

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

**DOMESTIC RELATIONS RECODIFICATION**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: Brady Brammer

---

---

**LONG TITLE**

**General Description:**

This bill recodifies and amends statutes related to domestic relations.

**Highlighted Provisions:**

This bill:

▶ recodifies Title 30, Husband and Wife, to Title 81, Utah Domestic Relations Code;

▶ recodifies Title 78B, Chapter 12, Utah Child Support Act, to Title 81, Chapter 6,

Child Support;

▶ defines terms;

▶ clarifies provisions related to a claim of a creditor when the joint debtors divorce or are living separately under an order of separate maintenance;

▶ clarifies the validation of a marriage to an individual subject to chronic epileptic fits who had not been sterilized;

▶ clarifies the validation of an interracial marriage;

▶ clarifies the validation of a marriage to an individual with acquired immune deficiency syndrome or other sexually transmitted disease;

▶ clarifies provisions regarding the rights and obligations during a marriage;

▶ clarifies provisions regarding the dissolution of a marriage, including:

- an order for separate maintenance;



- 26           • an annulment; and
- 27           • a divorce;
- 28           ▶ provides that a provision regarding a party's retirement being a substantial material
- 29 change in circumstances for purposes of modifying alimony applies to a divorce
- 30 decree regardless of the date which the divorce decree was entered;
- 31           ▶ clarifies provisions regarding child support, including:
- 32               • the requirements for a child support order;
- 33               • the general requirements for calculating child support; and
- 34               • the requirements for calculating child support for a sole physical custody case, a
- 35 joint physical custody case, and a split physical custody case;
- 36           ▶ clarifies provisions regarding custody, parent-time, and visitation;
- 37           ▶ repeals statutes related to domestic relations, including a statute on the appointment
- 38 of counsel for a child; and
- 39           ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41           None

42 **Other Special Clauses:**

43           This bill provides a special effective date.

44           This bill provides coordination clauses.

45 **Utah Code Sections Affected:**

46 AMENDS:

47           15-4-1, as last amended by Laws of Utah 2023, Chapter 327

48           15-4-6.5, as last amended by Laws of Utah 2000, Chapter 252

49           15-4-6.7, as last amended by Laws of Utah 2023, Chapter 327

50           17-16-21, as last amended by Laws of Utah 2022, Chapter 335

51           23A-4-1102, as last amended by Laws of Utah 2023, Chapter 327 and renumbered and

52 amended by Laws of Utah 2023, Chapter 103

53           26B-1-202, as last amended by Laws of Utah 2023, Chapter 302

54           26B-5-316, as renumbered and amended by Laws of Utah 2023, Chapter 308

55           26B-6-411, as renumbered and amended by Laws of Utah 2023, Chapter 308

56           26B-8-101, as last amended by Laws of Utah 2023, Chapter 306 and last amended by

57 Coordination Clause, Laws of Utah 2023, Chapter 306  
58 **26B-9-101**, as last amended by Laws of Utah 2023, Chapter 305  
59 **26B-9-104**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
60 **26B-9-201**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
61 **26B-9-202**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
62 **26B-9-210**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
63 **26B-9-211**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
64 **26B-9-212**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
65 **26B-9-213**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
66 **26B-9-214**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
67 **26B-9-217**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
68 **26B-9-220**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
69 **26B-9-221**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
70 **26B-9-224**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
71 **26B-9-225**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
72 **26B-9-226**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
73 **26B-9-230**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
74 **26B-9-301**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
75 **26B-9-303**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
76 **26B-9-304**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
77 **26B-9-403**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
78 **26B-9-405**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
79 **26B-9-501**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
80 **31A-22-610.5**, as last amended by Laws of Utah 2023, Chapter 327  
81 **35A-3-307**, as last amended by Laws of Utah 2015, Chapter 221  
82 **51-9-408**, as last amended by Laws of Utah 2021, Chapter 262  
83 **58-60-112**, as last amended by Laws of Utah 2023, Chapter 139  
84 **63G-20-201**, as enacted by Laws of Utah 2015, Chapter 46  
85 **63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423  
86 **63I-2-278**, as last amended by Laws of Utah 2023, Chapters 33 and 250  
87 **63M-15-204**, as enacted by Laws of Utah 2021, Chapter 91

- 88            **76-8-1201**, as last amended by Laws of Utah 2015, Chapter 221
- 89            **77-36-1**, as last amended by Laws of Utah 2022, Chapters 185 and 430
- 90            **77-38-615**, as last amended by Laws of Utah 2023, Chapter 237
- 91            **78A-2-301**, as last amended by Laws of Utah 2023, Chapter 330
- 92            **78A-5a-103 (Effective 10/01/24)**, as enacted by Laws of Utah 2023, Chapter 394
- 93            **78A-6-103**, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330
- 94            **78A-6-104**, as last amended by Laws of Utah 2022, Chapter 335
- 95            **78A-6-356**, as last amended by Laws of Utah 2023, Chapter 330
- 96            **78B-3-416**, as last amended by Laws of Utah 2023, Chapter 139
- 97            **78B-3-426**, as last amended by Laws of Utah 2018, Chapter 440
- 98            **78B-6-316**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 99            **78B-7-204**, as last amended by Laws of Utah 2021, Chapter 262
- 100           **78B-15-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 101           **78B-15-113**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 102           **78B-15-603**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 103           **78B-15-610**, as last amended by Laws of Utah 2019, Chapter 188
- 104           **78B-15-623**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 105           **78B-20-403**, as last amended by Laws of Utah 2017, Chapter 224
- 106           **78B-20-404**, as last amended by Laws of Utah 2017, Chapter 224
- 107           **80-2-906**, as renumbered and amended by Laws of Utah 2022, Chapter 334

108 ENACTS:

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

- 119            **81-4-101**, Utah Code Annotated 1953
- 120            **81-4-201**, Utah Code Annotated 1953
- 121            **81-4-301**, Utah Code Annotated 1953
- 122            **81-4-401**, Utah Code Annotated 1953
- 123            **81-4-402**, Utah Code Annotated 1953
- 124            **81-4-406**, Utah Code Annotated 1953
- 125            **81-4-501**, Utah Code Annotated 1953
- 126            **81-4-502**, Utah Code Annotated 1953
- 127            **81-4-503**, Utah Code Annotated 1953
- 128            **81-4-504**, Utah Code Annotated 1953
- 129            **81-5-101**, Utah Code Annotated 1953
- 130            **81-6-102**, Utah Code Annotated 1953
- 131            **81-6-201**, Utah Code Annotated 1953
- 132            **81-6-204**, Utah Code Annotated 1953
- 133            **81-6-205**, Utah Code Annotated 1953
- 134            **81-6-206**, Utah Code Annotated 1953
- 135            **81-6-207**, Utah Code Annotated 1953
- 136            **81-6-212**, Utah Code Annotated 1953
- 137            **81-6-213**, Utah Code Annotated 1953
- 138            **81-6-301**, Utah Code Annotated 1953
- 139            **81-6-401**, Utah Code Annotated 1953
- 140            **81-7-101**, Utah Code Annotated 1953
- 141            **81-8-101**, Utah Code Annotated 1953
- 142            **81-9-201**, Utah Code Annotated 1953
- 143            **81-9-301**, Utah Code Annotated 1953

144 RENUMBERS AND AMENDS:

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

150            **81-2-202**, (Renumbered from 30-1-30, as last amended by Laws of Utah 2018, Chapter  
151 347)  
152            **81-2-203**, (Renumbered from 30-1-31, as enacted by Laws of Utah 1971, Chapter 64)  
153            **81-2-204**, (Renumbered from 30-1-32, as last amended by Laws of Utah 2011, Chapter  
154 297)  
155            **81-2-205**, (Renumbered from 30-1-33, as last amended by Laws of Utah 2011, Chapter  
156 297)  
157            **81-2-206**, (Renumbered from 30-1-34, as last amended by Laws of Utah 2021, Chapter  
158 91)  
159            **81-2-207**, (Renumbered from 30-1-35, as last amended by Laws of Utah 2011, Chapter  
160 297)  
161            **81-2-208**, (Renumbered from 30-1-37, as last amended by Laws of Utah 2011, Chapter  
162 297)  
163            **81-2-209**, (Renumbered from 30-1-38, as enacted by Laws of Utah 1971, Chapter 64)  
164            **81-2-302**, (Renumbered from 30-1-7, as last amended by Laws of Utah 2021, Chapter  
165 305)  
166            **81-2-303**, (Renumbered from 30-1-8, as last amended by Laws of Utah 2021, Chapter  
167 305)  
168            **81-2-304**, (Renumbered from 30-1-9, as last amended by Laws of Utah 2021, Chapter  
169 305)  
170            **81-2-305**, (Renumbered from 30-1-6, as last amended by Laws of Utah 2022, Chapter  
171 444)  
172            **81-2-306**, (Renumbered from 30-1-12, as last amended by Laws of Utah 2023, Chapter  
173 327)  
174            **81-2-402**, (Renumbered from 30-1-1, as last amended by Laws of Utah 2022, Chapter  
175 217)  
176            **81-2-403**, (Renumbered from 30-1-2, as last amended by Laws of Utah 2019, Chapters  
177 300 and 317)  
178            **81-2-404**, (Renumbered from 30-1-2.1, as enacted by Laws of Utah 1963, Chapter 41)  
179            **81-2-405**, (Renumbered from 30-1-2.2, as last amended by Laws of Utah 1995, Chapter  
180 20)

- 181            **81-2-406**, (Renumbered from 30-1-2.3, as last amended by Laws of Utah 1995, Chapter
- 182 20)
- 183            **81-2-407**, (Renumbered from 30-1-4, as last amended by Laws of Utah 2019, Chapter
- 184 300)
- 185            **81-2-408**, (Renumbered from 30-1-4.5, as last amended by Laws of Utah 2021, Chapter
- 186 186)
- 187            **81-2-409**, (Renumbered from 30-1-3, as repealed and reenacted by Laws of Utah 2022,
- 188 Chapter 217)
- 189            **81-3-102**, (Renumbered from 30-2-2, Utah Code Annotated 1953)
- 190            **81-3-103**, (Renumbered from 30-2-3, Utah Code Annotated 1953)
- 191            **81-3-104**, (Renumbered from 30-2-4, Utah Code Annotated 1953)
- 192            **81-3-105**, (Renumbered from 30-2-5, as last amended by Laws of Utah 2023, Chapter
- 193 327)
- 194            **81-3-106**, (Renumbered from 30-2-6, Utah Code Annotated 1953)
- 195            **81-3-107**, (Renumbered from 30-2-7, as last amended by Laws of Utah 2011, Chapter
- 196 297)
- 197            **81-3-108**, (Renumbered from 30-2-8, Utah Code Annotated 1953)
- 198            **81-3-109**, (Renumbered from 30-2-9, as last amended by Laws of Utah 2015, Chapter
- 199 457)
- 200            **81-3-110**, (Renumbered from 30-2-10, as last amended by Laws of Utah 1977, Chapter
- 201 122)
- 202            **81-3-111**, (Renumbered from 30-2-11, as last amended by Laws of Utah 2008, Chapters
- 203 3 and 382)
- 204            **81-3-201**, (Renumbered from 30-8-2, as enacted by Laws of Utah 1994, Chapter 105)
- 205            **81-3-202**, (Renumbered from 30-8-3, as last amended by Laws of Utah 2011, Chapter
- 206 297)
- 207            **81-3-203**, (Renumbered from 30-8-4, as enacted by Laws of Utah 1994, Chapter 105)
- 208            **81-3-204**, (Renumbered from 30-8-5, as enacted by Laws of Utah 1994, Chapter 105)
- 209            **81-3-205**, (Renumbered from 30-8-6, as enacted by Laws of Utah 1994, Chapter 105)
- 210            **81-3-206**, (Renumbered from 30-8-7, as enacted by Laws of Utah 1994, Chapter 105)
- 211            **81-3-207**, (Renumbered from 30-8-8, as enacted by Laws of Utah 1994, Chapter 105)

212 **81-3-208**, (Renumbered from 30-8-9, as enacted by Laws of Utah 1994, Chapter 105)  
213 **81-4-102**, (Renumbered from 30-1-17.4, as enacted by Laws of Utah 1971, Chapter 65)  
214 **81-4-103**, (Renumbered from 30-4a-1, as enacted by Laws of Utah 1983, Chapter 118)  
215 **81-4-104**, (Renumbered from 30-3-4.5, as last amended by Laws of Utah 2010, Chapter  
216 34)  
217 **81-4-105**, (Renumbered from 30-3-11.4, as last amended by Laws of Utah 2022,  
218 Chapter 272)  
219 **81-4-106**, (Renumbered from 30-3-11.3, as last amended by Laws of Utah 2022,  
220 Chapter 272)  
221 **81-4-202**, (Renumbered from 30-4-1, as last amended by Laws of Utah 1993, Chapter  
222 137)  
223 **81-4-203**, (Renumbered from 30-4-2, as last amended by Laws of Utah 1977, Chapter  
224 122)  
225 **81-4-204**, (Renumbered from 30-4-3, as last amended by Laws of Utah 1991, Chapter  
226 257)  
227 **81-4-205**, (Renumbered from 30-4-4, Utah Code Annotated 1953)  
228 **81-4-206**, (Renumbered from 30-4-5, as last amended by Laws of Utah 1977, Chapter  
229 122)  
230 **81-4-302**, (Renumbered from 30-1-17.1, as enacted by Laws of Utah 1971, Chapter 65)  
231 **81-4-303**, (Renumbered from 30-1-17, as last amended by Laws of Utah 2019, Chapter  
232 300)  
233 **81-4-403**, (Renumbered from 30-3-39, as last amended by Laws of Utah 2008, Chapter  
234 3)  
235 **81-4-404**, (Renumbered from 30-3-5.2, as last amended by Laws of Utah 2022, Chapter  
236 335)  
237 **81-4-405**, (Renumbered from 30-3-1, as last amended by Laws of Utah 1997, Chapter  
238 47)  
239 **81-6-101**, (Renumbered from 78B-12-102, as last amended by Laws of Utah 2023,  
240 Chapters 330 and 333)  
241 **81-6-103**, (Renumbered from 78B-12-103, as renumbered and amended by Laws of  
242 Utah 2008, Chapter 3)



243           **81-6-104**, (Renumbered from 78B-12-105, as renumbered and amended by Laws of  
244 Utah 2008, Chapter 3)

245           **81-6-105**, (Renumbered from 78B-12-105.1, as enacted by Laws of Utah 2021,  
246 Chapters 111 and 111)

247           **81-6-106**, (Renumbered from 78B-12-113, as last amended by Laws of Utah 2023,  
248 Chapter 330)

249           **81-6-107**, (Renumbered from 78B-12-201, as renumbered and amended by Laws of  
250 Utah 2008, Chapter 3)

251           **81-6-108**, (Renumbered from 78B-12-109, as renumbered and amended by Laws of  
252 Utah 2008, Chapter 3)

253           **81-6-109**, (Renumbered from 78B-12-115, as renumbered and amended by Laws of  
254 Utah 2008, Chapter 3)

255           **81-6-110**, (Renumbered from 78B-12-114, as renumbered and amended by Laws of  
256 Utah 2008, Chapter 3)

257           **81-6-202**, (Renumbered from 78B-12-210, as last amended by Laws of Utah 2022,  
258 Chapter 470)

259           **81-6-203**, (Renumbered from 78B-12-203, as last amended by Laws of Utah 2017,  
260 Chapter 368)

261           **81-6-208**, (Renumbered from 78B-12-212, as last amended by Laws of Utah 2023,  
262 Chapter 333)

263           **81-6-209**, (Renumbered from 78B-12-214, as renumbered and amended by Laws of  
264 Utah 2008, Chapter 3)

265           **81-6-210**, (Renumbered from 78B-12-217, as renumbered and amended by Laws of  
266 Utah 2008, Chapter 3)

267           **81-6-211**, (Renumbered from 78B-12-216, as last amended by Laws of Utah 2023,  
268 Chapter 330)

269           **81-6-214**, (Renumbered from 78B-12-218, as renumbered and amended by Laws of  
270 Utah 2008, Chapter 3)

271           **81-6-302**, (Renumbered from 78B-12-301, as last amended by Laws of Utah 2022,  
272 Chapter 470)

273           **81-6-303**, (Renumbered from 78B-12-302, as last amended by Laws of Utah 2022,

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

305 Chapter 44)  
306 **81-9-209**, (Renumbered from 30-3-37, as last amended by Laws of Utah 2020, Chapter  
307 354)  
308 **81-9-302**, (Renumbered from 30-3-35, as last amended by Laws of Utah 2023, Chapter  
309 437)  
310 **81-9-303**, (Renumbered from 30-3-35.1, as last amended by Laws of Utah 2023,  
311 Chapter 437)  
312 **81-9-304**, (Renumbered from 30-3-35.5, as last amended by Laws of Utah 2023,  
313 Chapter 437)  
314 **81-9-305**, (Renumbered from 30-3-35.2, as enacted by Laws of Utah 2021, Chapter  
315 399)  
316 **81-9-401**, (Renumbered from 30-5-1, as last amended by Laws of Utah 2020, Chapter  
317 48)  
318 **81-9-402**, (Renumbered from 30-5a-103, as last amended by Laws of Utah 2022,  
319 Chapters 185, 335, and 430)  
320 **81-9-403**, (Renumbered from 30-5-2, as last amended by Laws of Utah 2022, Chapter  
321 335)  
322 **81-9-404**, (Renumbered from 30-5a-104, as enacted by Laws of Utah 2009, Chapter  
323 108)  
324 REPEALS:  
325 **26B-9-227**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
326 **30-1-5**, as last amended by Laws of Utah 2011, Chapter 297  
327 **30-1-9.1**, as enacted by Laws of Utah 2001, Chapter 129  
328 **30-1-10**, as last amended by Laws of Utah 2019, Chapter 317  
329 **30-1-11**, as last amended by Laws of Utah 2019, Chapter 420  
330 **30-1-13**, as last amended by Laws of Utah 2019, Chapter 300  
331 **30-1-14**, as last amended by Laws of Utah 2019, Chapter 300  
332 **30-1-15**, as last amended by Laws of Utah 2001, Chapter 129  
333 **30-1-16**, as last amended by Laws of Utah 2013, Chapter 108  
334 **30-1-17.2**, as last amended by Laws of Utah 2008, Chapter 3  
335 **30-1-17.3**, as last amended by Laws of Utah 2019, Chapter 300

- 336 **30-3-2**, Utah Code Annotated 1953
- 337 **30-3-4**, as last amended by Laws of Utah 2018, Chapter 470
- 338 **30-3-5**, as last amended by Laws of Utah 2023, Chapters 327 and 418
- 339 **30-3-5.1**, as last amended by Laws of Utah 2023, Chapter 327
- 340 **30-3-5.4**, as last amended by Laws of Utah 2023, Chapters 327 and 333
- 341 **30-3-7**, as last amended by Laws of Utah 2012, Chapter 404
- 342 **30-3-8**, as last amended by Laws of Utah 1988, Chapter 154
- 343 **30-3-10.3**, as last amended by Laws of Utah 2012, Chapter 271
- 344 **30-3-10.5**, as last amended by Laws of Utah 2023, Chapter 327
- 345 **30-3-10.7**, as last amended by Laws of Utah 2006, Chapter 287
- 346 **30-3-10.8**, as last amended by Laws of Utah 2023, Chapter 44
- 347 **30-3-10.10**, as enacted by Laws of Utah 2006, Chapter 287
- 348 **30-3-10.17**, as enacted by Laws of Utah 1997, Chapter 232
- 349 **30-3-11.1**, as enacted by Laws of Utah 1969, Chapter 72
- 350 **30-3-11.2**, as enacted by Laws of Utah 1969, Chapter 72
- 351 **30-3-18**, as last amended by Laws of Utah 2018, Chapter 470
- 352 **30-3-32**, as last amended by Laws of Utah 2022, Chapter 471
- 353 **30-3-36**, as last amended by Laws of Utah 2001, Chapter 255
- 354 **30-5a-101**, as last amended by Laws of Utah 2020, Chapter 48
- 355 **30-5a-102**, as last amended by Laws of Utah 2020, Chapter 48
- 356 **30-8-1**, as enacted by Laws of Utah 1994, Chapter 105
- 357 **63I-1-230**, as last amended by Laws of Utah 2021, Chapter 91
- 358 **75-2b-101**, as enacted by Laws of Utah 2012, Chapter 132
- 359 **78B-12-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 360 **78B-12-104**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 361 **78B-12-106**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 362 **78B-12-107**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 363 **78B-12-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 364 **78B-12-110**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 365 **78B-12-111**, as last amended by Laws of Utah 2023, Chapter 330
- 366 **78B-12-116**, as renumbered and amended by Laws of Utah 2008, Chapter 3

- 367            **78B-12-117**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 368            **78B-12-202**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 369            **78B-12-204**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 370            **78B-12-205**, as last amended by Laws of Utah 2022, Chapter 470
- 371            **78B-12-206**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 372            **78B-12-207**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 373            **78B-12-208**, as last amended by Laws of Utah 2021, Chapter 399
- 374            **78B-12-209**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 375            **78B-12-211**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 376            **78B-12-212.1**, as enacted by Laws of Utah 2021, Chapters 111 and 111
- 377            **78B-12-213**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 378            **78B-12-215**, as last amended by Laws of Utah 2013, Chapter 467
- 379            **78B-12-219**, as last amended by Laws of Utah 2021, Chapter 262

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

- 381            **30-1-2.2**, as last amended by Laws of Utah 1995, Chapter 20
- 382            **30-1-2.4**, Utah Code Annotated 1953
- 383            **30-1-4.5**, as last amended by Laws of Utah 2021, Chapter 186
- 384            **30-1-6**, as last amended by Laws of Utah 2022, Chapter 444
- 385            **30-1-8**, as last amended by Laws of Utah 2021, Chapter 305
- 386            **30-3-4.5**, as last amended by Laws of Utah 2010, Chapter 34
- 387            **30-3-10**, as last amended by Laws of Utah 2023, Chapters 44 and 327
- 388            **30-3-10.4**, as last amended by Laws of Utah 2023, Chapter 44
- 389            **30-3-11.3**, as last amended by Laws of Utah 2022, Chapter 272
- 390            **30-3-11.4**, as last amended by Laws of Utah 2022, Chapter 272
- 391            **30-3-33**, as last amended by Laws of Utah 2017, Chapter 224
- 392            **51-9-408**, as last amended by Laws of Utah 2021, Chapter 262
- 393            **78B-15-610**, as last amended by Laws of Utah 2019, Chapter 188
- 394            **81-4-401**, Utah Code Annotated 1953
- 395            **81-4-402**, Utah Code Annotated 1953

---

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

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

399 **15-4-1. Definitions.**

400 As used in this chapter:

401 (1) "Administrative agency" means the same as that term is defined in Section  
402 81-6-101.

