-208(13) enacted in S.B. 257 be amended to read:  
\_4884 "(13) (a) Except as provided in Subsection (13)(b), the court shall award make-up  
\_4885 parent-time to a parent, upon a motion or petition from the parent, if:  
\_4886 (i) the parent was denied parent-time with a minor child due to an investigation by the  
\_4887 Division of Child and Family Services and the investigation did not result in a finding of  
\_4888 abuse, neglect, or dependency; or  
\_4889 (ii) (A) the parent can show that a court determined the other parent knowingly falsified a  
\_4890 material statement or material information during a protective order proceeding as described in  
\_4891 Section 78B-7-208 and the court dismissed the underlying protective order on the merits after  
\_4892 providing the parties to the protective order with notice and an opportunity to be heard;  
\_4893 (B) the parent lost parent-time as a result of the other parent's falsification of a material  
\_4894 statement or material information during the protective order proceeding; and  
\_4895 (C) there has not been a finding of abuse or neglect against the parent.  
\_4896 (b) A court may deny a motion or petition for make-up parent-time based on Subsection  
\_4897 (13)(a)(i) if:  
\_4898 (i) the parent did not diligently exercise parent-time with the child before the investigation  
\_4899 by the Division of Child and Family Services; or  
\_4900 (ii) a party shows good cause for denying the motion or petition.  
\_4901 (c) When a court orders make-up parent-time under this Subsection (13):  
\_4902 (i) the court shall order:  
\_4903 (A) parent-time that is the same type and duration of the parent-time that was denied; and  
\_4904 (B) that the make-up parent-time occur within two years from the day on which the court  
\_4905 enters the order for make-up parent-time; and  
\_4906 (ii) the court may include weekend or holiday parent-time or extended parent-time that was  
\_4907 denied to the parent.  
\_4908 (d) This Subsection (13) does not create a right of action against the Division of Child and  
\_4909 Family Services."