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

404 [~~(1)~~] (3) "Obligation" includes a liability in tort and contractual obligations.

405 [~~(2)~~] (4) "Obligee" includes a creditor and a person having a right based on a tort.

406 [~~(3)~~] (5) "Obligor" includes a debtor and a person liable for a tort.

407 [~~(4)~~] (6) (a) "School fee" means a charge, deposit, rent, or other mandatory payment  
408 imposed by:

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

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

412 (b) "School fee" includes:

413 (i) an admission fee;

414 (ii) a transportation charge; or

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

418 [~~(5)~~] (7) "Several obligors" means obligors severally bound for the same performance.

419 [~~(6)~~] (8) "Waiver" means the act of not requiring an individual to pay an amount that  
420 the individual otherwise owes.

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

422 **15-4-6.5. Divorce or separate maintenance of co-obligors.**

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

426 (2) In addition to the creditor's duties as a secured party under Title 70A, Chapter 9a,  
427 Uniform Commercial Code - Secured Transactions, and the creditor's duties as a trustee or  
428 beneficiary of a trust deed under Title 57, Chapter 1, Conveyances, a creditor~~[-who has been~~

429 notified by service of a copy of a court order under Section ~~30-3-5 or 30-4-3~~ that the debtors  
 430 are divorced or living separately under an order for separate maintenance, and who has been  
 431 expressly advised of the separate, current addresses of the debtors either by the court order or  
 432 by other written notice,] shall provide to the debtors individually all statements, notices, and  
 433 other similar correspondence required by law or by the contract if:

434 (a) the creditor has been notified by service of a copy of a court order under Section  
 435 81-4-204 or 81-4-406 that the debtors are divorced or living separately under an order for  
 436 separate maintenance; and

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

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

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

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

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

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

453 **15-4-6.7. Medical and miscellaneous expenses of a child -- Collection and billing**  
 454 **pursuant to court or administrative order of child support.**

455 (1) When a court or an administrative agency enters an order that provides for the  
 456 payment of medical and dental expenses of a ~~[minor child under Section 30-3-5, 30-4-3, or~~  
 457 ~~78B-12-111, or an administrative order under Section 26B-9-224]~~ child as described in Section  
 458 26B-9-224 or 81-6-202, a provider who receives a copy of the order:

459 (a) at or before the time the provider renders medical or dental services to the minor

460 child ~~[shall]~~, and upon request from ~~[either]~~ a parent, shall separately bill each parent for the  
461 share of the medical and dental expenses that the parent is required to pay under the order; or

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

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

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

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

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

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

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

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

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



491 **17-16-21. Fees of county officers.**

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

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

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

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

497 (b) As long as the Children's Legal Defense Account is authorized by Section  
498 51-9-408, the county clerk shall:

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

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

503 (c) (i) As long as the Division of Child and Family Services, created in Section  
504 80-2-201, has the responsibility under Section 80-2-301 to provide services, including  
505 temporary shelter, for victims of domestic violence, the county clerk shall:

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

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

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

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

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

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

521 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage

522 license fee to the state treasurer for deposit annually as follows:

523 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in Title  
524 63M, Chapter 15, Utah Marriage Commission, as dedicated credits for the operation of the  
525 Utah Marriage Commission; and

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

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

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

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

533 **23A-4-1102. Issuance of license, permit, or tag prohibited for failure to pay child**  
534 **support.**

535 (1) As used in this section:

536 (a) "Child support" means the same as that term is defined in Section [~~26B-9-301~~]  
537 [26B-9-101](#).

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

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

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

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

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

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

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

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

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

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

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

558 (i) paid the delinquency in full; or

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

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

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

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

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

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

573 (i) provides the office with information regarding the individual's new employer within  
574 30 days from the day on which the missed payment was due;

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

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

579 (4) (a) The division or a wildlife license agent may not knowingly issue a license,  
580 permit, or tag under this title to an individual identified by the office as delinquent on a child  
581 support obligation until notified by the office that the individual has complied with Subsection  
582 (3).

583 (b) The division is not required to hold or reserve a license, permit, or tag opportunity

584 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that  
585 individual upon compliance with Subsection (3).

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

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

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

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

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

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

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

603 **26B-1-202. Department authority and duties.**

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

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

615 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

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

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

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

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

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

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

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

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

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

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

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

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

642 (17) establish policy and procedures, within appropriations authorized by the  
643 Legislature, in cases where the Division of Child and Family Services or the Division of  
644 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah  
645 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not

646 competent to proceed under Section [80-6-403](#), including:

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

648 (b) delineation of assessment criteria and procedures;

649 (c) minimum requirements, and timeframes, for the development and implementation

650 of a collaborative service plan for each minor placed in department custody; and

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

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

653 (19) examine and audit the expenditures of any public funds provided to a local

654 substance abuse authority, a local mental health authority, a local area agency on aging, and any

655 person, agency, or organization that contracts with or receives funds from those authorities or

656 agencies. Those local authorities, area agencies, and any person or entity that contracts with or

657 receives funds from those authorities or area agencies, shall provide the department with any

658 information the department considers necessary. The department is further authorized to issue

659 directives resulting from any examination or audit to a local authority, an area agency, and

660 persons or entities that contract with or receive funds from those authorities with regard to any

661 public funds. If the department determines that it is necessary to withhold funds from a local

662 mental health authority or local substance abuse authority based on failure to comply with state

663 or federal law, policy, or contract provisions, the department may take steps necessary to

664 ensure continuity of services. For purposes of this Subsection (19) "public funds" means the

665 same as that term is defined in Section [~~62A-15-102~~] [26B-5-101](#);

666 (20) in accordance with Subsection [26B-2-104\(1\)\(d\)](#), accredit one or more agencies

667 and persons to provide intercountry adoption services;

668 (21) within legislative appropriations, promote and develop a system of care and

669 stabilization services:

670 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

671 (b) that encompasses the department, department contractors, and the divisions,

672 offices, or institutions within the department, to:

673 (i) navigate services, funding resources, and relationships to the benefit of the children

674 and families whom the department serves;

675 (ii) centralize department operations, including procurement and contracting;

676 (iii) develop policies that govern business operations and that facilitate a system of care

677 approach to service delivery;

678 (iv) allocate resources that may be used for the children and families served by the  
679 department or the divisions, offices, or institutions within the department, subject to the  
680 restrictions in Section 63J-1-206;

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

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

684 (22) ensure that any training or certification required of a public official or public  
685 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
686 22, State Training and Certification Requirements, if the training or certification is required:

687 (a) under this title;

688 (b) by the department; or

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

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

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

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

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

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

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

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

708 the state;

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

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

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

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

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

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

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

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

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

735 (39) establish qualifications for individuals permitted to draw blood under Subsection  
736 [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#), and to  
737 issue permits to individuals the department finds qualified, which permits may be terminated or  
738 revoked by the department;



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

743 (41) conduct health planning for the state;

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

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

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

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

755 (46) ensure that any training or certification required of a public official or public  
756 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
757 22, State Training and Certification Requirements, if the training or certification is required by  
758 the agency or under this title, Title 26, Utah Health Code, or [~~Title 62A, Utah Human Services  
759 Code~~] Title 26B, Utah Health and Human Services Code;

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

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

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

764 **26B-5-316. Responsibility for cost of care.**

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

770 (2) In addition to the expenses described in Subsection (1), parents are responsible for  
771 the support of their child while the child is in the care of the state hospital [~~pursuant to Title~~  
772 ~~78B, Chapter 12, Utah Child Support Act, and~~] in accordance with Title 26B, Chapter 9,  
773 Recovery Services and Administration of Child Support, and Title 81, Chapter 6, Child  
774 Support.

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

776 **26B-6-411. Parent liable for cost and support of minor -- Guardian liable for**  
777 **costs.**

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

783 (2) A guardian of a person who receives services or support from the division is liable  
784 for the cost of actual care and maintenance of that person, regardless of his age, where funds  
785 are available in the guardianship estate established on his behalf for that purpose. However, if  
786 the person who receives services is a beneficiary of a trust created in accordance with Section  
787 **26B-6-412**, or if the guardianship estate meets the requirements of a trust described in that  
788 section, the trust income prior to distribution to the beneficiary, and the trust principal are not  
789 subject to payment for services or support for that person.

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

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

796 **26B-8-101. Definitions.**

797 As used in this part:

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

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

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

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

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

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

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

812 (b) has custody of a dead body.

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

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

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

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

820 (b) that was not born alive.

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

824 (9) "Dispositioner" means:

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

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

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

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

- 832 (ii) the next of kin voluntarily acts as the dispositioner.
- 833 (10) "Fetal remains" means:
- 834 (a) an aborted fetus as that term is defined in Section 26B-2-232; or
- 835 (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- 836 (11) "File" means the submission of a completed certificate or other similar document,
- 837 record, or report as provided under this part for registration by the state registrar or a local
- 838 registrar.
- 839 (12) "Funeral service director" means the same as that term is defined in Section
- 840 58-9-102.
- 841 (13) "Health care facility" means the same as that term is defined in Section
- 842 26B-2-201.
- 843 (14) "Health care professional" means a physician, physician assistant, nurse
- 844 practitioner, or certified nurse midwife.
- 845 (15) "Intersex individual" means an individual who:
- 846 (a) is born with external biological sex characteristics that are irresolvably ambiguous;
- 847 (b) is born with 46, XX chromosomes with virilization;
- 848 (c) is born with 46, XY chromosomes with undervirilization;
- 849 (d) has both ovarian and testicular tissue; or
- 850 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with
- 851 abnormal:
- 852 (i) sex chromosome structure;
- 853 (ii) sex steroid hormone production; or
- 854 (iii) sex steroid hormone action for a male or female.
- 855 (16) "Licensed funeral establishment" means:
- 856 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
- 857 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or
- 858 (b) if located in a state, district, or territory of the United States other than Utah, a
- 859 funeral service establishment that complies with the licensing laws of the jurisdiction where the
- 860 establishment is located.
- 861 (17) "Live birth" means the birth of a child who shows evidence of life after the child is
- 862 entirely outside of the mother.

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

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

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

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

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

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

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

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

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

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

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

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

885 (25) "State registrar" means the state registrar of vital records appointed under Section  
886 [26B-8-102](#).

887 (26) "Vital records" means:

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

890 (b) amendments to any of the registered certificates or reports described in Subsection

891 (26)(a);

892 (c) an adoption document; and

893 (d) other similar documents.

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

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

898 **26B-9-101. Definitions.**

899 As used in this part:

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

902 (2) "Assistance" means public assistance.

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

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

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

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

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

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

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

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

920 [~~(8)~~] (7) "Financial institution" means:

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

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

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

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

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

931 ~~[(9)]~~ (8) "Financial record" means the same as that term is defined in the Right to  
932 Financial Privacy Act of 1978, 12 U.S.C. Sec. 3401.

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

938 (b) "Income" includes:

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

941 (ii) interest and dividends;

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

944 (iv) unemployment compensation benefits;

945 (v) workers' compensation benefits; and

946 (vi) disability benefits.

947 ~~[(11)]~~ (10) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec.  
948 651 et seq.

949 ~~[(12)]~~ (11) "IV-D child support services" means ~~[the same as]~~ child support services.

950 ~~[(13)]~~ (12) "New hire registry" means the centralized new hire registry created in  
951 Section 35A-7-103.

952 ~~[(14)]~~ (13) "Obligee" means an individual, this state, another state, or other comparable  
953 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support or  
954 public assistance.

955 ~~[(15)]~~ (14) "Obligor" means a person, firm, corporation, or the estate of a decedent

956 owing money to this state, to an individual, to another state, or other comparable jurisdiction in  
957 whose behalf this state is acting.

958 ~~[(16)]~~ (15) "Office" means the Office of Recovery Services.

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

961 ~~[(18)]~~ (16) "Public assistance" means:

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

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

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

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

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

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

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

976 (b) each support order established or modified in the state on or after October 1, 1998.  
977 Section 11. Section 26B-9-104 is amended to read:

978 **26B-9-104. Duties of the Office of Recovery Services.**

979 (1) The office has the following duties:

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

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

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

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

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



- 987 (i) this chapter;
- 988 [~~(ii) Title 78B, Chapter 12, Utah Child Support Act;~~
- 989 [~~(iii)~~ (ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act; ~~and~~
- 990 [~~(iv)~~ (iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 991 (iv) Title 81, Chapter 6, Child Support;
- 992 (c) to collect money due the department which could act to offset expenditures by the
- 993 state;
- 994 (d) to cooperate with the federal government in programs designed to recover health
- 995 and social service funds;
- 996 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
- 997 and reimbursable expenses owed to the state or any of its political subdivisions, if the office
- 998 has contracted to provide collection services;
- 999 (f) to implement income withholding for collection of child support in accordance with
- 1000 Part 3, Income Withholding in IV-D Cases;
- 1001 (g) to enter into agreements with financial institutions doing business in the state to
- 1002 develop and operate, in coordination with such financial institutions, a data match system in the
- 1003 manner provided for in Section [26B-9-208](#);
- 1004 (h) to establish and maintain the state case registry in the manner required by the Social
- 1005 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:
- 1006 (i) the amount of monthly or other periodic support owed under the order, and other
- 1007 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under
- 1008 the order;
- 1009 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 1010 (iii) the distribution of collected amounts;
- 1011 (iv) the birth date of any child for whom the order requires the provision of support;
- 1012 and
- 1013 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 1014 (i) to contract with the Department of Workforce Services to establish and maintain the
- 1015 new hire registry created under Section [35A-7-103](#);
- 1016 (j) to determine whether an individual who has applied for or is receiving cash
- 1017 assistance or Medicaid is cooperating in good faith with the office as required by Section

1018 26B-9-213;

1019 (k) to finance any costs incurred from collections, fees, General Fund appropriation,  
1020 contracts, and federal financial participation; and

1021 (l) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of  
1022 the opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of  
1023 past-due child support, prior to taking action against a noncustodial parent to collect the alleged  
1024 past-due support.

1025 (2) The office may not provide child support services to the Division of Child and  
1026 Family Services for a calendar month when the child to whom the child support services relate  
1027 is:

1028 (a) in the custody of the Division of Child and Family Services; and

1029 (b) lives in the home of a custodial parent of the child for more than seven consecutive  
1030 days, regardless of whether:

1031 (i) the greater than seven consecutive day period starts during one month and ends in  
1032 the next month; and

1033 (ii) the child is living in the home on a trial basis.

1034 (3) The Division of Child and Family Services is not entitled to child support, for a  
1035 child to whom the child support relates, for a calendar month when child support services may  
1036 not be provided under Subsection (2).

1037 Section 12. Section 26B-9-201 is amended to read:

1038 **26B-9-201. Definitions.**

1039 As used in this part:

1040 (1) "Adjudicative proceeding" means an action or proceeding of the office conducted in  
1041 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1042 (2) "Administrative order" means an order that has been issued by the office, the  
1043 department, or an administrative agency of another state or other comparable jurisdiction with  
1044 similar authority to that of the office.

1045 (3) "Arrears" means [~~the same as~~] support debt.

1046 (4) "Assistance" means public assistance as defined in Section 26B-9-101.

1047 [~~(5) "Business day" means a day on which state offices are open for regular business.;~~]

1048 [~~(6) "Child" means:;~~]

1049 ~~[(a) a son or daughter under the age of 18 years who is not otherwise emancipated,~~  
 1050 ~~self-supporting, married, or a member of the armed forces of the United States;]~~

1051 ~~[(b) a son or daughter over the age of 18 years, while enrolled in high school during the~~  
 1052 ~~normal and expected year of graduation and not otherwise emancipated, self-supporting,~~  
 1053 ~~married, or a member of the armed forces of the United States; or]~~

1054 ~~[(c) a son or daughter of any age who is incapacitated from earning a living and is~~  
 1055 ~~without sufficient means].~~

1056 (5) "Cash medical support" means an obligation to equally share all reasonable and  
 1057 necessary medical and dental expenses of children.

1058 (6) "Child" means the same as that term is defined in Section 81-6-101.

1059 (7) "Child support" means the same as that term is defined in Section ~~[26B-9-301]~~  
 1060 26B-9-101.

1061 (8) "Child support guidelines" means ~~[guidelines as defined in Section 78B-12-102]~~  
 1062 the same as that term is defined in Section 81-6-101.

1063 (9) "Child support order" means ~~[the same as that term is defined in Section~~  
 1064 ~~26B-9-301.]~~ a judgment, decree, or order, whether temporary, final, or subject to modification,  
 1065 issued by a tribunal for child support and related costs and fees, interest and penalties, income  
 1066 withholding, attorney fees, and other relief.

1067 (10) "Child support services" means the same as that term is defined in Section  
 1068 26B-9-101.

1069 (11) "Court order" means a judgment or order of a tribunal of appropriate jurisdiction  
 1070 of this state, another state, Native American tribe, the federal government, or any other  
 1071 comparable jurisdiction.

1072 (12) "Director" means the director of the Office of Recovery Services.

1073 (13) "Disposable earnings" means ~~[the same as that term is defined in Section~~  
 1074 ~~26B-9-101.]~~ that part of the earnings of an individual remaining after the deduction of all  
 1075 amounts required by law to be withheld.

1076 ~~[(14) "Guidelines" means the same as that term is defined in Section 78B-12-102;]~~

1077 ~~[(15)]~~ (14) "High-volume automated administrative enforcement" in interstate cases  
 1078 means, on the request of another state, the identification by the office, through automatic data  
 1079 matches with financial institutions and other entities where assets may be found, of assets

1080 owned by persons who owe child support in the requesting state, and the seizure of the assets  
1081 by the office, through levy or other appropriate processes.

1082 ~~[(16)]~~ (15) "Income" means the same as that term is defined in Section [26B-9-101](#).

1083 ~~[(17) "IV-D child support services" means the same as child support services.]~~

1084 (16) "IV-D services" means services provided pursuant to Part D of Title IV of the  
1085 Social Security Act, 42 U.S.C. Sec. 651, et seq.

1086 ~~[(18)]~~ (17) "Notice of agency action" means the notice required to commence an  
1087 adjudicative proceeding in accordance with Section [63G-4-201](#).

1088 ~~[(19)]~~ (18) "Obligee" means an individual, this state, another state, or other  
1089 comparable jurisdiction to whom a duty of child support is owed, or who is entitled to  
1090 reimbursement of child support or public assistance.

1091 ~~[(20)]~~ (19) "Obligor" means a person, firm, corporation, or the estate of a decedent  
1092 owing a duty of support to this state, to an individual, to another state, or other corporate  
1093 jurisdiction in whose behalf this state is acting.

1094 ~~[(21)]~~ (20) "Office" means the Office of Recovery Services.

1095 ~~[(22)]~~ (21) "Parent" means ~~[a natural parent or an adoptive parent of a dependent child]~~  
1096 the same as that term is defined in Section [81-1-101](#).

1097 ~~[(23)]~~ (22) "Past-due support" means ~~[the same as]~~ support debt.

1098 ~~[(24)]~~ (23) "Person" includes an individual, firm, corporation, association, political  
1099 subdivision, department, or office.

1100 ~~[(25)]~~ (24) "Public assistance" means the same as that term is defined in Section  
1101 [26B-9-101](#).

1102 ~~[(26)]~~ (25) "Presiding officer" means a presiding officer described in Section  
1103 [63G-4-103](#).

1104 ~~[(27)]~~ (26) "Support" includes past-due, present, and future obligations established by:

1105 (a) a tribunal or imposed by law for the financial support, maintenance, medical, or  
1106 dental care of a ~~[dependent]~~ child; and

1107 (b) a tribunal for the financial support of a spouse or former spouse with whom the  
1108 obligor's ~~[dependent]~~ child resides if the obligor also owes a child support obligation that is  
1109 being enforced by the state.

1110 ~~[(28)]~~ (27) "Support debt" means the debt created by nonpayment of support.

1111 [~~(29)~~] (28) "Support order" means [~~the same as~~] a child support order.

1112 [~~(30)~~] (29) "Tribunal" means the district court, the department, the Office of Recovery  
1113 Services, or court or administrative agency of any state, territory, possession of the United  
1114 States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or  
1115 other comparable domestic or foreign jurisdiction.

1116 Section 13. Section **26B-9-202** is amended to read:

1117 **26B-9-202. Common-law and statutory remedies augmented by act -- Public**  
1118 **policy.**

1119 (1) The state of Utah, exercising its police and sovereign power, declares that the  
1120 common-law and statutory remedies pertaining to family desertion and nonsupport of [~~minor~~  
1121 ~~dependent~~] children shall be augmented by this part, which is directed to the real and personal  
1122 property resources of the responsible parents.

1123 (2) In order to render resources more immediately available to meet the needs of  
1124 [~~minor~~] children, it is the legislative intent that the remedies provided in this part are in  
1125 addition to, and not in lieu of, existing law.

1126 (3) It is declared to be the public policy of this state that this part be liberally construed  
1127 and administered to the end that children shall be maintained from the resources of responsible  
1128 parents, thereby relieving or avoiding, at least in part, the burden often borne by the general  
1129 citizenry through public assistance programs.

1130 Section 14. Section **26B-9-210** is amended to read:

1131 **26B-9-210. Issuance or modification of an order to collect support for persons not**  
1132 **receiving public assistance.**

1133 The office may proceed to issue or modify an order under Section **26B-9-206** and  
1134 collect under this part even though public assistance is not being provided on behalf of a  
1135 [~~dependent~~] child if the office provides support collection services in accordance with:

1136 (1) an application for services provided under Title IV-D of the federal Social Security  
1137 Act;

1138 (2) the continued service provisions of Subsection **26B-9-213(5)**; or

1139 (3) the interstate provisions of Section **26B-9-209**.

1140 Section 15. Section **26B-9-211** is amended to read:

1141 **26B-9-211. Mandatory review and adjustment of child support orders for TANF**

1142 recipients.

1143 If a child support order has not been issued, adjusted, or modified within the previous  
1144 three years and the children who are the subject of the order currently receive TANF funds, the  
1145 office shall review the order, and if appropriate, move the tribunal to adjust the amount of the  
1146 order if there is a difference of 10% or more between the payor's ordered support amount and  
1147 the payor's support amount required under the child support guidelines.

1148 Section 16. Section **26B-9-212** is amended to read:

1149 **26B-9-212. Collection directly from responsible parent.**

1150 (1) (a) The office may issue or modify an order under Section **26B-9-206** and collect  
1151 under this part directly from a responsible parent if the procedural requirements of applicable  
1152 law have been met and if public assistance is provided on behalf of that parent's [~~dependent~~]  
1153 child.

1154 (b) The direct right to issue an order under this Subsection (1) is independent of and in  
1155 addition to the right derived from that assigned under Section **35A-3-108**.

1156 (2) An order issuing or modifying a support obligation under Subsection (1), issued  
1157 while public assistance was being provided for a [~~dependent~~] child, remains in effect and may  
1158 be enforced by the office under Section **26B-9-210** after provision of public assistance ceases.

1159 (3) (a) The office may issue or modify an administrative order, subject to the  
1160 procedural requirements of applicable law, that requires that obligee to pay to the office  
1161 assigned support that an obligee receives and retains in violation of Subsection **26B-9-213**(4)  
1162 and may reduce to judgment any unpaid balance due.

1163 (b) The office may collect the judgment debt in the same manner as it collects any  
1164 judgment for past-due support owed by an obligor.

1165 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall  
1166 have full standing and authority to establish and enforce child support obligations against an  
1167 alleged parent currently or formerly in a same-sex marriage on the same terms as the Office of  
1168 Recovery Services' authority against other mothers and fathers.

1169 Section 17. Section **26B-9-213** is amended to read:

1170 **26B-9-213. Duties of obligee after assignment of support rights.**

1171 (1) An obligee whose rights to support have been assigned under Section **35A-3-108** as  
1172 a condition of eligibility for public assistance has the following duties:

1173 (a) Unless a good cause or other exception applies, the obligee shall, at the request of  
1174 the office:

1175 (i) cooperate in good faith with the office by providing the name and other identifying  
1176 information of the other parent of the obligee's child for the purpose of:

1177 (A) establishing paternity; or

1178 (B) establishing, modifying, or enforcing a child support order;

1179 (ii) supply additional necessary information and appear at interviews, hearings, and  
1180 legal proceedings; and

1181 (iii) submit the obligee's child and himself to judicially or administratively ordered  
1182 genetic testing.

1183 (b) The obligee may not commence an action against an obligor or file a pleading to  
1184 collect or modify support without the office's written consent.

1185 (c) The obligee may not do anything to prejudice the rights of the office to establish  
1186 paternity, enforce provisions requiring health insurance, or to establish and collect support.

1187 (d) The obligee may not agree to allow the obligor to change the court or  
1188 administratively ordered manner or amount of payment of past, present, or future support  
1189 without the office's written consent.

1190 (2) (a) The office shall determine and redetermine, when appropriate, whether an  
1191 obligee has cooperated with the office as required by Subsection (1)(a).

1192 (b) If the office determines that an obligee has not cooperated as required by  
1193 Subsection (1)(a), the office shall:

1194 (i) forward the determination and the basis for it to the Department of Workforce  
1195 Services, which shall inform the department of the determination, for a determination of  
1196 whether compliance by the obligee should be excused on the basis of good cause or other  
1197 exception; and

1198 (ii) send to the obligee:

1199 (A) a copy of the notice; and

1200 (B) information that the obligee may, within 15 days of notice being sent:

1201 (I) contest the office's determination of noncooperation by filing a written request for  
1202 an adjudicative proceeding with the office; or

1203 (II) assert that compliance should be excused on the basis of good cause or other

1204 exception by filing a written request for a good cause exception with the Department of  
1205 Workforce Services.

1206 (3) The office's right to recover is not reduced or terminated if an obligee agrees to  
1207 allow the obligor to change the court or administratively ordered manner or amount of payment  
1208 of support regardless of whether that agreement is entered into before or after public assistance  
1209 is furnished on behalf of a [~~dependent~~] child.

1210 (4) (a) If an obligee receives direct payment of assigned support from an obligor, the  
1211 obligee shall immediately deliver that payment to the office.

1212 (b) (i) If an obligee agrees with an obligor to receive payment of support other than in  
1213 the court or administratively ordered manner and receives payment as agreed with the obligor,  
1214 the obligee shall immediately deliver the cash equivalent of the payment to the office.

1215 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)  
1216 exceeds the amount of the court or administratively ordered support due, the office shall return  
1217 the excess to the obligee.

1218 (5) (a) If public assistance furnished on behalf of a [~~dependent~~] child is terminated, the  
1219 office may continue to provide paternity establishment and support collection services.

1220 (b) Unless the obligee notifies the office to discontinue these services, the obligee is  
1221 considered to have accepted and is bound by the rights, duties, and liabilities of an obligee who  
1222 has applied for those services.

1223 Section 18. Section **26B-9-214** is amended to read:

1224 **26B-9-214. Liens by operation of law and writs of garnishment.**

1225 (1) Each payment or installment of child support is, on and after the date it is due, a  
1226 judgment with the same attributes and effect of any judgment of a district court in accordance  
1227 with Section [~~78B-12-112~~] [81-7-102](#) and for purposes of Section [78B-5-202](#).

1228 (2) (a) A judgment under Subsection (1) or final administrative order shall constitute a  
1229 lien against the real property of the obligor upon the filing of a notice of judgment-lien in the  
1230 district court where the obligor's real property is located if the notice:

1231 (i) specifies the amount of past-due support; and

1232 (ii) complies with the procedural requirements of Section [78B-5-202](#).

1233 (b) Rule 69, Utah Rules of Civil Procedure, shall apply to any action brought to  
1234 execute a judgment or final administrative order under this section against real or personal



1235 property in the obligor's possession.

1236 (3) (a) The office may issue a writ of garnishment against the obligor's personal  
1237 property in the possession of a third party for a judgment under Subsection (1) or a final  
1238 administrative order in the same manner and with the same effect as if the writ were issued on  
1239 a judgment of a district court if:

1240 (i) the judgment or final administrative order is recorded on the office's automated case  
1241 registry; and

1242 (ii) the writ is signed by the director or the director's designee and served by certified  
1243 mail, return receipt requested, or as prescribed by Rule 4, Utah Rules of Civil Procedure.

1244 (b) A writ of garnishment issued under Subsection (3)(a) is subject to the procedures  
1245 and due process protections provided by Rule 64D, Utah Rules of Civil Procedure, except as  
1246 provided by Section [26B-9-217](#).

1247 Section 19. Section **26B-9-217** is amended to read:

1248 **26B-9-217. Requirement to honor voluntary assignment of earnings -- Discharge**  
1249 **of employee prohibited -- Liability for discharge -- Earnings subject to support lien or**  
1250 **garnishment.**

1251 (1) (a) Every person, firm, corporation, association, political subdivision, or  
1252 department of the state shall honor, according to its terms, a duly executed voluntary  
1253 assignment of earnings which is presented by the office as a plan to satisfy or retire a support  
1254 debt or obligation.

1255 (b) The requirement to honor an assignment of earnings, and the assignment of  
1256 earnings itself, are applicable whether the earnings are to be paid presently or in the future, and  
1257 continue in effect until released in writing by the office.

1258 (c) Payment of money pursuant to an assignment of earnings presented by the office  
1259 shall serve as full acquittance under any contract of employment, and the state shall defend the  
1260 employer and hold the employer harmless for any action taken pursuant to the assignment of  
1261 earnings.

1262 (d) The office shall be released from liability for improper receipt of money under an  
1263 assignment of earnings upon return of any money so received.

1264 (2) An employer may not discharge or prejudice any employee because the employee's  
1265 earnings have been subjected to support lien, wage assignment, or garnishment for any

1266 indebtedness under this part.

1267 (3) If an employer discharges an employee in violation of Subsection (2), the employer  
1268 is liable to the employee for the damages the employee may suffer, and, additionally, to the  
1269 office in an amount equal to the debt which is the basis of the assignment or garnishment, plus  
1270 costs, interest, and attorney fees, or a maximum of \$1,000, whichever is less.

1271 (4) The maximum part of the aggregate disposable earnings of an individual for any  
1272 work pay period which may be subjected to a garnishment to enforce payment of a judicial or  
1273 administrative judgment arising out of failure to support [~~dependent~~] children may not exceed  
1274 50% of the individual's disposable earnings for the work pay period.

1275 (5) The support lien or garnishment shall continue to operate and require the employer  
1276 to withhold the nonexempt portion of earnings at each succeeding earnings disbursement  
1277 interval until released in writing by the court or office.

1278 Section 20. Section **26B-9-220** is amended to read:

1279 **26B-9-220. Review and adjustment of child support order in three-year cycle --**  
1280 **Substantial change in circumstances not required.**

1281 (1) If a child support order has not been issued, modified, or reviewed within the  
1282 previous three years, the office shall review a child support order, taking into account the best  
1283 interests of the child involved, if:

1284 (a) requested by a parent or legal guardian involved in a case receiving IV-D services;  
1285 or

1286 (b) there has been an assignment under Section [35A-3-108](#) and the office determines  
1287 that a review is appropriate.

1288 (2) (a) If the office conducts a review under Subsection (1), the office shall determine  
1289 if there is a difference of 10% or more between the amount ordered and the amount that would  
1290 be required under the child support guidelines.

1291 (b) If there is such a difference and the difference is not of a temporary nature, the  
1292 office shall:

1293 [~~(a)~~] (i) with respect to a child support order issued or modified by the office, adjust the  
1294 amount to that which is provided for in the child support guidelines; or

1295 [~~(b)~~] (ii) with respect to a child support order issued or modified by a court, file [~~a~~  
1296 ~~petition~~] the appropriate pleading with the court to adjust the amount to that which is provided

1297 for in the child support guidelines.

1298 (3) The office may use automated methods to:

1299 (a) collect information and conduct reviews under Subsection (2); and

1300 (b) identify child support orders in which there is a difference of 10% or more between  
1301 the amount of child support ordered and the amount that would be required under the child  
1302 support guidelines for review under Subsection (1)(b).

1303 (4) (a) A parent or legal guardian who requests a review under Subsection (1)(a) shall  
1304 provide notice of the request to the other parent within five days and in accordance with  
1305 Section [26B-9-207](#).

1306 (b) If the office conducts a review under Subsections (1)(b) and (3)(b), the office shall  
1307 provide notice to the parties of:

1308 (i) a proposed adjustment under Subsection [~~(2)(a)~~] (2)(b)(i); or

1309 (ii) a proposed [~~petition~~] pleading to be filed in court under Subsection [~~(2)(b)~~]  
1310 (2)(b)(ii).

1311 (5) (a) Within 30 days of notice being sent under Subsection (4)(a), a parent or legal  
1312 guardian may respond to a request for review filed with the office.

1313 (b) Within 30 days of notice being sent under Subsection (4)(b), a parent or legal  
1314 guardian may contest a proposed adjustment or petition by requesting a review under  
1315 Subsection (1)(a) and providing documentation that refutes the adjustment or petition.

1316 (6) A showing of a substantial change in circumstances is not necessary for an  
1317 adjustment under this section.

1318 Section 21. Section **26B-9-221** is amended to read:

1319 **26B-9-221. Review and adjustment of support order for substantial change in**  
1320 **circumstances outside three-year cycle.**

1321 (1) (a) A parent or legal guardian involved in a case receiving IV-D services or the  
1322 office, if there has been an assignment under Section [35A-3-108](#), may at any time request the  
1323 office to review a child support order if there has been a substantial change in circumstances.

1324 (b) For purposes of Subsection (1)(a), a substantial change in circumstances may  
1325 include:

1326 (i) material changes in custody;

1327 (ii) material changes in the relative wealth or assets of the parties;

- 1328 (iii) material changes of 30% or more in the income of a parent;
- 1329 (iv) material changes in the ability of a parent to earn;
- 1330 (v) material changes in the medical needs of the child; and
- 1331 (vi) material changes in the legal responsibilities of either parent for the support of
- 1332 others.

1333 (2) (a) Upon receiving a request under Subsection (1), the office shall review the order,

1334 taking into account the best interests of the child involved, to determine whether the substantial

1335 change in circumstance has occurred, and if so, whether the change resulted in a difference of

1336 15% or more between the amount of child support ordered and the amount that would be

1337 required under the child support guidelines.

1338 (b) If there is such a difference and the difference is not of a temporary nature, the

1339 office shall:

1340 [~~(a)~~] (i) with respect to a support order issued or modified by the office, adjust the

1341 amount in accordance with the child support guidelines; or

1342 [~~(b)~~] (ii) with respect to a support order issued or modified by a court, file a petition

1343 with the court to adjust the amount in accordance with the child support guidelines.

1344 (3) The office may use automated methods to collect information for a review

1345 conducted under Subsection (2).

1346 (4) (a) A parent or legal guardian who requests a review under Subsection (1) shall

1347 provide notice of the request to the other parent within five days and in accordance with

1348 Section [26B-9-207](#).

1349 (b) If the office initiates and conducts a review under Subsection (1), the office shall

1350 provide notice of the request to any parent or legal guardian within five days and in accordance

1351 with Section [26B-9-207](#).

1352 (5) Within 30 days of notice being sent under Subsection (4), a parent or legal guardian

1353 may file a response to a request for review with the office.

1354 Section 22. Section **26B-9-224** is amended to read:

1355 **26B-9-224. Medical and dental expenses of a child -- Health insurance for a child.**

1356 (1) As used in this section, "health insurance" means the same as that term is

1357 defined in Section [31A-1-301](#).

1358 (2) In any action under this part, the office and the department in their orders shall

1359 include:

1360 [~~(1)~~] (a) [~~include~~] a provision assigning responsibility for cash medical support;

1361 [~~(2)~~] (b) [~~include~~] a provision requiring the purchase and maintenance of appropriate

1362 [~~medical, hospital, and dental care~~] health insurance for [~~those children~~] the child, if:

1363 [~~(a)~~] (i) insurance coverage is or becomes available at a reasonable cost; and

1364 [~~(b)~~] (ii) the insurance coverage is accessible to the [~~children~~] child; and

1365 [~~(3)~~] (c) [~~include~~] a designation of which [~~health, dental or hospital~~] health insurance

1366 plan[;] is primary and which is secondary in accordance with the provisions of Section

1367 [~~30-3-5.4~~] 81-6-208, which will take effect if at any time the [~~dependent children are~~] child is

1368 covered by both parents' [~~health, hospital, or dental~~] health insurance plans.

1369 Section 23. Section **26B-9-225** is amended to read:

1370 **26B-9-225. Enrollment of child in accident and health insurance plan -- Order --**

1371 **Notice.**

1372 (1) The office may issue a notice to existing and future employers or unions to enroll a

1373 [~~dependent~~] child in an accident and health insurance plan that is available through the

1374 [~~dependent~~] child's parent or legal guardian's employer or union, when the following conditions

1375 are satisfied:

1376 (a) the parent or legal guardian is already required to obtain insurance coverage for the

1377 child by a prior court or administrative order; and

1378 (b) the parent or legal guardian has failed to provide written proof to the office that:

1379 (i) the child has been enrolled in an accident and health insurance plan in accordance

1380 with the court or administrative order; or

1381 (ii) the coverage required by the order was not available at group rates through the

1382 employer or union 30 or more days prior to the date of the mailing of the notice to enroll.

1383 (2) The office shall provide concurrent notice to the parent or legal guardian in

1384 accordance with Section 26B-9-207 of:

1385 (a) the notice to enroll sent to the employer or union; and

1386 (b) the opportunity to contest the enrollment due to a mistake of fact by filing a written

1387 request for an adjudicative proceeding with the office within 15 days of the notice being sent.

1388 (3) A notice to enroll shall result in the enrollment of the child in the parent's accident

1389 and health insurance plan, unless the parent successfully contests the notice based on a mistake

1390 of fact.

1391 (4) A notice to enroll issued under this section may be considered a "qualified medical  
1392 support order" for the purposes of enrolling a [~~dependent~~] child in a group accident and health  
1393 insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act  
1394 of 1974.

1395 Section 24. Section **26B-9-226** is amended to read:

1396 **26B-9-226. Compliance with order -- Enrollment of child for insurance.**

1397 (1) An employer or union shall comply with a notice to enroll issued by the office  
1398 under Section **26B-9-225** by enrolling the [~~dependent~~] child that is the subject of the notice in  
1399 the:

1400 (a) accident and health insurance plan in which the parent or legal guardian is enrolled,  
1401 if the plan satisfies the prior court or administrative order; or

1402 (b) least expensive plan, assuming equivalent benefits, offered by the employer or  
1403 union that complies with the prior court or administrative order which provides coverage that is  
1404 reasonably accessible to the [~~dependent~~] child.

1405 (2) The employer, union, or insurer may not refuse to enroll a [~~dependent~~] child  
1406 pursuant to a notice to enroll because a parent or legal guardian has not signed an enrollment  
1407 application.

1408 (3) Upon enrollment of the [~~dependent~~] child, the employer shall deduct the  
1409 appropriate premiums from the parent or legal guardian's wages and remit [~~them~~] the premiums  
1410 directly to the insurer.

1411 (4) The insurer shall provide proof of insurance to the office upon request.

1412 (5) The signature of the custodial parent of the insured [~~dependent~~] child is a valid  
1413 authorization to the insurer for purposes of processing any insurance reimbursement claim.

1414 Section 25. Section **26B-9-230** is amended to read:

1415 **26B-9-230. Right to judicial review.**

1416 (1) (a) Within 30 days of notice of any administrative action on the part of the office to  
1417 establish paternity or establish, modify or enforce a child support order, the obligor may file a  
1418 petition for de novo review with the district court.

1419 (b) For purposes of Subsection (1)(a), notice includes:

1420 (i) notice actually received by the obligor in accordance with Section **26B-9-207**;

1421 (ii) participation by the obligor in the proceedings related to the establishment of the  
1422 paternity or the modification or enforcement of child support; or

1423 (iii) receiving a paycheck in which a reduction has been made for child support.

1424 (2) The petition shall name the office and all other appropriate parties as respondents  
1425 and meet the form requirements specified in Section [63G-4-402](#).

1426 (3) A copy of the petition shall be served upon the Child and Family Support Division  
1427 of the Office of Attorney General.

1428 (4) (a) If the petition is regarding the amount of the child support obligation established  
1429 in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child  
1430 Support, the court may issue a temporary order for child support until a final order is issued.

1431 (b) The petitioner may file an affidavit stating the amount of child support reasonably  
1432 believed to be due and the court may issue a temporary order for that amount. The temporary  
1433 order shall be valid for 60 days, unless extended by the court while the action is being pursued.

1434 (c) If the court upholds the amount of support established in Subsection (4)(a), the  
1435 petitioner shall be ordered to make up the difference between the amount originally ordered in  
1436 Subsection (4)(a) and the amount temporarily ordered under Subsection (4)(b).

1437 (d) This Subsection (4) does not apply to an action for the court-ordered modification  
1438 of a judicial child support order.

1439 (5) (a) The court may, on its own initiative and based on the evidence before it,  
1440 determine whether the petitioner violated [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil  
1441 Procedure by filing the action.

1442 (b) If the court determines that [~~U.R. Civ. P.~~] Rule 11 of the Utah Rules of Civil  
1443 Procedure was violated, it shall, at a minimum, award to the office attorney fees and costs for  
1444 the action.

1445 (6) Nothing in this section precludes the obligor from seeking administrative remedies  
1446 as provided in this chapter.

1447 Section 26. Section **26B-9-301** is amended to read:

1448 **26B-9-301. Definitions.**

1449 As used in this part and Part 4, Income Withholding in Non IV-D Cases:

1450 (1) "Business day" means a day on which state offices are open for regular business.

1451 (2) "Child" means the same as that term is defined in Section [~~26B-9-201~~] [81-6-101](#).

1452           ~~[(3) (a) "Child support" means a base child support award as defined in Section~~  
1453 ~~78B-12-102, or a financial award for uninsured monthly medical expenses, ordered by a~~  
1454 ~~tribunal for the support of a child, including current periodic payments, all arrearages which~~  
1455 ~~accrue under an order for current periodic payments, and sum certain judgments awarded for~~  
1456 ~~arrearages, medical expenses, and child care costs.]~~

1457           ~~[(b) "Child support" includes obligations ordered by a tribunal for the support of a~~  
1458 ~~spouse or former spouse with whom the child resides if the spousal support is collected with~~  
1459 ~~the child support.]~~

1460           (3) "Child support" means the same as that term is defined in Section [26B-9-101](#).

1461           (4) "Child support order" means ~~[a judgment, decree, or order, whether temporary,~~  
1462 ~~final, or subject to modification, issued by a tribunal for child support and related costs and~~  
1463 ~~fees, interest and penalties, income withholding, attorney fees, and other relief]~~ the same as that  
1464 term is defined in Section [26B-9-201](#).

1465           (5) "Child support services" means the same as that term is defined in Section  
1466 [26B-9-101](#).

1467           (6) ~~["Delinquent" or "delinquency"]~~ "Delinquency" means that child support in an  
1468 amount at least equal to current child support payable for one month is overdue.

1469           (7) "Delinquent" means delinquency.

1470           ~~[(7)]~~ (8) "Immediate income withholding" means income withholding without regard  
1471 to whether a delinquency has occurred.

1472           ~~[(8)]~~ (9) "Income" means the same as that term is defined in Section [26B-9-101](#).

1473           (10) "IV-D services" means the same as that term is defined in Section [26B-9-201](#).

1474           ~~[(9)]~~ (11) "Jurisdiction" means a state or political subdivision of the United States, a  
1475 territory or possession of the United States, the District of Columbia, the Commonwealth of  
1476 Puerto Rico, an Indian tribe or tribal organization, or any comparable foreign nation or political  
1477 subdivision.

1478           ~~[(10)]~~ (12) "Obligee" means the same as that term is defined in Section [26B-9-201](#).

1479           ~~[(11)]~~ (13) "Obligor" means the same as that term is defined in Section [26B-9-201](#).

1480           ~~[(12)]~~ (14) "Office" means the Office of Recovery Services.

1481           ~~[(13)]~~ (15) "Payor" means an employer or any person who is a source of income to an  
1482 obligor.



1483 [~~(14) "Support order" means the same as child support order.~~]

1484 Section 27. Section **26B-9-303** is amended to read:

1485 **26B-9-303. Provision for income withholding in child support order -- Immediate**  
1486 **income withholding.**

1487 (1) Whenever a child support order is issued or modified in this state the obligor's  
1488 income is subject to immediate income withholding for the child support described in the order  
1489 in accordance with the provisions of this chapter, unless:

1490 (a) the court or administrative body which entered the order finds that one of the  
1491 parties has demonstrated good cause so as not to require immediate income withholding; or

1492 (b) a written agreement which provides an alternative payment arrangement is executed  
1493 by the obligor and obligee, and reviewed and entered in the record by the court or  
1494 administrative body.

1495 (2) (a) In every child support order issued or modified on or after January 1, 1994, the  
1496 court or administrative body shall include a provision that the income of an obligor is subject to  
1497 immediate income withholding in accordance with this chapter.

1498 (b) If for any reason other than the provisions of Subsection (1) that provision is not  
1499 included in the child support order the obligor's income is nevertheless subject to immediate  
1500 income withholding.

1501 (3) In determining [~~"good cause,"~~] good cause, the court or administrative body may, in  
1502 addition to any other requirement it considers appropriate, consider whether the obligor has:

1503 (a) obtained a bond, deposited money in trust for the benefit of the [~~dependent~~  
1504 ~~children~~] children, or otherwise made arrangements sufficient to guarantee child support  
1505 payments for at least two months;

1506 (b) arranged to deposit all child support payments into a checking account belonging to  
1507 the obligee, or made arrangements insuring that a reliable and independent record of the date  
1508 and place of child support payments will be maintained; or

1509 (c) arranged for electronic transfer of funds on a regular basis to meet court-ordered  
1510 child support obligations.

1511 Section 28. Section **26B-9-304** is amended to read:

1512 **26B-9-304. Office procedures for income withholding for orders issued or**  
1513 **modified on or after October 13, 1990.**

1514 (1) With regard to obligees or obligors who are receiving IV-D services, each child  
1515 support order issued or modified on or after October 13, 1990, subjects the income of an  
1516 obligor to immediate income withholding as of the effective date of the order, regardless of  
1517 whether a delinquency occurs unless:

1518 (a) the court or administrative body that entered the order finds that one of the parties  
1519 has demonstrated good cause not to require immediate income withholding; or

1520 (b) a written agreement that provides an alternative arrangement is executed by the  
1521 obligor and obligee, and by the office, if there is an assignment under Section 35A-3-108, and  
1522 reviewed and entered in the record by the court or administrative body.

1523 (2) For purposes of this section:

1524 (a) [~~"good cause"~~] good cause shall be based on, at a minimum:

1525 (i) a determination and explanation on the record by the court or administrative body  
1526 that implementation of income withholding would not be in the best interest of the child; and

1527 (ii) proof of timely payment of any previously ordered support; and

1528 (b) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in  
1529 addition to any other requirement that it determines appropriate, consider whether the obligor  
1530 has:

1531 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]  
1532 children, or otherwise made arrangements sufficient to guarantee child support payments for at  
1533 least two months; and

1534 (ii) arranged to deposit all child support payments into a checking account belonging to  
1535 the obligee or made arrangements insuring that a reliable and independent record of the date  
1536 and place of child support payments will be maintained.

1537 (3) An exception from immediate income withholding shall be:

1538 (a) included in the court or administrative agency's child support order; and

1539 (b) negated without further administrative or judicial action:

1540 (i) upon a delinquency;

1541 (ii) upon the obligor's request; or

1542 (iii) if the office, based on internal procedures and standards, or a party requests  
1543 immediate income withholding for a case in which the parties have entered into an alternative  
1544 arrangement to immediate income withholding pursuant to Subsection (1)(b).

1545 (4) If an exception to immediate income withholding has been ordered on the basis of  
1546 good cause under Subsection (1)(a), the office may commence income withholding under this  
1547 part:

1548 (a) in accordance with Subsection (3)(b); or

1549 (b) if the administrative or judicial body that found good cause determines that  
1550 circumstances no longer support that finding.

1551 (5) (a) A party may contest income withholding due to a mistake of fact by filing a  
1552 written objection with the office within 15 days of the commencement of income withholding  
1553 under Subsection (4).

1554 (b) If a party contests income withholding under Subsection (5)(a), the office shall  
1555 proceed with the objection as it would an objection filed under Section 26B-9-305.

1556 (6) Income withholding implemented under this section is subject to termination under  
1557 Section 26B-9-308.

1558 (7) (a) Income withholding under the order may be effective until the obligor no longer  
1559 owes child support to the obligee.

1560 (b) Appropriate income withholding procedures apply to existing and future payors and  
1561 all withheld income shall be submitted to the office.

1562 Section 29. Section 26B-9-403 is amended to read:

1563 **26B-9-403. Child support orders issued or modified on or after January 1, 1994 --**  
1564 **Immediate income withholding.**

1565 (1) With regard to obligees or obligors who are not receiving IV-D services, each child  
1566 support order issued or modified on or after January 1, 1994, subjects the income of an obligor  
1567 to immediate income withholding as of the effective date of the order, regardless of whether a  
1568 delinquency occurs unless:

1569 (a) the court or administrative body that entered the order finds that one of the parties  
1570 has demonstrated good cause so as not to require immediate income withholding; or

1571 (b) a written agreement which provides an alternative payment arrangement is executed  
1572 by the obligor and obligee, and reviewed and entered in the record by the court or  
1573 administrative body.

1574 (2) For purposes of this section:

1575 (a) an action on or after January 1, 1994, to reduce child support arrears to judgment,

1576 without a corresponding establishment of or modification to a base child support amount, is not  
1577 sufficient to trigger immediate income withholding;

1578 (b) [~~"good cause"~~] good cause shall be based on, at a minimum:

1579 (i) a determination and explanation on the record by the court or administrative body  
1580 that implementation of income withholding would not be in the best interest of the child; and

1581 (ii) proof of timely payment of any previously ordered support; and

1582 (c) in determining [~~"good cause,"~~] good cause, the court or administrative body may, in  
1583 addition to any other requirement it considers appropriate, consider whether the obligor has:

1584 (i) obtained a bond, deposited money in trust for the benefit of the [~~dependent children~~]  
1585 children, or otherwise made arrangements sufficient to guarantee child support payments for at  
1586 least two months;

1587 (ii) arranged to deposit all child support payments into a checking account belonging to  
1588 the obligee, or made arrangements insuring that a reliable and independent record of the date  
1589 and place of child support payments will be maintained; or

1590 (iii) arranged for electronic transfer of funds on a regular basis to meet court-ordered  
1591 child support obligations.

1592 (3) In cases where the court or administrative body that entered the order finds a  
1593 demonstration of good cause or enters a written agreement that immediate income withholding  
1594 is not required, in accordance with this section, any party may subsequently pursue income  
1595 withholding on the earliest of the following dates:

1596 (a) the date payment of child support becomes delinquent;

1597 (b) the date the obligor requests;

1598 (c) the date the obligee requests if a written agreement under Subsection (1)(b) exists;

1599 or

1600 (d) the date the court or administrative body so modifies that order.

1601 (4) The court shall include in every child support order issued or modified on or after  
1602 January 1, 1994, a provision that the income of an obligor is subject to income withholding in  
1603 accordance with this chapter; however, if for any reason that provision is not included in the  
1604 child support order, the obligor's income is nevertheless subject to income withholding.

1605 (5) (a) In any action to establish or modify a child support order after July 1, 1997, the  
1606 court, upon request by the obligee or obligor, shall commence immediate income withholding

1607 by ordering the clerk of the court or the requesting party to:

1608 (i) mail written notice to the payor at the payor's last-known address that contains the  
1609 information required by Section 26B-9-407; and

1610 (ii) mail a copy of the written notice sent to the payor under Subsection (5)(a)(i) and a  
1611 copy of the support order to the office.

1612 (b) If neither the obligee nor obligor requests commencement of income withholding  
1613 under Subsection (5)(a), the court shall include in the order to establish or modify child support  
1614 a provision that the obligor or obligee may commence income withholding by:

1615 (i) applying for IV-D services with the office; or

1616 (ii) filing an ex parte motion with a district court of competent jurisdiction pursuant to  
1617 Section 26B-9-405.

1618 (c) A payor who receives written notice under Subsection (5)(a)(i) shall comply with  
1619 the requirements of Section 26B-9-408.

1620 Section 30. Section 26B-9-405 is amended to read:

1621 **26B-9-405. Procedures for commencing income withholding.**

1622 (1) If income withholding has not been commenced in connection with a child support  
1623 order, an obligee or obligor may commence income withholding by:

1624 (a) applying for IV-D services from the office; or

1625 (b) filing an ex parte motion for income withholding with a district court of competent  
1626 jurisdiction.

1627 (2) The office shall commence income withholding in accordance with Part 3, Income  
1628 Withholding in IV-D Cases, upon receipt of an application for IV-D services under Subsection  
1629 (1)(a).

1630 (3) A court shall grant an ex parte motion to commence income withholding filed  
1631 under Subsection (1)(b) regardless of whether the child support order provided for income  
1632 withholding, if the obligee provides competent evidence showing:

1633 (a) the child support order was issued or modified after January 1, 1994, and the  
1634 obligee or obligor expresses a desire to commence income withholding;

1635 (b) the child support order was issued or modified after January 1, 1994, and the order  
1636 contains a good cause exception to income withholding as provided for in Section 26B-9-403,  
1637 and a delinquency has occurred; or

1638 (c) the child support order was issued or modified before January 1, 1994, and a  
1639 delinquency has occurred.

1640 (4) If a court grants an ex parte motion under Subsection (3), the court shall order the  
1641 clerk of the court or the requesting party to:

1642 (a) mail written notice to the payor at the payor's last-known address that contains the  
1643 information required by Section 26B-9-407;

1644 (b) mail a copy of the written notice sent to the payor under Subsection (4)(a) to the  
1645 nonrequesting party's address and a copy of the child support order and the notice to the payor  
1646 to the office; and

1647 (c) if the obligee is the requesting party, send notice to the obligor under Section  
1648 26B-9-207 that includes:

1649 (i) a copy of the notice sent to the payor; and

1650 (ii) information regarding:

1651 (A) the commencement of income withholding; and

1652 (B) the opportunity to contest the withholding or the amount withheld due to mistake  
1653 of fact by filing an objection with the court within 20 days.

1654 (5) A payor who receives written notice under Subsection (4)(a) shall comply with the  
1655 requirements of Section 26B-9-408.

1656 (6) If an obligor contests withholding, the court shall:

1657 (a) provide an opportunity for the obligor to present evidence supporting his claim of a  
1658 mistake of fact;

1659 (b) decide whether income withholding should continue;

1660 (c) notify the parties of the decision; and

1661 (d) at the obligor's option, return or credit toward the most current and future support  
1662 payments of the obligor any amount mistakenly withheld plus interest at the legal rate.

1663 Section 31. Section 26B-9-501 is amended to read:

1664 **26B-9-501. Definitions.**

1665 As used in this part:

1666 (1) "Business day" means the same as that term is defined in Section 26B-9-301.

1667 [~~(1)~~] (2) "Child support" [~~is as defined in Section 26B-9-301~~] means the same as that  
1668 term is defined in Section 26B-9-101.

1669            [~~(2)~~] (3) "Delinquent on a child support obligation" means that a person:

1670            (a) (i) made no payment for 60 days on a current child support obligation as set forth in  
1671 an administrative or court order;

1672            (ii) after the 60-day period described in Subsection [~~(2)(a)(i)~~] (3)(a)(i), failed to make a  
1673 good faith effort under the circumstances to make payment on the child support obligation in  
1674 accordance with the order; and

1675            (iii) has not obtained a judicial order staying enforcement of the person's child support  
1676 obligation, or the amount in arrears; or

1677            (b) (i) made no payment for 60 days on an arrearage obligation of child support as set  
1678 forth in:

1679            (A) a payment schedule;

1680            (B) a written agreement with the office; or

1681            (C) an administrative or judicial order;

1682            (ii) after the 60-day period described in Subsection [~~(2)(b)(i)~~] (3)(b)(i), failed to make a  
1683 good faith effort under the circumstances to make payment on the child support obligation in  
1684 accordance with the payment schedule, agreement, or order; and

1685            (iii) has not obtained a judicial order staying enforcement of the person's child support  
1686 obligation, or the amount in arrears.

1687            [~~(3)~~] (4) "Driver license" means a license, as defined in Section 53-3-102.

1688            [~~(4)~~] (5) "Driver License Division" means the Driver License Division of the  
1689 Department of Public Safety created in Section 53-3-103.

1690            [~~(5)~~] (6) "Office" means the Office of Recovery Services.

1691            Section 32. Section 31A-22-610.5 is amended to read:

1692            **31A-22-610.5. Dependent coverage.**

1693            (1) As used in this section, "child" [~~has the same meaning as defined in Section~~  
1694 ~~78B-12-102~~] means the same as that term is defined in Section 81-6-101.

1695            (2) (a) Any individual or group accident and health insurance policy or managed care  
1696 organization contract that provides coverage for a policyholder's or certificate holder's  
1697 dependent:

1698            (i) may not terminate coverage of an unmarried dependent by reason of the dependent's  
1699 age before the dependent's 26th birthday; and

1700 (ii) shall, upon application, provide coverage for all unmarried dependents up to age  
1701 26.

1702 (b) The cost of coverage for unmarried dependents 19 to 26 years old shall be included  
1703 in the premium on the same basis as other dependent coverage.

1704 (c) This section does not prohibit the employer from requiring the employee to pay all  
1705 or part of the cost of coverage for unmarried dependents.

1706 (d) An individual or group health insurance policy or managed care organization shall  
1707 continue in force coverage for a dependent through the last day of the month in which the  
1708 dependent ceases to be a dependent:

1709 (i) if premiums are paid; and

1710 (ii) notwithstanding Sections [31A-22-618.6](#) and [31A-22-618.7](#).

1711 (3) (a) When a parent is required by a court or administrative order to provide health  
1712 insurance coverage for a child, an accident and health insurer may not deny enrollment of a  
1713 child under the accident and health insurance plan of the child's parent on the grounds the  
1714 child:

1715 (i) was born out of wedlock and is entitled to coverage under Subsection (4);

1716 (ii) was born out of wedlock and the custodial parent seeks enrollment for the child  
1717 under the custodial parent's policy;

1718 (iii) is not claimed as a dependent on the parent's federal tax return;

1719 (iv) does not reside with the parent; or

1720 (v) does not reside in the insurer's service area.

1721 (b) A child enrolled as required under Subsection (3)(a)(iv) is subject to the terms of  
1722 the accident and health insurance plan contract pertaining to services received outside of an  
1723 insurer's service area.

1724 (4) When a child has accident and health coverage through an insurer of a noncustodial  
1725 parent, and when requested by the noncustodial or custodial parent, the insurer shall:

1726 (a) provide information to the custodial parent as necessary for the child to obtain  
1727 benefits through that coverage, but the insurer or employer, or the agents or employees of either  
1728 of them, are not civilly or criminally liable for providing information in compliance with this  
1729 Subsection (4)(a), whether the information is provided pursuant to a verbal or written request;

1730 (b) permit the custodial parent or the service provider, with the custodial parent's



1731 approval, to submit claims for covered services without the approval of the noncustodial  
1732 parent; and

1733 (c) make payments on claims submitted in accordance with Subsection (4)(b) directly  
1734 to the custodial parent, the child who obtained benefits, the provider, or the state Medicaid  
1735 agency.

1736 (5) When a parent is required by a court or administrative order to provide health  
1737 coverage for a child, and the parent is eligible for family health coverage, the insurer shall:

1738 (a) permit the parent to enroll, under the family coverage, a child who is otherwise  
1739 eligible for the coverage without regard to an enrollment season restrictions;

1740 (b) if the parent is enrolled but fails to make application to obtain coverage for the  
1741 child, enroll the child under family coverage upon application of the child's other parent, the  
1742 state agency administering the Medicaid program, or the state agency administering 42 U.S.C.  
1743 [Sec.] Secs. 651 through 669, the child support enforcement program; and

1744 (c) (i) when the child is covered by an individual policy, not disenroll or eliminate  
1745 coverage of the child unless the insurer is provided satisfactory written evidence that:

1746 (A) the court or administrative order is no longer in effect; or

1747 (B) the child is or will be enrolled in comparable accident and health coverage through  
1748 another insurer which will take effect not later than the effective date of disenrollment; or

1749 (ii) when the child is covered by a group policy, not disenroll or eliminate coverage of  
1750 the child unless the employer is provided with satisfactory written evidence, which evidence is  
1751 also provided to the insurer, that Subsection (8)(c)(i), (ii), or (iii) has happened.

1752 (6) An insurer may not impose requirements on a state agency that has been assigned  
1753 the rights of an individual eligible for medical assistance under Medicaid and covered for  
1754 accident and health benefits from the insurer that are different from requirements applicable to  
1755 an agent or assignee of any other individual so covered.

1756 (7) Insurers may not reduce their coverage of pediatric vaccines below the benefit level  
1757 in effect on May 1, 1993.

1758 (8) When a parent is required by a court or administrative order to provide health  
1759 coverage, which is available through an employer doing business in this state, the employer  
1760 shall:

1761 (a) permit the parent to enroll under family coverage any child who is otherwise

1762 eligible for coverage without regard to any enrollment season restrictions;

1763 (b) if the parent is enrolled but fails to make application to obtain coverage of the child,  
1764 enroll the child under family coverage upon application by the child's other parent, by the state  
1765 agency administering the Medicaid program, or the state agency administering 42 U.S.C. Sec.  
1766 651 through 669, the child support enforcement program;

1767 (c) not disenroll or eliminate coverage of the child unless the employer is provided  
1768 satisfactory written evidence that:

1769 (i) the court order is no longer in effect;

1770 (ii) the child is or will be enrolled in comparable coverage which will take effect no  
1771 later than the effective date of disenrollment; or

1772 (iii) the employer has eliminated family health coverage for all of its employees; and

1773 (d) withhold from the employee's compensation the employee's share, if any, of  
1774 premiums for health coverage and to pay this amount to the insurer.

1775 (9) An order issued under Section 26B-9-225 may be considered a "qualified medical  
1776 support order" for the purpose of enrolling a [~~dependent~~] child in a group accident and health  
1777 insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act  
1778 of 1974.

1779 (10) This section does not affect any insurer's ability to require as a precondition of any  
1780 child being covered under any policy of insurance that:

1781 (a) the parent continues to be eligible for coverage;

1782 (b) the child shall be identified to the insurer with adequate information to comply with  
1783 this section; and

1784 (c) the premium shall be paid when due.

1785 (11) This section applies to employee welfare benefit plans as defined in Section  
1786 26B-3-1001.

1787 (12) (a) A policy that provides coverage to a child of a group member may not deny  
1788 eligibility for coverage to a child solely because:

1789 (i) the child does not reside with the insured; or

1790 (ii) the child is solely dependent on a former spouse of the insured rather than on the  
1791 insured.

1792 (b) A child who does not reside with the insured may be excluded on the same basis as

1793 a child who resides with the insured.

1794 Section 33. Section **35A-3-307** is amended to read:

1795 **35A-3-307. Cash assistance to a single minor parent.**

1796 (1) The department may provide cash assistance to a single minor parent in accordance  
1797 with this section.

1798 (2) A single minor parent who receives cash assistance under this part shall:

1799 (a) except as provided under Subsection (3), reside in a place of residence maintained  
1800 by a parent, legal guardian, or other adult relative of the single minor parent;

1801 (b) participate in education for parenting and life skills;

1802 (c) participate in infant and child wellness programs approved by the department; and

1803 (d) for at least 20 hours per week:

1804 (i) if the single minor parent does not have a high school diploma, attend high school  
1805 or an alternative to high school;

1806 (ii) participate in education or training; or

1807 (iii) participate in a combination of employment and education or training.

1808 (3) (a) If the department determines that the requirements of Subsection (2)(a) are not  
1809 appropriate for a single minor parent, the department may assist the single minor parent to  
1810 obtain suitable living arrangements, including an adult-supervised living arrangement.

1811 (b) The department may only provide cash assistance to a single minor parent who is  
1812 exempt from the requirements of Subsection (2)(a) if the single minor parent resides in a living  
1813 arrangement that is approved by the department.

1814 (c) The approval by the department of a living arrangement under Subsection (3)(b):

1815 (i) is a means of safeguarding the use of state and federal funds; and

1816 (ii) is not a certification or guarantee of the safety, quality, or condition of the living  
1817 arrangements of the single minor parent.

1818 (4) (a) If a single minor parent resides with a parent, the department shall include the  
1819 income of the parent of the single minor parent in determining the single minor parent's  
1820 eligibility for services under this part.

1821 (b) If a single minor parent receives services under this chapter but does not reside with  
1822 a parent, the department shall seek an order under [~~Title 78B, Chapter 12, Utah Child Support~~  
1823 ~~Act~~] Title 81, Chapter 6, Child Support, requiring the parent of the single minor parent to

1824 financially support the single minor parent.

1825 (5) The requirements of this section shall be included in a single minor parent's  
1826 employment plan under Section [35A-3-304](#).

1827 *The following section is affected by a coordination clause at the end of this bill.*

1828 Section 34. Section **51-9-408** is amended to read:

1829 **51-9-408. Children's Legal Defense Account.**

1830 (1) There is created a restricted account within the General Fund known as the  
1831 Children's Legal Defense Account.

1832 (2) The purpose of the Children's Legal Defense Account is to provide for programs  
1833 that protect and defend the rights, safety, and quality of life of children.

1834 (3) (a) The Legislature shall appropriate money from the account for the administrative  
1835 and related costs of the following programs:

1836 (i) implementing the [~~Mandatory Educational Course on Children's Needs for~~  
1837 ~~Divorcing Parents relating to the effects of divorce on children as provided in Sections [30-3-4](#),~~  
1838 ~~[30-3-10.3](#), [30-3-11.3](#), and the Mediation Program - Child Custody or Parent-time~~] mandatory  
1839 educational course described in Section [81-4-106](#) and the mediation program for child custody  
1840 and parent-time;

1841 (ii) implementing the use of guardians ad litem in accordance with Sections  
1842 [78A-2-703](#), [78A-2-705](#), [78A-2-803](#), and [78B-3-102](#);

1843 (iii) the training of attorney guardians ad litem and volunteers as provided in Section  
1844 [78A-2-803](#);

1845 (iv) implementing and administering the Expedited Parent-time Enforcement Program  
1846 as provided in Section [~~[30-3-38](#)~~] [81-9-102](#); and

1847 (v) implementing and administering the Divorce Education for Children Program.

1848 (b) The Children's Legal Defense Account may not be used to supplant funding for the  
1849 guardian ad litem program under Section [78A-2-803](#).

1850 (4) The following withheld fees shall be allocated only to the Children's Legal Defense  
1851 Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):

1852 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah  
1853 as provided in Section [17-16-21](#); and

1854 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any

1855 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

1856 (5) The Division of Finance shall allocate the money described in Subsection (4) from  
1857 the General Fund to the Children's Legal Defense Account.

1858 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30  
1859 of any fiscal year shall lapse into the General Fund.

1860 Section 35. Section **58-60-112** is amended to read:

1861 **58-60-112. Reporting of unprofessional or unlawful conduct -- Immunity from**  
1862 **liability -- Reporting conduct of court-appointed therapist.**

1863 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section  
1864 [58-60-102](#) by a person licensed under this chapter or an individual not licensed under this  
1865 chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary  
1866 action by a licensed health care facility, professional practice group, or professional society, or  
1867 that results in a significant adverse impact upon the public health, safety, or welfare, the  
1868 following shall report the conduct in writing to the division within 10 days after learning of the  
1869 disciplinary action or the conduct unless the individual or person knows it has been reported:

1870 (a) a licensed health care facility or organization in which an individual licensed under  
1871 this chapter engages in practice;

1872 (b) an individual licensed under this chapter; and

1873 (c) a professional society or organization whose membership is individuals licensed  
1874 under this chapter and which has the authority to discipline or expel a member for acts of  
1875 unprofessional or unlawful conduct.

1876 (2) Any individual reporting acts of unprofessional or unlawful conduct by an  
1877 individual licensed under this chapter is immune from liability arising out of the disclosure to  
1878 the extent the individual furnishes the information in good faith and without malice.

1879 (3) (a) As used in this Subsection (3):

1880 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to  
1881 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

1882 (ii) "Domestic case" means a proceeding under:

1883 [~~(A) Title 30, Chapter 3, Divorce;~~]

1884 [~~(B) Title 30, Chapter 4, Separate Maintenance;~~]

1885 [~~(C) Title 30, Chapter 5, Grandparents;~~]

1886 ~~[(D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents~~  
1887 ~~Act;]~~

1888 ~~[(E)]~~ (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

1889 ~~[(F)]~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and

1890 Enforcement Act; ~~[or]~~

1891 ~~[(G)]~~ (C) Title 78B, Chapter 15, Utah Uniform Parentage Act[-];

1892 (D) Title 81, Chapter 4, Dissolution of Marriage; or

1893 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.

1894 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the  
1895 domestic case may not file a report against the court-appointed therapist for unlawful or  
1896 unprofessional conduct during the pendency of the domestic case, unless:

1897 (i) the party has requested that the court release the court-appointed therapist from the  
1898 appointment; and

1899 (ii) the court finds good cause to release the court-appointed therapist from the  
1900 appointment.

1901 Section 36. Section **63G-20-201** is amended to read:

1902 **63G-20-201. Provisions governing solemnizing or recognizing a marriage --**  
1903 **Prohibition against employment actions.**

1904 Notwithstanding any other provision of law, a state or local government or a state or  
1905 local government official may not:

1906 (1) require a religious official, when acting as such, or religious organization to  
1907 solemnize or recognize for ecclesiastical purposes a marriage that is contrary to that religious  
1908 official's or religious organization's religious beliefs;

1909 (2) if the religious official or religious organization is authorized to solemnize a  
1910 marriage by Section ~~[30-1-6]~~ [81-2-305](#), deny a religious official, when acting as such, or  
1911 religious organization the authority to legally solemnize a legal marriage based on the religious  
1912 official's or religious organization's refusal to solemnize any legal marriage that is contrary to  
1913 the religious official's or religious organization's religious beliefs;

1914 (3) require a religious official, when acting as such, or religious organization to provide  
1915 goods, accommodations, advantages, privileges, services, facilities, or grounds for activities  
1916 connected with the solemnization or celebration of a marriage that is contrary to that religious

1917 official's or religious organization's religious beliefs; or

1918 (4) require a religious official, when acting as such, or religious organization to  
 1919 promote marriage through religious programs, counseling, courses, or retreats in a way that is  
 1920 contrary to that religious official's or religious organization's religious beliefs.

1921 Section 37. Section **63I-1-278** is amended to read:

1922 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

1923 (1) Subsections [78A-2-301\(4\)](#) and [78A-2-301.5\(12\)](#), regarding the suspension of filing  
 1924 fees for petitions for expungement, are repealed on July 1, 2023.

1925 [~~(2) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is  
 1926 repealed July 1, 2029.~~]

1927 [~~(3)~~] (2) Subsection [78A-7-106\(6\)](#), regarding the transfer of a criminal action involving  
 1928 a domestic violence offense from the justice court to the district court, is repealed on July 1,  
 1929 2024.

1930 (3) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is  
 1931 repealed July 1, 2029.

1932 (4) Section [78B-4-518](#), regarding the limitation on employer liability for an employee  
 1933 convicted of an offense, is repealed on July 1, 2025.

1934 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,  
 1935 2026.

1936 [~~(6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child  
 1937 Support Guidelines Advisory Committee, is repealed July 1, 2026.~~]

1938 [~~(7)~~] (6) Section [78B-22-805](#), regarding the Interdisciplinary Parental Representation  
 1939 Pilot Program, is repealed December 31, 2024.

1940 Section 38. Section **63I-1-281** is enacted to read:

1941 **63I-1-281. Repeal dates: Title 81.**

1942 Title 81, Chapter 6, Part 4, Child Support Guidelines Advisory Committee, is repealed  
 1943 July 1, 2026.

1944 Section 39. Section **63I-2-278** is amended to read:

1945 **63I-2-278. Repeal dates: Title 78A and Title 78B.**

1946 (1) Section [78A-2-804](#) is repealed on July 1, 2024.

1947 (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.

1948 (3) If Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from Unfiltered  
1949 Devices, is not in effect before January 1, 2031, Title 78B, Chapter 6, Part 22, Cause of Action  
1950 to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.

1951 [~~(4) Sections [78B-12-301](#) and [78B-12-302](#) are repealed on January 1, 2025.~~]

1952 Section 40. Section **63I-2-281** is enacted to read:

1953 **63I-2-281. Repeal dates: Title 81.**

1954 Sections [81-6-302](#) and [81-6-303](#) are repealed on January 1, 2025.

1955 Section 41. Section **63M-15-204** is amended to read:

1956 **63M-15-204. Commission duties.**

1957 The commission shall:

1958 (1) promote coalitions and collaborative efforts to uphold and encourage a strong and  
1959 healthy culture of strong and lasting marriages and stable families;

1960 (2) contribute to greater awareness of the importance of marriage in an effort to reduce  
1961 divorce and unwed parenthood in the state;

1962 (3) promote public policies that support marriage;

1963 (4) promote programs and activities that educate individuals and couples on how to  
1964 achieve strong, successful, and lasting marriages, including promoting and assisting in the  
1965 offering of:

1966 (a) events;

1967 (b) classes and services, including those designed to promote strong, healthy, and  
1968 lasting marriages and prevent domestic violence;

1969 (c) marriage and relationship education conferences for the public and professionals;  
1970 and

1971 (d) enrichment seminars;

1972 (5) actively promote measures designed to maintain and strengthen marriage, family,  
1973 and the relationships between spouses and parents and children;

1974 (6) support volunteerism and private financial contributions and grants in partnership  
1975 with the commission and in support of the commission's purposes and activities for the benefit  
1976 of the state as provided in this section;

1977 (7) regularly publicize information on premarital counseling and education services  
1978 available in the state that comply with Section [~~30-1-34~~] [81-2-206](#);



1979 (8) approve an online course meeting the requirements of Section [30-1-34] 81-2-206;  
1980 and

1981 (9) for purposes of Section [30-1-34] 81-2-206, recognize one or more national  
1982 organizations that certify family life educators.

1983 Section 42. Section **76-8-1201** is amended to read:

1984 **76-8-1201. Definitions.**

1985 As used in this part:

1986 (1) "Client" means a person who receives or has received public assistance.

1987 (2) "Overpayment" has the same meaning as defined in Section 35A-3-102.

1988 (3) "Provider" [~~has the same meaning as defined in Section 26B-9-101~~] means a person  
1989 or entity that receives compensation from any public assistance program for goods or services  
1990 provided to a public assistance recipient.

1991 (4) "Public assistance" has the same meaning as defined in Section 35A-1-102.

1992 Section 43. Section **77-36-1** is amended to read:

1993 **77-36-1. Definitions.**

1994 As used in this chapter:

1995 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

1996 (2) "Department" means the Department of Public Safety.

1997 (3) "Divorced" means an individual who has obtained a divorce under [~~Title 30,~~  
1998 ~~Chapter 3, Divorce~~] Title 81, Chapter 4, Part 4, Divorce.

1999 (4) "Domestic violence" or "domestic violence offense" means any criminal offense  
2000 involving violence or physical harm or threat of violence or physical harm, or any attempt,  
2001 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,  
2002 when committed by one cohabitant against another. "Domestic violence" or "domestic  
2003 violence offense" includes commission or attempt to commit, any of the following offenses by  
2004 one cohabitant against another:

2005 (a) aggravated assault, as described in Section 76-5-103;

2006 (b) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with the  
2007 intent to harass or threaten the other cohabitant;

2008 (c) assault, as described in Section 76-5-102;

2009 (d) criminal homicide, as described in Section 76-5-201;

- 2010 (e) harassment, as described in Section 76-5-106;
- 2011 (f) electronic communication harassment, as described in Section 76-9-201;
- 2012 (g) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections  
2013 76-5-301, 76-5-301.1, and 76-5-302;
- 2014 (h) mayhem, as described in Section 76-5-105;
- 2015 (i) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and  
2016 sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in  
2017 Sections 76-5b-201 and 76-5b-201.1;
- 2018 (j) stalking, as described in Section 76-5-106.5;
- 2019 (k) unlawful detention or unlawful detention of a minor, as described in Section  
2020 76-5-304;
- 2021 (l) violation of a protective order or ex parte protective order, as described in Section  
2022 76-5-108;
- 2023 (m) any offense against property described in Title 76, Chapter 6, Part 1, Property  
2024 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6,  
2025 Part 3, Robbery;
- 2026 (n) possession of a deadly weapon with criminal intent, as described in Section  
2027 76-10-507;
- 2028 (o) discharge of a firearm from a vehicle, near a highway, or in the direction of any  
2029 person, building, or vehicle, as described in Section 76-10-508;
- 2030 (p) disorderly conduct, as defined in Section 76-9-102, if a conviction or adjudication  
2031 of disorderly conduct is the result of a plea agreement in which the perpetrator was originally  
2032 charged with a domestic violence offense otherwise described in this Subsection (4), except  
2033 that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the  
2034 manner described in this Subsection (4)(p), does not constitute a misdemeanor crime of  
2035 domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18  
2036 U.S.C. Sec. 921 et seq.;
- 2037 (q) child abuse, as described in Section 76-5-114;
- 2038 (r) threatening use of a dangerous weapon, as described in Section 76-10-506;
- 2039 (s) threatening violence, as described in Section 76-5-107;
- 2040 (t) tampering with a witness, as described in Section 76-8-508;

- 2041 (u) retaliation against a witness or victim, as described in Section [76-8-508.3](#);
- 2042 (v) unlawful distribution of an intimate image, as described in Section [76-5b-203](#), or
- 2043 unlawful distribution of a counterfeit intimate image, as described in Section [76-5b-205](#);
- 2044 (w) sexual battery, as described in Section [76-9-702.1](#);
- 2045 (x) voyeurism, as described in Section [76-9-702.7](#);
- 2046 (y) damage to or interruption of a communication device, as described in Section
- 2047 [76-6-108](#); or
- 2048 (z) an offense described in Subsection [78B-7-806\(1\)](#).
- 2049 (5) "Jail release agreement" means the same as that term is defined in Section
- 2050 [78B-7-801](#).
- 2051 (6) "Jail release court order" means the same as that term is defined in Section
- 2052 [78B-7-801](#).
- 2053 (7) "Marital status" means married and living together, divorced, separated, or not
- 2054 married.
- 2055 (8) "Married and living together" means a couple whose marriage was solemnized
- 2056 under Section [~~30-1-4 or 30-1-6~~] [81-2-305](#) or [81-2-407](#) and who are living in the same
- 2057 residence.
- 2058 (9) "Not married" means any living arrangement other than married and living together,
- 2059 divorced, or separated.
- 2060 (10) "Protective order" includes an order issued under Subsection [78B-7-804\(3\)](#).
- 2061 (11) "Pretrial protective order" means a written order:
- 2062 (a) specifying and limiting the contact a person who has been charged with a domestic
- 2063 violence offense may have with an alleged victim or other specified individuals; and
- 2064 (b) specifying other conditions of release under Section [78B-7-802](#) or [78B-7-803](#),
- 2065 pending trial in the criminal case.
- 2066 (12) "Sentencing protective order" means a written order of the court as part of
- 2067 sentencing in a domestic violence case that limits the contact an individual who is convicted or
- 2068 adjudicated of a domestic violence offense may have with a victim or other specified
- 2069 individuals under Section [78B-7-804](#).
- 2070 (13) "Separated" means a couple who have had their marriage solemnized under
- 2071 Section [~~30-1-4 or 30-1-6~~] [81-2-305](#) or [81-2-407](#) and who are not living in the same residence.

2072 (14) "Victim" means a cohabitant who has been subjected to domestic violence.

2073 Section 44. Section **77-38-615** is amended to read:

2074 **77-38-615. Participation in the program -- Orders in relation to allocation of**  
2075 **custody or parent-time.**

2076 (1) A court may not consider a parent's participation in the program for the purpose of  
2077 making an order allocating custody [~~under Section 30-3-10 or parent-time under Section~~  
2078 ~~30-3-32~~] or parent-time under Title 81, Chapter 9, Custody, Parent-time, and Visitation.

2079 (2) A court shall take practical measures to keep a program participant's actual address  
2080 confidential when making an order allocating custody or parent-time.

2081 (3) Nothing in this part affects an order relating to the allocation of custody or  
2082 parent-time in effect prior to or during a program participant's participation in the program.

2083 Section 45. Section **78A-2-301** is amended to read:

2084 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

2085 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a  
2086 court of record not governed by another subsection is \$375.

2087 (b) The fee for filing a complaint or petition is:

2088 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,  
2089 interest, and attorney fees is \$2,000 or less;

2090 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,  
2091 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

2092 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

2093 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed [under Title  
2094 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;] for an action described  
2095 in Title 81, Chapter 4, Dissolution of Marriage;

2096 (v) \$35 for a [~~motion~~] petition for temporary separation [~~order filed under Section~~  
2097 ~~30-3-4.5~~] described in Section 81-4-104;

2098 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender  
2099 Registry under Section ~~77-41-112~~; and

2100 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or  
2101 adoptive child of the petitioner.

2102 (c) The fee for filing a small claims affidavit is:

- 2103 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,  
2104 interest, and attorney fees is \$2,000 or less;
- 2105 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,  
2106 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 2107 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,  
2108 interest, and attorney fees is \$7,500 or more.
- 2109 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party  
2110 complaint, or other claim for relief against an existing or joined party other than the original  
2111 complaint or petition is:
- 2112 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2113 \$2,000 or less;
- 2114 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2115 greater than \$2,000 and less than \$10,000;
- 2116 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is  
2117 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 2118 (iv) \$130 if the original petition is filed [~~under Title 30, Chapter 3, Divorce, or Title~~  
2119 ~~30, Chapter 4, Separate Maintenance~~] for an action described in Title 81, Chapter 4,  
2120 Dissolution of Marriage.
- 2121 (e) The fee for filing a small claims counter affidavit is:
- 2122 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2123 \$2,000 or less;
- 2124 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2125 greater than \$2,000, but less than \$7,500; and
- 2126 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is  
2127 \$7,500 or more.
- 2128 (f) The fee for depositing funds under Section 57-1-29 when not associated with an  
2129 action already before the court is determined under Subsection (1)(b) based on the amount  
2130 deposited.
- 2131 (g) The fee for filing a petition is:
- 2132 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims  
2133 department; and

2134 (ii) \$80 for an appeal of a municipal administrative determination in accordance with  
2135 Section [10-3-703.7](#).

2136 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
2137 petition for writ of certiorari is \$240.

2138 (i) The fee for filing a petition for expungement is \$150.

2139 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
2140 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'  
2141 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'  
2142 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement  
2143 Act.

2144 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be  
2145 allocated by the state treasurer to be deposited into the restricted account, Children's Legal  
2146 Defense Account, as provided in Section [51-9-408](#).

2147 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),  
2148 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided  
2149 in Section [78B-6-209](#).

2150 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),  
2151 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be  
2152 deposited into the restricted account, Court Security Account, as provided in Section  
2153 [78A-2-602](#).

2154 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)  
2155 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the restricted account,  
2156 Court Security Account, as provided in Section [78A-2-602](#).

2157 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
2158 United States is \$35.

2159 (l) The fee for filing a renewal of judgment in accordance with Section [78B-6-1801](#) is  
2160 50% of the fee for filing an original action seeking the same relief.

2161 (m) The fee for filing probate or child custody documents from another state is \$35.

2162 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the  
2163 State Tax Commission is \$30.

2164 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state

2165 or a judgment, order, or decree of an administrative agency, commission, board, council, or  
2166 hearing officer of this state or of its political subdivisions other than the State Tax  
2167 Commission, is \$50.

2168 (o) The fee for filing a judgment by confession without action under Section  
2169 [78B-5-205](#) is \$35.

2170 (p) The fee for filing an award of arbitration for confirmation, modification, or  
2171 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
2172 action before the court is \$35.

2173 (q) The fee for filing a petition or counter-petition to modify a domestic relations order  
2174 other than a protective order or stalking injunction is \$100.

2175 (r) The fee for filing any accounting required by law is:

2176 (i) \$15 for an estate valued at \$50,000 or less;

2177 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

2178 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

2179 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

2180 (v) \$175 for an estate valued at more than \$168,000.

2181 (s) The fee for filing a demand for a civil jury is \$250.

2182 (t) The fee for filing a notice of deposition in this state concerning an action pending in  
2183 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

2184 (u) The fee for filing documents that require judicial approval but are not part of an  
2185 action before the court is \$35.

2186 (v) The fee for a petition to open a sealed record is \$35.

2187 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in  
2188 addition to any fee for a complaint or petition.

2189 (x) (i) The fee for a petition for authorization for a minor to marry required by Section  
2190 ~~[30-1-9]~~ [81-2-304](#) is \$5.

2191 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,  
2192 Emancipation, is \$50.

2193 (y) The fee for a certificate issued under Section [26B-8-128](#) is \$8.

2194 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per  
2195 page.

2196 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents  
2197 per page.

2198 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of  
2199 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,  
2200 Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc)  
2201 shall be credited to the court as a reimbursement of expenditures.

2202 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of  
2203 the public to conduct a limited amount of searches on the Xchange database without having to  
2204 pay a monthly subscription fee.

2205 (dd) There is no fee for services or the filing of documents not listed in this section or  
2206 otherwise provided by law.

2207 (ee) Except as provided in this section, all fees collected under this section are paid to  
2208 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk  
2209 accepts the pleading for filing or performs the requested service.

2210 (ff) The filing fees under this section may not be charged to the state, the state's  
2211 agencies, or political subdivisions filing or defending any action. In judgments awarded in  
2212 favor of the state, its agencies, or political subdivisions, except the Office of Recovery  
2213 Services, the court shall order the filing fees and collection costs to be paid by the judgment  
2214 debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit  
2215 to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

2216 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall  
2217 transfer all revenues representing the difference between the fees in effect after May 2, 1994,  
2218 and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities  
2219 Construction and Management Capital Projects Fund.

2220 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities  
2221 Construction and Management shall use up to \$3,750,000 of the revenue deposited into the  
2222 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to  
2223 initiate the development of a courts complex in Salt Lake City.

2224 (B) If the Legislature approves funding for construction of a courts complex in Salt  
2225 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and  
2226 Management shall use the revenue deposited into the Capital Projects Fund under this



2227 Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

2228 (C) After the courts complex is completed and all bills connected with its construction  
2229 have been paid, the Division of Facilities Construction and Management shall use any money  
2230 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal  
2231 District Court building.

2232 (iii) The Division of Facilities Construction and Management may enter into  
2233 agreements and make expenditures related to this project before the receipt of revenues  
2234 provided for under this Subsection (2)(a)(iii).

2235 (iv) The Division of Facilities Construction and Management shall:

2236 (A) make those expenditures from unexpended and unencumbered building funds  
2237 already appropriated to the Capital Projects Fund; and

2238 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for  
2239 under this Subsection (2).

2240 (b) After June 30, 1998, the state court administrator shall ensure that all revenues  
2241 representing the difference between the fees in effect after May 2, 1994, and the fees in effect  
2242 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
2243 account.

2244 (c) The Division of Finance shall deposit all revenues received from the state court  
2245 administrator into the restricted account created by this section.

2246 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall  
2247 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor  
2248 Vehicles, in a court of record to the Division of Facilities Construction and Management  
2249 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be  
2250 calculated on the balance of the fine or bail forfeiture paid.

2251 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7  
2252 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a  
2253 court of record to the Division of Finance for deposit in the restricted account created by this  
2254 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the  
2255 balance of the fine or bail forfeiture paid.

2256 (3) (a) There is created within the General Fund a restricted account known as the State  
2257 Courts Complex Account.

2258 (b) The Legislature may appropriate money from the restricted account to the state  
2259 court administrator for the following purposes only:

2260 (i) to repay costs associated with the construction of the court complex that were  
2261 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

2262 (ii) to cover operations and maintenance costs on the court complex.

2263 Section 46. Section **78A-5a-103 (Effective 10/01/24)** is amended to read:

2264 **78A-5a-103 (Effective 10/01/24). Concurrent jurisdiction of the Business and**  
2265 **Chancery Court -- Exceptions.**

2266 (1) The Business and Chancery Court has jurisdiction, concurrent with the district  
2267 court, over an action:

2268 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief;  
2269 and

2270 (b) (i) with a claim arising from:

2271 (A) a breach of a contract;

2272 (B) a breach of a fiduciary duty;

2273 (C) a dispute over the internal affairs or governance of a business organization;

2274 (D) the sale, merger, or dissolution of a business organization;

2275 (E) the sale of substantially all of the assets of a business organization;

2276 (F) the receivership or liquidation of a business organization;

2277 (G) a dispute over liability or indemnity between or among owners of the same  
2278 business organization;

2279 (H) a dispute over liability or indemnity of an officer or owner of a business  
2280 organization;

2281 (I) a tortious or unlawful act committed against a business organization, including an  
2282 act of unfair competition, tortious interference, or misrepresentation or fraud;

2283 (J) a dispute between a business organization and an insurer regarding a commercial  
2284 insurance policy;

2285 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

2286 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform Trade  
2287 Secrets Act;

2288 (M) the misappropriation of intellectual property;

2289 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or  
2290 confidentiality agreement, regardless of whether the agreement is oral or written;  
2291 (O) a relationship between a franchisor and a franchisee;  
2292 (P) the purchase or sale of a security or an allegation of security fraud;  
2293 (Q) a dispute over a blockchain, blockchain technology, or a decentralized autonomous  
2294 organization;  
2295 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or  
2296 (S) a contract with a forum selection clause for a chancery, business, or commercial  
2297 court of this state or any other state;  
2298 (ii) with a malpractice claim concerning services that a professional provided to a  
2299 business organization; or  
2300 (iii) that is a shareholder derivative action.  
2301 (2) The Business and Chancery Court may exercise supplemental jurisdiction over all  
2302 claims in an action that the Business and Chancery Court has jurisdiction under Subsection (1),  
2303 except that the Business and Chancery Court may not exercise jurisdiction over:  
2304 (a) any claim arising from:  
2305 (i) a consumer contract;  
2306 (ii) a personal injury, including any personal injury relating to or arising out of health  
2307 care rendered or which should have been rendered by the health care provider;  
2308 (iii) a wrongful termination of employment or a prohibited or discriminatory  
2309 employment practice;  
2310 (iv) a violation of Title 13, Chapter 7, Civil Rights;  
2311 [~~(v) Title 30, Husband and Wife;~~]  
2312 [~~(vi)~~] (v) Title 63G, Chapter 4, Administrative Procedures Act;  
2313 [~~(vii)~~] (vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;  
2314 [~~(viii)~~] (vii) Title 78B, Chapter 6, Part 5, Eminent Domain;  
2315 [~~(ix)~~] (viii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer;  
2316 [~~(x)~~] (ix) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;  
2317 [~~(xi) Title 78B, Chapter 12, Utah Child Support Act;~~]  
2318 [~~(xii)~~] (x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
2319 Enforcement Act;

- 2320 [~~(xiii)~~] (xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;
- 2321 [~~(xiv)~~] (xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;
- 2322 [~~(xv)~~] (xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act; [~~or~~]
- 2323 [~~(xvi)~~] (xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time,
- 2324 and Visitation Act; or
- 2325 (xv) Title 81, Utah Domestic Relations Code; or
- 2326 (b) any criminal matter, unless the criminal matter is an act or omission of contempt
- 2327 that occurs in an action before the Business and Chancery Court.
- 2328 Section 47. Section **78A-6-103** is amended to read:
- 2329 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
- 2330 **Findings -- Transfer of a case from another court.**
- 2331 (1) Except as otherwise provided by Sections [78A-5-102.5](#) and [78A-7-106](#), the juvenile
- 2332 court has original jurisdiction over:
- 2333 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 2334 state, or federal law, that was committed by a child;
- 2335 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 2336 state, or federal law, that was committed by an individual:
- 2337 (i) who is under 21 years old at the time of all court proceedings; and
- 2338 (ii) who was under 18 years old at the time the offense was committed; and
- 2339 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
- 2340 law, that was committed:
- 2341 (i) by an individual:
- 2342 (A) who was 18 years old and enrolled in high school at the time of the offense; and
- 2343 (B) who is under 21 years old at the time of all court proceedings; and
- 2344 (ii) on school property where the individual was enrolled:
- 2345 (A) when school was in session; or
- 2346 (B) during a school-sponsored activity, as defined in Subsection Section [53G-8-211](#).
- 2347 (2) The juvenile court has original jurisdiction over:
- 2348 (a) any proceeding concerning:
- 2349 (i) a child who is an abused child, neglected child, or dependent child;
- 2350 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child

2351 Protective Orders;

2352 (iii) the appointment of a guardian of the individual or other guardian of a minor who  
2353 comes within the court's jurisdiction under other provisions of this section;

2354 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

2355 (v) the termination of parental rights in accordance with Title 80, Chapter 4,  
2356 Termination and Restoration of Parental Rights, including termination of residual parental  
2357 rights and duties;

2358 (vi) the treatment or commitment of a minor who has an intellectual disability;

2359 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in  
2360 accordance with Section ~~[30-1-9]~~ [81-2-304](#);

2361 (viii) an order for a parent or a guardian of a child under Subsection [80-6-705\(3\)](#);

2362 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;

2363 (x) the treatment or commitment of a child with a mental illness;

2364 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with  
2365 Section [26B-5-204](#);

2366 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,  
2367 Part 4, Competency;

2368 (xiii) de novo review of final agency actions resulting from an informal adjudicative  
2369 proceeding as provided in Section [63G-4-402](#);

2370 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,  
2371 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order  
2372 terminating the rights of a parent and finds that adoption is in the best interest of the child;

2373 (xv) an ungovernable or runaway child who is referred to the juvenile court by the  
2374 Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the  
2375 Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:

2376 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that  
2377 the child's behavior or condition endangers the child's own welfare or the welfare of others; or  
2378 (B) has run away from home; and

2379 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an  
2380 adult alleged to have committed an offense under Subsection [78A-6-352\(4\)\(b\)](#) for failure to  
2381 comply with a promise to appear and bring a child to the juvenile court;

2382 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and  
2383 Expungement; and

2384 (c) the extension of a nonjudicial adjustment under Section 80-6-304.

2385 (3) The juvenile court has original jurisdiction over a petition for special findings under  
2386 Section 80-3-505.

2387 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the  
2388 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection  
2389 (2)(a)(xvi), (b), or (c).

2390 (5) This section does not restrict the right of access to the juvenile court by private  
2391 agencies or other persons.

2392 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases  
2393 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

2394 (7) The juvenile court has jurisdiction to make a finding of substantiated,  
2395 unsubstantiated, or without merit, in accordance with Section 80-3-404.

2396 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by  
2397 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

2398 Section 48. Section 78A-6-104 is amended to read:

2399 **78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a**  
2400 **protective order.**

2401 (1) (a) The juvenile court has jurisdiction, concurrent with the district court:

2402 (i) to establish paternity, or to order testing for purposes of establishing paternity, for a  
2403 child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, when a  
2404 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency  
2405 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights, that  
2406 involves the child;

2407 (ii) over a petition to modify a minor's birth certificate if the juvenile court has  
2408 jurisdiction over the minor's case under Section 78A-6-103; and

2409 (iii) over questions of custody, support, and parent-time of a minor if the juvenile court  
2410 has jurisdiction over the minor's case under Section 78A-6-103.

2411 (b) If the juvenile court obtains jurisdiction over a paternity action under Subsection  
2412 (1)(a)(i), the juvenile court may:

2413 (i) retain jurisdiction over the paternity action until paternity of the child is adjudicated;  
2414 or

2415 (ii) transfer jurisdiction over the paternity action to the district court.

2416 (2) (a) The juvenile court has jurisdiction, concurrent with the district court or the  
2417 justice court otherwise having jurisdiction, over a criminal information filed under Part 4a,  
2418 Adult Criminal Proceedings, for an adult alleged to have committed:

2419 (i) an offense under Section [32B-4-403](#), unlawful sale, offer for sale, or furnishing to a  
2420 minor;

2421 (ii) an offense under Section [53G-6-202](#), failure to comply with compulsory education  
2422 requirements;

2423 (iii) an offense under Section [80-2-609](#), failure to report;

2424 (iv) a misdemeanor offense under Section [76-5-303](#), custodial interference;

2425 (v) an offense under Section [76-10-2301](#), contributing to the delinquency of a minor; or

2426 (vi) an offense under Section [80-5-601](#), harboring a runaway.

2427 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the  
2428 law under Section [80-6-701](#) for the juvenile court to exercise jurisdiction under Subsection  
2429 (2)(a).

2430 (3) (a) When a support, custody, or parent-time award has been made by a district court  
2431 in a divorce action or other proceeding, and the jurisdiction of the district court in the case is  
2432 continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the  
2433 child comes within the jurisdiction of the juvenile court under Section [78A-6-103](#).

2434 (b) (i) The juvenile court may, by order, change the custody subject to Subsection  
2435 ~~[30-3-10(6)]~~ [81-9-204\(5\)](#), support, parent-time, and visitation rights previously ordered in the  
2436 district court as necessary to implement the order of the juvenile court for the safety and  
2437 welfare of the child.

2438 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long  
2439 as the juvenile court continues to exercise jurisdiction.

2440 (c) If a copy of the findings and order of the juvenile court under this Subsection (3)  
2441 are filed with the district court, the findings and order of the juvenile court are binding on the  
2442 parties to the divorce action as though entered in the district court.

2443 (4) This section does not deprive the district court of jurisdiction to:

- 2444 (a) appoint a guardian for a child;
- 2445 (b) determine the support, custody, and parent-time of a child upon writ of habeas
- 2446 corpus; or
- 2447 (c) determine a question of support, custody, and parent-time that is incidental to the
- 2448 determination of an action in the district court.

2449 (5) A juvenile court may transfer a petition for a protective order for a child to the

2450 district court if the juvenile court has entered an ex parte protective order and finds that:

2451 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step

2452 parent of the child who is the object of the petition;

2453 (b) the district court has a petition pending or an order related to custody or parent-time

2454 entered under [~~Title 30, Chapter 3, Divorce,~~] Title 78B, Chapter 7, Part 6, Cohabitant Abuse

2455 Protective Orders, [~~or~~] Title 78B, Chapter 15, Utah Uniform Parentage Act, or Title 81,

2456 Chapter 4, Part 4, Divorce, in which the petitioner and the respondent are parties; and

2457 (c) the best interests of the child will be better served in the district court.

2458 Section 49. Section **78A-6-356** is amended to read:

2459 **78A-6-356. Child support obligation when custody of a child is vested in an**

2460 **individual or institution.**

2461 (1) As used in this section:

2462 (a) "Office" means the Office of Recovery Services.

2463 (b) "State custody" means that a child is in the custody of a state department, division,

2464 or agency, including secure care.

2465 (2) Under this section, a juvenile court may not issue a child support order against an

2466 individual unless:

2467 (a) the individual is served with notice that specifies the date and time of a hearing to

2468 determine the financial support of a specified child;

2469 (b) the individual makes a voluntary appearance; or

2470 (c) the individual submits a waiver of service.

2471 (3) Except as provided in Subsection (11), when a juvenile court places a child in state

2472 custody or if the guardianship of the child has been granted to another party and an agreement

2473 for a guardianship subsidy has been signed by the guardian, the juvenile court:

2474 (a) shall order the child's parent, guardian, or other obligated individual to pay child



2475 support for each month the child is in state custody or cared for under a grant of guardianship;

2476 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and  
2477 in writing, of the requirement to pay child support in accordance with [~~Title 78B, Chapter 12,~~  
2478 ~~Utah Child Support Act~~] Title 81, Chapter 6, Child Support; and

2479 (c) may refer the establishment of a child support order to the office.

2480 (4) When a juvenile court chooses to refer a case to the office to determine support  
2481 obligation amounts in accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title  
2482 81, Chapter 6, Child Support, the juvenile court shall:

2483 (a) make the referral within three working days after the day on which the juvenile  
2484 court holds the hearing described in Subsection (2)(a); and

2485 (b) inform the child's parent, guardian, or other obligated individual of:

2486 (i) the requirement to contact the office within 30 days after the day on which the  
2487 juvenile court holds the hearing described in Subsection (2)(a); and

2488 (ii) the penalty described in Subsection (6) for failure to contact the office.

2489 (5) Liability for child support ordered under Subsection (3) shall accrue:

2490 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which  
2491 the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child  
2492 support order for the child; or

2493 (b) beginning on the day the child is removed from the child's home, including time  
2494 spent in detention or sheltered care, if the child is removed after having been returned to the  
2495 child's home from state custody.

2496 (6) (a) If the child's parent, guardian, or other obligated individual contacts the office  
2497 within 30 days after the day on which the court holds the hearing described in Subsection  
2498 (2)(a), the child support order may not include a judgment for past due support for more than  
2499 two months.

2500 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the  
2501 liability of support to begin to accrue from the date of the proceeding referenced in Subsection  
2502 (3) if:

2503 (i) the court informs the child's parent, guardian, or other obligated individual, as  
2504 described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to  
2505 contact the office within 30 days after the day on which the court holds the hearing described in

2506 Subsection (2)(a); and

2507 (ii) the office took reasonable steps under the circumstances to contact the child's  
2508 parent, guardian, or other obligated individual within 30 days after the last day on which the  
2509 parent, guardian, or other obligated individual was required to contact the office to facilitate the  
2510 establishment of a child support order.

2511 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken  
2512 reasonable steps if the office:

2513 (i) has a signed, returned receipt for a certified letter mailed to the address of the child's  
2514 parent, guardian, or other obligated individual regarding the requirement that a child support  
2515 order be established; or

2516 (ii) has had a documented conversation, whether by telephone or in person, with the  
2517 child's parent, guardian, or other obligated individual regarding the requirement that a child  
2518 support order be established.

2519 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a  
2520 payment schedule or demanding payment in full.

2521 (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated  
2522 individual shall pay the child support to the office.

2523 (b) The clerk of the juvenile court, the office, or the department and the department's  
2524 divisions shall have authority to receive periodic payments for the care and maintenance of the  
2525 child, such as social security payments or railroad retirement payments made in the name of or  
2526 for the benefit of the child.

2527 (9) An existing child support order payable to a parent or other individual shall be  
2528 assigned to the department as provided in Section 26B-9-111.

2529 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by  
2530 the juvenile court in an individual.

2531 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the  
2532 court may order the child's parent, guardian, or other obligated individual to pay child support  
2533 to the individual in whom custody is vested.

2534 (ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian,  
2535 or other obligated individual, verbally and in writing, of the requirement to pay child support in  
2536 accordance with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child

2537 Support.

2538 (11) The juvenile court may not order an individual to pay child support for a child in  
2539 state custody if:

2540 (a) the individual's only form of income is a government-issued disability benefit;

2541 (b) the benefit described in Subsection (11)(a) is issued because of the individual's  
2542 disability, and not the child's disability; and

2543 (c) the individual provides the juvenile court and the office evidence that the individual  
2544 meets the requirements of Subsections (11)(a) and (b).

2545 (12) (a) The child's parent or another obligated individual is not responsible for child  
2546 support for the period of time that the child is removed from the child's home by the Division  
2547 of Child and Family Services if:

2548 (i) the juvenile court finds that there were insufficient grounds for the removal of the  
2549 child; and

2550 (ii) the child is returned to the home of the child's parent or guardian based on the  
2551 finding described in Subsection (12)(a)(i).

2552 (b) If the juvenile court finds insufficient grounds for the removal of the child under  
2553 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court shall order  
2554 that the child's parent or another obligated individual is responsible for child support beginning  
2555 on the day on which it became improper to return the child to the home of the child's parent or  
2556 guardian.

2557 (13) After the juvenile court or the office establishes an individual's child support  
2558 obligation ordered under Subsection (3), the office shall waive the obligation without further  
2559 order of the juvenile court if:

2560 (a) the individual's child support obligation is established [~~under the low income table~~  
2561 ~~in Section 78B-12-302 or 78B-12-304~~] in accordance with a low income table described in  
2562 Title 81, Chapter 6, Part 3, Child Support Tables; or

2563 (b) the individual's only source of income is a means-tested, income replacement  
2564 payment of aid, including:

2565 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
2566 Program; or

2567 (ii) cash benefits received under General Assistance, social security income, or social

2568 security disability income.

2569 Section 50. Section **78B-3-416** is amended to read:

2570 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**  
2571 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**  
2572 **fees.**

2573 (1) (a) The division shall provide a hearing panel in alleged medical liability cases  
2574 against health care providers as defined in Section **78B-3-403**, except dentists or dental care  
2575 providers.

2576 (b) (i) The division shall establish procedures for prelitigation consideration of medical  
2577 liability claims for damages arising out of the provision of or alleged failure to provide health  
2578 care.

2579 (ii) The division may establish rules necessary to administer the process and  
2580 procedures related to prelitigation hearings and the conduct of prelitigation hearings in  
2581 accordance with Sections **78B-3-416** through **78B-3-420**.

2582 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter  
2583 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing  
2584 litigation.

2585 (d) Proceedings conducted under authority of this section are confidential, privileged,  
2586 and immune from civil process.

2587 (e) The division may not provide more than one hearing panel for each alleged medical  
2588 liability case against a health care provider.

2589 (2) (a) The party initiating a medical liability action shall file a request for prelitigation  
2590 panel review with the division within 60 days after the service of a statutory notice of intent to  
2591 commence action under Section **78B-3-412**.

2592 (b) The request shall include a copy of the notice of intent to commence action. The  
2593 request shall be mailed to all health care providers named in the notice and request.

2594 (3) (a) As used in this Subsection (3):

2595 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to  
2596 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

2597 (ii) "Domestic case" means a proceeding under:

2598 [~~(A) Title 30, Chapter 3, Divorce;~~]

2599 ~~[(B) Title 30, Chapter 4, Separate Maintenance;]~~  
 2600 ~~[(C) Title 30, Chapter 5, Grandparents;]~~  
 2601 ~~[(D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents~~  
 2602 ~~Act;]~~

2603 ~~[(E)]~~ (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;  
 2604 ~~[(F)]~~ (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
 2605 Enforcement Act; ~~[or]~~

2606 ~~[(G)]~~ (C) Title 78B, Chapter 15, Utah Uniform Parentage Act[-];  
 2607 (D) Title 81, Chapter 4, Dissolution of Marriage; or  
 2608 (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.

2609 (iii) "Mental health therapist" means the same as that term is defined in Section  
 2610 58-60-102.

2611 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the  
 2612 domestic case may not file a request for a prelitigation panel review for a malpractice action  
 2613 against the court-appointed therapist during the pendency of the domestic case, unless:

2614 (i) the party has requested that the court release the court-appointed therapist from  
 2615 appointment; and

2616 (ii) the court finds good cause to release the court-appointed therapist from the  
 2617 appointment.

2618 (c) If a party is prohibited from filing a request for a prelitigation panel review under  
 2619 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:

2620 (i) the court releasing the court-appointed therapist from appointment as described in  
 2621 Subsection (3)(b); or

2622 (ii) the court entering a final order in the domestic case.

2623 (4) (a) The filing of a request for prelitigation panel review under this section tolls the  
 2624 applicable statute of limitations until the later of:

2625 (i) 60 days following the division's issuance of:

2626 (A) an opinion by the prelitigation panel; or

2627 (B) a certificate of compliance under Section 78B-3-418; or

2628 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).

2629 (b) The division shall:

- 2630 (i) send any opinion issued by the panel to all parties by regular mail; and  
2631 (ii) complete a prelitigation hearing under this section within:  
2632 (A) 180 days after the filing of the request for prelitigation panel review; or  
2633 (B) any longer period as agreed upon in writing by all parties to the review.  
2634 (c) If the prelitigation hearing has not been completed within the time limits  
2635 established in Subsection (4)(b)(ii), the claimant shall:  
2636 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or  
2637 (ii) file an affidavit with the division within 180 days of the request for pre-litigation  
2638 review, in accordance with Subsection (4)(d), alleging that the respondent has failed to  
2639 reasonably cooperate in scheduling the hearing.  
2640 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):  
2641 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division  
2642 shall determine whether either the respondent or the claimant failed to reasonably cooperate in  
2643 the scheduling of a pre-litigation hearing; and  
2644 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in the  
2645 scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division  
2646 shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418;  
2647 or  
2648 (B) if the division makes a determination other than the determination in Subsection  
2649 (4)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423,  
2650 within 30 days of the determination of the division under this Subsection (4).  
2651 (e) (i) The claimant and any respondent may agree by written stipulation that no useful  
2652 purpose would be served by convening a prelitigation panel under this section.  
2653 (ii) When the stipulation is filed with the division, the division shall within 10 days  
2654 after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the  
2655 stipulating respondent, and stating that the claimant has complied with all conditions precedent  
2656 to the commencement of litigation regarding the claim.  
2657 (5) The division shall provide for and appoint an appropriate panel or panels to hear  
2658 complaints of medical liability and damages, made by or on behalf of any patient who is an  
2659 alleged victim of medical liability. The panels are composed of:  
2660 (a) one member who is a resident lawyer currently licensed and in good standing to

2661 practice law in this state and who shall serve as chairman of the panel, who is appointed by the  
2662 division from among qualified individuals who have registered with the division indicating a  
2663 willingness to serve as panel members, and a willingness to comply with the rules of  
2664 professional conduct governing lawyers in the state, and who has completed division training  
2665 regarding conduct of panel hearings;

2666 (b) (i) one or more members who are licensed health care providers listed under  
2667 Section 78B-3-403, who are practicing and knowledgeable in the same specialty as the  
2668 proposed defendant, and who are appointed by the division in accordance with Subsection (6);  
2669 or

2670 (ii) in claims against only a health care facility or the facility's employees, one member  
2671 who is an individual currently serving in a health care facility administration position directly  
2672 related to health care facility operations or conduct that includes responsibility for the area of  
2673 practice that is the subject of the liability claim, and who is appointed by the division; and

2674 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care  
2675 provider, and who is a responsible citizen of the state, selected and appointed by the division  
2676 from among individuals who have completed division training with respect to panel hearings.

2677 (6) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing  
2678 under a license issued by the state, is obligated as a condition of holding that license to  
2679 participate as a member of a medical liability prelitigation panel at reasonable times, places,  
2680 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the  
2681 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

2682 (b) A licensee may be excused from appearance and participation as a panel member  
2683 upon the division finding participation by the licensee will create an unreasonable burden or  
2684 hardship upon the licensee.

2685 (c) A licensee whom the division finds failed to appear and participate as a panel  
2686 member when so ordered, without adequate explanation or justification and without being  
2687 excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

2688 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and  
2689 participate as a panel member when so ordered, without adequate explanation or justification  
2690 and without being excused for cause by the division, may be assessed an administrative fine not  
2691 to exceed \$5,000, and is guilty of unprofessional conduct.

2692 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the  
2693 Physicians Education Fund created in Section 58-67a-1.

2694 (f) The director of the division may collect a fine that is not paid by:

2695 (i) referring the matter to a collection agency; or

2696 (ii) bringing an action in the district court of the county where the person against whom  
2697 the penalty is imposed resides or in the county where the office of the director is located.

2698 (g) A county attorney or the attorney general of the state shall provide legal assistance  
2699 and advice to the director in an action to collect a fine.

2700 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an  
2701 action brought by the division to collect a fine.

2702 (7) Each person selected as a panel member shall certify, under oath, that he has no  
2703 bias or conflict of interest with respect to any matter under consideration.

2704 (8) A member of the prelitigation hearing panel may not receive compensation or  
2705 benefits for the member's service, but may receive per diem and travel expenses in accordance  
2706 with:

2707 (a) Section 63A-3-106;

2708 (b) Section 63A-3-107; and

2709 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2710 63A-3-107.

2711 (9) (a) In addition to the actual cost of administering the licensure of health care  
2712 providers, the division may set license fees of health care providers within the limits  
2713 established by law equal to their proportionate costs of administering prelitigation panels.

2714 (b) The claimant bears none of the costs of administering the prelitigation panel except  
2715 under Section 78B-3-420.

2716 Section 51. Section 78B-3-426 is amended to read:

2717 **78B-3-426. Nonpatient plaintiffs.**

2718 (1) For purposes of this section, a nonpatient plaintiff does not include a patient, as  
2719 defined in [~~Subsection 78B-3-403(23)~~] Section 78B-3-403.

2720 (2) This section does not apply to a health care malpractice action brought or seeking  
2721 recovery under Section [~~30-2-11;~~] 78B-3-106, 78B-3-107, [~~or~~] 78B-3-502, or 81-3-111.

2722 (3) To establish a malpractice action against a health care provider, a nonpatient



2723 plaintiff shall be required to show that:

2724 (a) the health care provider owes a duty to the nonpatient plaintiff;

2725 (b) the nonpatient plaintiff suffered a foreseeable injury;

2726 (c) the nonpatient plaintiff's injury was proximately caused by an act or omission of the

2727 health care provider; and

2728 (d) the health care provider's act or omission was conduct that manifests a knowing and

2729 reckless indifference toward, and a disregard of, the injury suffered by the nonpatient plaintiff.

2730 Section 52. Section **78B-6-316** is amended to read:

2731 **78B-6-316. Compensatory service for violation of parent-time order or failure to**  
2732 **pay child support.**

2733 (1) As used in this section, "obligor" means the same as that term is defined in Section  
2734 81-6-101.

2735 ~~[(1)]~~ (2) If a court finds by a preponderance of the evidence that a parent has refused to  
2736 comply with the minimum amount of parent-time ordered in a decree of divorce, the court shall  
2737 order the parent to:

2738 (a) perform a minimum of 10 hours of compensatory service; and

2739 (b) participate in workshops, classes, or individual counseling to educate the parent  
2740 about the importance of complying with the court order and providing a child a continuing  
2741 relationship with both parents.

2742 ~~[(2)]~~ (3) If a custodial parent is ordered to perform compensatory service or undergo  
2743 court-ordered education, there is a rebuttable presumption that the noncustodial parent be  
2744 granted parent-time by the court to provide child care during the time the custodial parent is  
2745 complying with compensatory service or education in order to recompense him for parent-time  
2746 wrongfully denied by the custodial parent under the divorce decree.

2747 ~~[(3)]~~ (4) If a noncustodial parent is ordered to perform compensatory service or  
2748 undergo court-ordered education, the court shall attempt to schedule the compensatory service  
2749 or education at times that will not interfere with the noncustodial parent's parent-time with the  
2750 child.

2751 ~~[(4)]~~ (5) The person ordered to participate in court-ordered education is responsible for  
2752 expenses of workshops, classes, and individual counseling.

2753 ~~[(5)]~~ (6) If a court finds by a preponderance of the evidence that an obligor~~[-as defined~~

2754 in ~~Section 78B-12-102;~~] has refused to pay child support as ordered by a court in accordance  
2755 with [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child Support, the  
2756 court shall order the obligor to:

- 2757 (a) perform a minimum of 10 hours of compensatory service; and  
2758 (b) participate in workshops, classes, or individual counseling to educate the obligor  
2759 about the importance of complying with the court order and providing the children with a  
2760 regular and stable source of support.

2761 ~~[(6)]~~ (7) The obligor is responsible for the expenses of workshops, classes, and  
2762 individual counseling ordered by the court.

2763 ~~[(7)]~~ (8) If a court orders an obligor to perform compensatory service or undergo  
2764 court-ordered education, the court shall attempt to schedule the compensatory service or  
2765 education at times that will not interfere with the obligor's parent-time with the child.

2766 ~~[(8)]~~ (9) The sanctions that the court shall impose under this section do not prevent the  
2767 court from imposing other sanctions or prevent any person from bringing a cause of action  
2768 allowed under state or federal law.

2769 ~~[(9)]~~ (10) The Legislature shall allocate the money from the Children's Legal Defense  
2770 Account to the judiciary to defray the cost of enforcing and administering this section.

2771 Section 53. Section **78B-7-204** is amended to read:

2772 **78B-7-204. Content of orders -- Modification of orders -- Penalties.**

- 2773 (1) A child protective order or an ex parte child protective order may contain the  
2774 following provisions the violation of which is a class A misdemeanor under Section 76-5-108:  
2775 (a) enjoin the respondent from threatening to commit or committing abuse of the child;  
2776 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise  
2777 communicating with the child, directly or indirectly;  
2778 (c) prohibit the respondent from entering or remaining upon the residence, school, or  
2779 place of employment of the child and the premises of any of these or any specified place  
2780 frequented by the child;  
2781 (d) upon finding that the respondent's use or possession of a weapon may pose a  
2782 serious threat of harm to the child, prohibit the respondent from purchasing, using, or  
2783 possessing a firearm or other specified weapon; and  
2784 (e) determine ownership and possession of personal property and direct the appropriate

2785 law enforcement officer to attend and supervise the petitioner's or respondent's removal of  
2786 personal property.

2787 (2) A child protective order or an ex parte child protective order may contain the  
2788 following provisions the violation of which is contempt of court:

2789 (a) determine temporary custody of the child who is the subject of the petition;

2790 (b) determine parent-time with the child who is the subject of the petition, including  
2791 denial of parent-time if necessary to protect the safety of the child, and require supervision of  
2792 parent-time by a third party;

2793 (c) determine child support in accordance with [~~Title 78B, Chapter 12, Utah Child~~  
2794 ~~Support Act~~] Title 81, Chapter 6, Child Support; and

2795 (d) order any further relief the court considers necessary to provide for the safety and  
2796 welfare of the child.

2797 (3) (a) If the child who is the subject of the child protective order attends the same  
2798 school or place of worship as the respondent, or is employed at the same place of employment  
2799 as the respondent, the court:

2800 (i) may not enter an order under Subsection (1)(c) that excludes the respondent from  
2801 the respondent's school, place of worship, or place of employment; and

2802 (ii) may enter an order governing the respondent's conduct at the respondent's school,  
2803 place of worship, or place of employment.

2804 (b) A violation of an order under Subsection (3)(a) is contempt of court.

2805 (4) (a) A respondent may petition the court to modify or vacate a child protective order  
2806 after notice and a hearing.

2807 (b) At the hearing described in Subsection (4)(a):

2808 (i) the respondent shall have the burden of proving by clear and convincing evidence  
2809 that modification or vacation of the child protective order is in the best interest of the child; and

2810 (ii) the court shall consider:

2811 (A) the nature and duration of the abuse;

2812 (B) the pain and trauma inflicted on the child as a result of the abuse;

2813 (C) if the respondent is a parent of the child, any reunification services provided in  
2814 accordance with Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; and

2815 (D) any other evidence the court finds relevant to the determination of the child's best

2816 interests, including recommendations by the other parent or a guardian of the child, or a mental  
2817 health professional.

2818 (c) The child is not required to attend the hearing described in Subsection (4)(a).

2819 Section 54. Section **78B-15-102** is amended to read:

2820 **78B-15-102. Definitions.**

2821 As used in this chapter:

2822 (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the  
2823 father of a child.

2824 (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the  
2825 genetic father or a possible genetic father of a child, but whose paternity has not been  
2826 determined.

2827 (3) (a) "Assisted reproduction" means a method of causing pregnancy other than sexual  
2828 intercourse. [~~The term includes:~~]

2829 (b) "Assisted reproduction" includes:

2830 [~~(a)~~] (i) intrauterine insemination;

2831 [~~(b)~~] (ii) donation of eggs;

2832 [~~(c)~~] (iii) donation of embryos;

2833 [~~(d)~~] (iv) in vitro fertilization and transfer of embryos; and

2834 [~~(e)~~] (v) intracytoplasmic sperm injection.

2835 (4) "Birth expenses" means all medical costs associated with the birth of a child,  
2836 including the related expenses for the biological mother during her pregnancy and delivery.

2837 (5) "Birth mother" means the biological mother of a child.

2838 (6) "Child" means an individual of any age whose parentage may be determined under  
2839 this chapter.

2840 (7) "Commence" means to file the initial pleading seeking an adjudication of parentage  
2841 in the appropriate tribunal of this state.

2842 (8) "Declarant father" means a male who, along with the biological mother claims to be  
2843 the genetic father of a child, and signs a voluntary declaration of paternity to establish the man's  
2844 paternity.

2845 (9) "Determination of parentage" means the establishment of the parent-child  
2846 relationship by the signing of a valid declaration of paternity under Part 3, Voluntary

2847 Declaration of Paternity Act, or adjudication by a tribunal.

2848 (10) (a) "Donor" means an individual who produces eggs or sperm used for assisted  
2849 reproduction, whether or not for consideration. [~~The term does not include:~~]

2850 (b) "Donor" does not include:

2851 [~~(a)~~] (i) a husband who provides sperm, or a wife who provides eggs, to be used for  
2852 assisted reproduction by the wife;

2853 [~~(b)~~] (ii) a woman who gives birth to a child by means of assisted reproduction, except  
2854 as otherwise provided in Part 8, Gestational Agreement; or

2855 [~~(c)~~] (iii) a parent under Part 7, Assisted Reproduction, or an intended parent under  
2856 Part 8, Gestational Agreement.

2857 (11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group  
2858 that an individual identifies as all or part of the individual's ancestry or that is so identified by  
2859 other information.

2860 (12) "Financial support" means a base child support award as defined in Section  
2861 [~~78B-12-102~~] [81-6-101](#), all past-due support which accrues under an order for current periodic  
2862 payments, and sum certain judgments for past-due support.

2863 (13) (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a  
2864 man as the father or a woman as the mother of a child. [~~The term~~]

2865 (b) "Genetic testing" includes an analysis of one or a combination of the following:

2866 [~~(a)~~] (i) deoxyribonucleic acid; or

2867 [~~(b)~~] (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum  
2868 enzymes, serum proteins, or red-cell enzymes.

2869 (14) "Gestational mother" means an adult woman who gives birth to a child under a  
2870 gestational agreement.

2871 (15) [~~"Man," as defined in this chapter;~~] "Man" means a male individual of any age.

2872 (16) "Medical support" means a provision in a support order that requires the purchase  
2873 and maintenance of appropriate insurance for health and dental expenses of dependent children,  
2874 and assigns responsibility for uninsured medical expenses.

2875 (17) "Parent" means an individual who has established a parent-child relationship  
2876 under Section [78B-15-201](#).

2877 (18) (a) "Parent-child relationship" means the legal relationship between a child and a

2878 parent of the child. [~~The term~~]

2879 (b) "Parent-child relationship" includes the mother-child relationship and the  
2880 father-child relationship.

2881 (19) "Paternity index" means the likelihood of paternity calculated by computing the  
2882 ratio between:

2883 (a) the likelihood that the tested man is the father, based on the genetic markers of the  
2884 tested man and child, conditioned on the hypothesis that the tested man is the father of the  
2885 child; and

2886 (b) the likelihood that the tested man is not the father, based on the genetic markers of  
2887 the tested man and child, conditioned on the hypothesis that the tested man is not the father of  
2888 the child and that the father is of the same ethnic or racial group as the tested man.

2889 (20) "Presumed father" means a man who, by operation of law under Section  
2890 [78B-15-204](#), is recognized as the father of a child until that status is rebutted or confirmed as  
2891 set forth in this chapter.

2892 (21) "Probability of paternity" means the measure, for the ethnic or racial group to  
2893 which the alleged father belongs, of the probability that the man in question is the father of the  
2894 child, compared with a random, unrelated man of the same ethnic or racial group, expressed as  
2895 a percentage incorporating the paternity index and a prior probability.

2896 (22) "Record" means information that is inscribed on a tangible medium or that is  
2897 stored in an electronic or other medium and is retrievable in perceivable form.

2898 (23) "Signatory" means an individual who authenticates a record and is bound by its  
2899 terms.

2900 (24) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
2901 the United States Virgin Islands, any territory, Native American Tribe, or insular possession  
2902 subject to the jurisdiction of the United States.

2903 (25) "Support-enforcement agency" means a public official or agency authorized under  
2904 Title IV-D of the Social Security Act which has the authority to seek:

2905 (a) enforcement of support orders or laws relating to the duty of support;

2906 (b) establishment or modification of child support;

2907 (c) determination of parentage; or

2908 (d) location of child-support obligors and their income and assets.

2909 (26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity  
2910 authorized to establish, enforce, or modify support orders or to determine parentage.

2911 Section 55. Section **78B-15-113** is amended to read:

2912 **78B-15-113. Parent-time rights of father.**

2913 (1) If the tribunal determines that the alleged father is the father, [it] the tribunal may  
2914 upon [its] the tribunal's own motion or upon motion of the father, order parent-time rights in  
2915 accordance with [~~Sections 30-3-32 through 30-3-37~~] Title 81, Chapter 9, Custody, Parent-time,  
2916 and Visitation, as [it] the tribunal considers appropriate under the circumstances.

2917 (2) Parent-time rights may not be granted to a father if the child has been subsequently  
2918 adopted.

2919 Section 56. Section **78B-15-603** is amended to read:

2920 **78B-15-603. Parties to proceeding.**

2921 The following individuals shall be joined as parties in a proceeding to adjudicate  
2922 parentage:

2923 (1) the mother of the child;

2924 (2) a man whose paternity of the child is to be adjudicated; and

2925 (3) the state [~~pursuant to Section 78B-12-113~~] in accordance with Section 81-6-106.

2926 *The following section is affected by a coordination clause at the end of this bill.*

2927 Section 57. Section **78B-15-610** is amended to read:

2928 **78B-15-610. Joinder of judicial proceedings -- Court reliance of custody and**  
2929 **parent-time standards.**

2930 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate  
2931 parentage may be joined with a proceeding for adoption, termination of parental rights, child  
2932 custody or visitation, child support, divorce, annulment, legal separation or separate  
2933 maintenance, probate or administration of an estate, or other appropriate proceeding.

2934 (2) A respondent may not join a proceeding described in Subsection (1) with a  
2935 proceeding to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform  
2936 Interstate Family Support Act.

2937 (3) A court [~~may rely on Title 30, Chapter 3, Divorce, in determining issues related to~~  
2938 ~~custody or parent-time~~] may determine issues of custody, parent-time, visitation, and child  
2939 support in accordance with Title 81, Chapter 6, Child Support, and Title 81, Chapter 9,

2940 Custody, Parent-time, and Visitation.

2941 Section 58. Section **78B-15-623** is amended to read:

2942 **78B-15-623. Binding effect of determination of parentage.**

2943 (1) Except as otherwise provided in Subsection (2), a determination of parentage is  
2944 binding on:

2945 (a) all signatories to a declaration or denial of paternity as provided in Part 3,  
2946 Voluntary Declaration of Paternity Act; and

2947 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy  
2948 the jurisdictional requirements of Section **78B-14-201**.

2949 (2) A child is not bound by a determination of parentage under this chapter unless:

2950 (a) the determination was based on an unrescinded declaration of paternity and the  
2951 declaration is consistent with the results of genetic testing;

2952 (b) the adjudication of parentage was based on a finding consistent with the results of  
2953 genetic testing and the consistency is declared in the determination or is otherwise shown; or

2954 (c) the child was a party or was represented in the proceeding determining parentage by  
2955 a guardian ad litem.

2956 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an  
2957 adjudication of the parentage of a child if the question of paternity is raised and the tribunal  
2958 adjudicates according to Part 6, Adjudication of Parentage, and the final order:

2959 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or  
2960 similar words indicating that the husband is the father of the child; or

2961 (b) provides for support of the child by the husband unless paternity is specifically  
2962 disclaimed in the order.

2963 (4) The tribunal is not considered to have made an adjudication of the parentage of a  
2964 child if the child was born at the time of entry of the order and other children are named as  
2965 children of the marriage, but that child is specifically not named.

2966 (5) Once the paternity of a child has been adjudicated, an individual who was not a  
2967 party to the paternity proceeding may not challenge the paternity, unless:

2968 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;

2969 (b) the challenger can demonstrate by clear and convincing evidence that the challenger  
2970 did not know about the adjudicatory proceeding or did not have a reasonable opportunity to



2971 know of the proceeding; and

2972 (c) there would be harm to the child to leave the order in place.

2973 (6) A party to an adjudication of paternity may challenge the adjudication only under  
2974 law of this state relating to appeal, vacation of judgments, or other judicial review.

2975 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the  
2976 party committed the fraud.

2977 Section 59. Section **78B-20-403** is amended to read:

2978 **78B-20-403. Visitation before termination of temporary grant of custodial**  
2979 **responsibility.**

2980 After a deploying parent returns from deployment until a temporary agreement or order  
2981 for custodial responsibility established under Part 2, Agreement Addressing Custodial  
2982 Responsibility During Deployment, or a provision of a court order specifying temporary  
2983 custodial responsibility during deployment issued under Part 3, Judicial Procedure for Granting  
2984 Custodial Responsibility During Deployment, or [~~Section 30-3-10~~] Title 81, Chapter 9,  
2985 Custody, Parent-time, and Visitation, is terminated, the court shall issue a temporary order  
2986 granting the deploying parent reasonable contact with the child unless it is contrary to the best  
2987 interest of the child, even if the time of contact exceeds the time the deploying parent spent  
2988 with the child before deployment.

2989 Section 60. Section **78B-20-404** is amended to read:

2990 **78B-20-404. Termination by operation of law of temporary grant of custodial**  
2991 **responsibility established by court order.**

2992 (1) If an agreement between the parties to terminate a court order for temporary  
2993 custodial responsibility during deployment under Part 3, Judicial Procedure for Granting  
2994 Custodial Responsibility During Deployment, or to terminate a provision of an order for  
2995 temporary custodial responsibility during deployment entered under [~~Section 30-3-10~~] Title 81,  
2996 Chapter 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order  
2997 terminates 30 days after the day on which the deploying parent gives notice to the other parent  
2998 and any nonparent granted custodial responsibility that the deploying parent has returned from  
2999 deployment.

3000 (2) A proceeding seeking to prevent termination of a temporary order for custodial  
3001 responsibility is governed by the law of this state other than this chapter.

3002 Section 61. Section **80-2-906** is amended to read:

3003 **80-2-906. Financial responsibility for child placed under Interstate Compact.**

3004 (1) Financial responsibility for a child placed under the provisions of the Interstate  
3005 Compact on the Placement of Children shall, in the first instance, be determined in accordance  
3006 with the provisions of Article V of the compact.

3007 (2) In the event of partial or complete default of performance under the compact, the  
3008 provisions of [~~Title 78B, Chapter 12, Utah Child Support Act~~] Title 81, Chapter 6, Child  
3009 Support, may also be invoked.

3010 Section 62. Section **81-1-101** is enacted to read:

3011 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

3012 **CHAPTER 1. GENERAL PROVISIONS**

3013 **Part 1. General Provisions**

3014 **81-1-101. Definitions for title.**

3015 As used in this title:

3016 (1) "Child" means, except as provided in Section 81-6-101, a biological or adopted  
3017 child of any age.

3018 (2) "Court" means:

3019 (a) a judge; or

3020 (b) a court commissioner if the court commissioner has authority to hear the matter  
3021 under Section 78A-5-107 or the Utah Rules of Judicial Administration.

3022 (3) "Custodial parent" means:

3023 (a) a parent awarded primary physical custody of a minor child by a court order;

3024 (b) if both parents have joint physical custody:

3025 (i) the parent awarded more overnights each year by a court order; or

3026 (ii) the parent designated as the custodial parent by a court order; or

3027 (c) if there is no court order, the parent with whom the minor child resides more than  
3028 one-half of the calendar year without regard to any temporary parent-time.

3029 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is  
3030 younger than 18 years old and is not emancipated.

3031 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless  
3032 of any designation of joint legal custody.

3033 (6) "Parent" means a parent with an established parent-child relationship as described  
3034 in Section 78B-15-201.

3035 Section 63. Section **81-1-201** is enacted to read:

3036 **Part 2. Domestic Relations Proceedings**

3037 **81-1-201. Definitions for part.**

3038 As used in this part:

3039 (1) "Alimony" means the same as that term is defined in Section 81-4-101.

3040 (2) "Child support" means the same as that term is defined in Section 81-6-101.

3041 Section 64. Section **81-1-202** is enacted to read:

3042 **81-1-202. Court records in a domestic relations action.**

3043 (1) (a) In an action under this title, Title 78B, Chapter 13, Utah Uniform Child Custody  
3044 Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family  
3045 Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, a party may file a motion  
3046 to have the records of the action other than the final judgment, order, or decree, classified as  
3047 private.

3048 (b) If the court finds that there are substantial interests favoring restricting access that  
3049 clearly outweigh the interests favoring access, the court may classify the records of the action,  
3050 or any part of the records of the action, other than the final order, judgment, or decree, as  
3051 private.

3052 (c) An order classifying part of the records of the action as private does not apply to  
3053 subsequent filings.

3054 (d) The record of an action is private until the court determines it is possible to release  
3055 the record without prejudice to the interests that justified the closure.

3056 (2) (a) Any interested person may petition the court to permit access to a record  
3057 classified as private as described in Subsection (1).

3058 (b) The interested person described in Subsection (2)(a) shall serve the petition on the  
3059 parties to the closure order.

3060 (3) A party shall place the social security number of any individual, who is the subject  
3061 of an action under this title, in the records relating to the matter.

3062 *The following section is affected by a coordination clause at the end of this bill.*

3063 Section 65. Section **81-1-203**, which is renumbered from Section 30-3-3 is renumbered

3064 and amended to read:

3065 ~~[30-3-3]~~. **81-1-203. Award of costs and attorney and witness fees --**

3066 **Temporary support and maintenance.**

3067 ~~[(1) In any action filed under Title 30, Chapter 3, Divorce, Chapter 4, Separate~~  
3068 ~~Maintenance, or Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and in any~~  
3069 ~~action to establish an order of custody, parent-time, child support, alimony, or division of~~  
3070 ~~property in a domestic case]~~

3071 (1) (a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter  
3072 7, Part 6, Cohabitant Abuse Protective Orders, or in an action to establish an order of custody,  
3073 parent-time, child support, alimony, or the division of property in a domestic case, the court  
3074 may order a party to pay the costs, attorney fees, and witness fees, including expert witness  
3075 fees, of the other party to enable the other party to prosecute or defend the action.

3076 (b) The order under Subsection (1)(a) may include a provision for costs of the action.

3077 (2) In [any] an action to enforce an order of custody, parent-time, child support,  
3078 alimony, or division of property in a domestic case, the court may award costs and attorney fees  
3079 upon determining that the party substantially prevailed upon the claim or defense.

3080 (3) The court, in [its] the court's discretion, may award no fees or limited fees against a  
3081 party if the court finds the party is [impecunious] indigent or enters in the record the reason for  
3082 not awarding fees.

3083 ~~[(3)]~~ (4) In [any action listed in] an action described in Subsection (1), the court may  
3084 order a party to provide money, during the pendency of the action, for the separate support and  
3085 maintenance of the other party and of [any children] a minor child in the custody of the other  
3086 party.

3087 (5) The court may amend an order entered in accordance with this section before the  
3088 entry of the final order or judgment or in the final order or judgment.

3089 ~~[(4) Orders entered under this section prior to entry of the final order or judgment may~~  
3090 ~~be amended during the course of the action or in the final order or judgment.]~~

3091 Section 66. Section **81-1-204** is enacted to read:

3092 **81-1-204. Continuing jurisdiction of a court in a domestic relations action.**

3093 In an action under this title, the court has continuing jurisdiction after a decree or final  
3094 order is entered to make subsequent changes to the order, or to enter a new order, including an

3095 order regarding:

3096 (1) the distribution of the property and obligations for debts, as is reasonable and  
3097 necessary, for an action described in Chapter 4, Dissolution of Marriage;

3098 (2) alimony in accordance with Section 81-4-503;

3099 (3) child support and medical expenses in accordance with Sections 81-6-208 and  
3100 81-6-212; and

3101 (4) custody and parent-time in accordance with Section 81-9-208.

3102 Section 67. Section **81-2-101** is enacted to read:

3103 **CHAPTER 2. MARRIAGE**

3104 **Part 1. General Provisions**

3105 **81-2-101. Definitions for chapter.**

3106 Reserved.

3107 Section 68. Section **81-2-102**, which is renumbered from Section 30-1-4.1 is  
3108 renumbered and amended to read:

3109 ~~[30-1-4.1].~~ **81-2-102. Marriage recognition policy.**

3110 (1) (a) It is the policy of this state to recognize as marriage only the legal union of a  
3111 man and a woman as provided in this chapter.

3112 (b) Except for the relationship of marriage between a man and a woman recognized  
3113 pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law  
3114 creating any legal status, rights, benefits, or duties that are substantially equivalent to those  
3115 provided under Utah law to a man and a woman because they are married.

3116 (2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties  
3117 that are enforceable independently of this section.

3118 Section 69. Section **81-2-201**, which is renumbered from Section 30-1-36 is  
3119 renumbered and amended to read:

3120 **Part 2. Premarital Counseling**

3121 ~~[30-1-36].~~ **81-2-201. Definitions for part.**

3122 As used in this part:

3123 (1) ~~[Premarital counseling may include]~~ "Premarital counseling" includes group  
3124 counseling, individual counseling, and couple counseling.

3125 (2) ~~[Premarital education may include]~~ "Premarital education" includes:

3126 (a) a lecture, class, seminar, or workshop provided by a person that meets the  
3127 requirements of Subsection ~~[30-1-34(2)(b)(i)]~~ 81-2-206(2)(b)(i); or

3128 (b) an online course approved by the Utah Marriage Commission as provided in  
3129 Subsection ~~[30-1-34(2)(b)(i)(F)]~~ 81-2-206(2)(b)(i)(F).

3130 Section 70. Section **81-2-202**, which is renumbered from Section 30-1-30 is  
3131 renumbered and amended to read:

3132 ~~[30-1-30]~~. **81-2-202. Premarital counseling or education -- State policy --**  
3133 **Applicability.**

3134 It is the policy of the state to enhance the possibility of couples to achieve more stable,  
3135 satisfying, and enduring marital and family relationships by providing opportunities for and  
3136 encouraging the use of premarital counseling or education before securing a marriage license.

3137 Section 71. Section **81-2-203**, which is renumbered from Section 30-1-31 is  
3138 renumbered and amended to read:

3139 ~~[30-1-31]~~. **81-2-203. Premarital counseling board in county -- Appointment,**  
3140 **terms, compensation, offices -- Common counseling board with adjacent county.**

3141 ~~[The boards of commissioners of the respective counties in this state are]~~

3142 (1) A county is authorized to:

3143 (a) provide for premarital counseling; and [to]

3144 (b) require the use of premarital counseling as a condition precedent to the issuance of  
3145 a marriage license under the provisions of this ~~[act]~~ part.

3146 (2) ~~[They]~~ The county may appoint a premarital counseling board consisting of seven  
3147 members, four of whom shall be lay persons and three of whom shall be chosen from the  
3148 professions of psychiatry, psychology, social work, marriage counseling, the clergy, law or  
3149 medicine.

3150 (3) ~~[They]~~ The county may designate the terms of office and the procedures to be  
3151 followed by the premarital counseling board and provide for payment of compensation and  
3152 expenses for members.

3153 (4) ~~[They]~~ The county may pay the salaries and expenses of a counseling staff under  
3154 the supervision of the premarital counseling board and provide office space, furnishings,  
3155 equipment and supplies for ~~[their]~~ the board's use.

3156 (5) A county may join with an adjacent county or counties in forming a common premarital  
3157 counseling board and in establishing a common master plan for premarital counseling.

3158 Section 72. Section **81-2-204**, which is renumbered from Section 30-1-32 is  
3159 renumbered and amended to read:

3160 ~~[30-1-32]~~. **81-2-204. Master plan for counseling.**

3161 (1) It shall be the function and duty of the premarital counseling board, after holding  
3162 public hearings, to make, adopt, and certify to the county legislative body a master plan for  
3163 premarital counseling of marriage license applicants within the purposes and objectives of this  
3164 [act] part.

3165 (2) The master plan described in Subsection (1) shall include:

3166 (a) counseling procedures that:

3167 (i) will make applicants aware of problem areas in their proposed marriage;

3168 (ii) suggest ways of meeting problems; and

3169 (iii) will induce reconsideration or postponement when:

3170 (A) the applicants are not sufficiently matured or are not financially capable of meeting  
3171 the responsibilities of marriage; or

3172 (B) are marrying for reasons not conducive to a sound lasting marriage; and

3173 (b) standards for evaluating premarital counseling received by the applicants, prior to  
3174 their application for a marriage license, which would justify issuance of certificate without  
3175 further counseling being given or required.

3176 (3) The premarital counseling board may, from time to time, amend or extend the plan  
3177 described in Subsection (1).

3178 (4) The premarital counseling board may, subject to Subsection (5):

3179 (a) appoint a staff and employees as may be necessary for its work; and

3180 (b) contract with social service agencies or other consultants within the county or  
3181 counties for services it requires.

3182 (5) Expenditures for the appointments and contracts described in Subsection (4) may  
3183 not exceed the sums appropriated by the county legislative body plus sums placed at its  
3184 disposal through gift or otherwise.

3185 Section 73. Section **81-2-205**, which is renumbered from Section 30-1-33 is  
3186 renumbered and amended to read:

3187            ~~[30-1-33].~~    **81-2-205. Conformity to master plan for counseling as prerequisite**  
3188 **to marriage license -- Exceptions.**

3189            Whenever ~~[the board of commissioners of]~~ a county has adopted a master plan for  
3190 premarital counseling no resident of the county may obtain a marriage license without  
3191 conforming to the plan, except that:

3192            (1) ~~[Any person]~~ an individual who applies for a marriage license shall have the right  
3193 to secure the license and to marry notwithstanding ~~[their]~~ the individual's failure to conform to  
3194 the required premarital counseling or ~~[their]~~ the individual's failure to obtain a certificate of  
3195 authorization from the premarital counseling board if ~~[they wait]~~ the individual waits six  
3196 months from the date of application for issuance of the license[-];

3197            (2) ~~[This chapter]~~ this part does not apply to any application for a marriage license  
3198 where both parties are at least 19 years ~~[of age]~~ old and neither has been previously divorced[-];

3199            (3) ~~[This chapter]~~ this part does not apply to any application for a marriage license  
3200 unless both applicants have physically resided in Utah for 60 days immediately preceding their  
3201 application[-]; or

3202            (4) ~~[Premarital counseling required by this act shall be]~~ premarital counseling required  
3203 by this part is considered fulfilled if the applicants present a certificate verified by a clergyman  
3204 that the applicants have completed a course of premarital counseling approved by a church and  
3205 given by or under the supervision of the clergyman.

3206            Section 74. Section **81-2-206**, which is renumbered from Section 30-1-34 is  
3207 renumbered and amended to read:

3208            ~~[30-1-34].~~    **81-2-206. Completion of counseling or education.**

3209            (1) The county clerk of a county that operates an online marriage application system  
3210 and issues a marriage license to applicants who certify completion of premarital counseling or  
3211 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

3212            (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify  
3213 completion of premarital counseling or education in accordance with this Subsection (2).

3214            (b) To complete premarital counseling or education, the applicants:

3215            (i) shall obtain the premarital counseling or education from:

3216            (A) a licensed or ordained minister or the minister's designee who is trained by the  
3217 minister or denomination to conduct premarital counseling or education;



3218 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional  
3219 Practice Act;

3220 (C) an individual certified by a national organization recognized by the Utah Marriage  
3221 Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as a family life  
3222 educator;

3223 (D) a family and consumer sciences educator;

3224 (E) an individual who is an instructor approved by a premarital education curriculum  
3225 that meets the requirements of Subsection (2)(b)(ii); or

3226 (F) an online course approved by the Utah Marriage Commission;

3227 (ii) shall receive premarital counseling or education that includes information on  
3228 important factors associated with strong and healthy marriages, including:

3229 (A) commitment in marriage; and

3230 (B) effective communication and problem-solving skills, including avoiding violence  
3231 and abuse in the relationship;

3232 (iii) shall complete at least three hours of premarital counseling or six hours of  
3233 premarital education meeting the requirements of this Subsection (2); and

3234 (iv) shall complete the premarital counseling or education meeting the requirements of  
3235 this Subsection (2) not more than one year before but at least 14 days before the day on which  
3236 the marriage license is issued.

3237 (c) Although applicants are encouraged to take the premarital counseling or education  
3238 together, each applicant may comply with the requirements of this Subsection (2) separately.

3239 (3) A provider of premarital counseling or education under this section is encouraged  
3240 to use research-based relationship inventories.

3241 Section 75. Section **81-2-207**, which is renumbered from Section 30-1-35 is  
3242 renumbered and amended to read:

3243 **[30-1-35]. 81-2-207. Persons performing counseling services designated by**  
3244 **board -- Exemption from license requirements.**

3245 For the purposes of this [~~chapter~~] part, the premarital counseling board of each county  
3246 or combination of counties may determine those persons who are to perform any services under  
3247 this [~~chapter~~] part and any person so acting is not subject to prosecution or other sanctions for  
3248 the person's failure to hold any license for these services as may be required by the laws of the

3249 state.

3250 Section 76. Section **81-2-208**, which is renumbered from Section 30-1-37 is

3251 renumbered and amended to read:

3252 ~~[30-1-37]~~. **81-2-208. Confidentiality of information obtained under counseling**  
3253 **provisions.**

3254 (1) Except for the information required or to be required on the marriage license  
3255 application form, any information given by a marriage license applicant in compliance with this  
3256 [chapter] part:

3257 (a) shall be confidential information [and]; and

3258 (b) may not be released by any person, board, commission, or other entity. [However,]

3259 (2) Notwithstanding Subsection (1), the premarital counseling board or board of  
3260 commissioners may use the information given by a marriage license applicant, without  
3261 identification of individuals, to compile and release statistical data.

3262 Section 77. Section **81-2-209**, which is renumbered from Section 30-1-38 is

3263 renumbered and amended to read:

3264 ~~[30-1-38]~~. **81-2-209. Fee for counseling.**

3265 Any county adopting a master plan under this act is authorized to charge, in addition to  
3266 [its] the county's ordinary marriage license application fees, not more than \$10 for premarital  
3267 counseling, to be paid by the applicants at the time [they] the applicants make application.

3268 Section 78. Section **81-2-301** is enacted to read:

3269 **Part 3. Marriage License and Solemnization**

3270 **81-2-301. Definitions for part.**

3271 As used in this part:

3272 (1) "County clerk" means:

3273 (a) the county clerk of the county; or

3274 (b) an employee or designee of the county clerk who is authorized to issue marriage  
3275 licenses or solemnize marriages.

3276 (2) "Judge or magistrate of the United States" means:

3277 (a) a justice of the United States Supreme Court;

3278 (b) a judge of a court of appeals;

3279 (c) a judge of a district court;

3280 (d) a judge of any court created by an act of Congress, the judges of which are entitled  
 3281 to hold office during good behavior;

3282 (e) a judge of a bankruptcy court;

3283 (f) a judge of a tax court; or

3284 (g) a United States magistrate.

3285 (3) "Minor" means an individual who is 16 or 17 years old.

3286 (4) (a) "Native American spiritual advisor" means an individual who:

3287 (i) leads, instructs, or facilitates a Native American religious ceremony or service or  
 3288 provides religious counseling; and

3289 (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.

3290 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine  
 3291 person, traditional religious practitioner, or holy man or woman.

3292 Section 79. Section **81-2-302**, which is renumbered from Section 30-1-7 is renumbered  
 3293 and amended to read:

3294 ~~[30-1-7].~~ **81-2-302. Marriage licenses -- Use within state -- Expiration.**

3295 (1) ~~[No marriage may be]~~ A marriage may not be solemnized in this state without a  
 3296 license issued by the county clerk of any county of this state.

3297 (2) A license issued within this state by a county clerk may only be used within this  
 3298 state.

3299 (3) A license that is not used within 32 days after the day on which the licensed is  
 3300 issued is void.

3301 *The following section is affected by a coordination clause at the end of this bill.*

3302 Section 80. Section **81-2-303**, which is renumbered from Section 30-1-8 is renumbered  
 3303 and amended to read:

3304 ~~[30-1-8].~~ **81-2-303. Application for marriage license -- Contents.**

3305 ~~[(1) As used in this section, "minor" means the same as that term is defined in Section~~  
 3306 ~~30-1-9:]~~

3307 ~~[(2)]~~ (1) A county clerk may issue a marriage license only after an application is filed  
 3308 with the county clerk's office, requiring the following information:

3309 (a) the full names of the applicants, including the maiden or bachelor name of each  
 3310 applicant;

3311 (b) the social security numbers of the applicants, unless an applicant has not been  
3312 assigned a number;

3313 (c) the current address of each applicant;

3314 (d) the date and place of birth, including the town or city, county, state or country, if  
3315 possible;

3316 (e) the names of the applicants' respective parents, including the maiden name of a  
3317 mother; and

3318 (f) the birthplaces of the applicants' respective parents, including the town or city,  
3319 county, state or country, if possible.

3320 ~~[(3)]~~ (2) (a) If one or both of the applicants is a minor, the county clerk shall provide  
3321 each minor with a standard petition on a form provided by the Judicial Council to be presented  
3322 to the juvenile court to obtain the authorization required by Section ~~[30-1-9]~~ 81-2-304.

3323 (b) The form described in Subsection ~~[(3)(a)]~~ (2)(a) shall include:

3324 (i) all information described in Subsection ~~[(2)]~~ (1);

3325 (ii) ~~[in accordance with Subsection 30-1-9(2)(a),]~~ a place for the parent or legal  
3326 guardian to indicate the parent or legal guardian's relationship to the minor in accordance with  
3327 Subsection 81-2-304(1)(a);

3328 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described  
3329 in Section ~~[30-1-9.1]~~ 81-2-304 signed under penalty of perjury;

3330 (iv) an affidavit for each applicant regarding the accuracy of the information contained  
3331 in the marriage application signed under penalty of perjury; and

3332 (v) a place for the clerk to sign that indicates that the following have provided  
3333 documentation to support the information contained in the form:

3334 (A) each applicant; and

3335 (B) the minor's parent or legal guardian.

3336 ~~[(4)]~~ (3) (a) The social security numbers obtained under the authority of this section  
3337 may not be recorded on the marriage license~~;~~ and are not open to inspection as a part of the  
3338 vital statistics files.

3339 (b) The ~~[Department of Health,]~~ Bureau of Vital Records and Health Statistics shall,  
3340 upon request, supply the social security numbers to the Office of Recovery Services ~~[within the~~  
3341 ~~Department of Human Services]~~.

3342 (c) The Office of Recovery Services may not use a social security number obtained  
3343 under the authority of this section for any reason other than the administration of child support  
3344 services.

3345 (4) (a) A county clerk may not issue a marriage license until an affidavit is made before  
3346 the clerk by a party applying for the marriage license that shows there is no lawful reason in the  
3347 way of the marriage.

3348 (b) The county clerk shall file and preserve the affidavit under Subsection (4)(a).

3349 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing  
3350 witness to the affidavit who falsely swears in the affidavit, is guilty of perjury.

3351 (5) A county clerk who knowingly issues a marriage license for any prohibited  
3352 marriage is guilty of a class A misdemeanor.

3353 Section 81. Section **81-2-304**, which is renumbered from Section 30-1-9 is renumbered  
3354 and amended to read:

3355 **[30-1-9]. 81-2-304. Marriage of a minor -- Consent of parent or guardian --**  
3356 **Juvenile court authorization.**

3357 ~~[(1) For purposes of this section, "minor" means an individual that is 16 or 17 years~~  
3358 ~~old.]~~

3359 ~~[(2)]~~ (1) (a) If [at the time of applying for a license the applicant is a minor, and not  
3360 before the minor is married, a license may not be issued] an applicant is a minor at the time of  
3361 applying for a license, a county clerk may not issue a marriage license without the signed  
3362 consent of the minor's parent or legal guardian given in person to the clerk, except that:

3363 (i) if the parents of the minor are divorced, consent shall be given by the parent having  
3364 legal custody of the minor as evidenced by an oath of affirmation to the clerk;

3365 (ii) if the parents of the minor are divorced and have been awarded joint custody of the  
3366 minor, consent shall be given by the parent having physical custody of the minor the majority  
3367 of the time as evidenced by an oath of affirmation to the clerk; or

3368 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the  
3369 consent and provide proof of guardianship by court order as well as an oath of affirmation.

3370 (b) Each applicant, and ~~[if an applicant is a minor,]~~ the minor's consenting parent or  
3371 legal guardian if an applicant is a minor, shall appear in person before the county clerk and  
3372 provide legal documentation to establish the following information:

- 3373 (i) the legal relationship between the minor and the minor's parent or legal guardian;
- 3374 (ii) the legal name and identity of the minor; and
- 3375 (iii) the birth date of each applicant.

3376 (c) An individual may present the following documents to satisfy a requirement  
3377 described in Subsection [~~(2)(b)~~] (1)(b):

3378 (i) for verifying the legal relationship between the minor and the minor's parent or legal  
3379 guardian, one of the following:

3380 (A) the minor's certified birth certificate with the name of the parent, and an official  
3381 translation if the birth certificate is in a language other than English;

3382 (B) a report of a birth abroad with the name of the minor and the parent;

3383 (C) a certified adoption decree with the name of the minor and the parent; or

3384 (D) a certified court order establishing custody or guardianship between the minor and  
3385 the parent or legal guardian;

3386 (ii) for verifying the legal name and identity of the minor, one of the following:

3387 (A) an expired or current passport;

3388 (B) a driver's license;

3389 (C) a certificate of naturalization;

3390 (D) a military identification; or

3391 (E) a government employee identification card from a federal, state, or municipal  
3392 government; and

3393 (iii) for verifying the birth date of each applicant, one of the following for each  
3394 applicant:

3395 (A) a certified birth certificate;

3396 (B) a report of a birth abroad;

3397 (C) a certificate of naturalization;

3398 (D) a certificate of citizenship;

3399 (E) a passport;

3400 (F) a driver's license; or

3401 (G) a state identification card.

3402 (d) An individual may not use a temporary or altered document to satisfy a requirement  
3403 described in Subsection [~~(2)(b)~~] (1)(b).

3404            [~~(3)~~] (2) (a) The minor and the parent or legal guardian of the minor shall obtain a  
3405 written authorization to marry from:

3406            (i) a judge of the court exercising juvenile jurisdiction in the county where either party  
3407 to the marriage resides; or

3408            (ii) a court commissioner as permitted by rule of the Judicial Council.

3409            (b) Before issuing written authorization for a minor to marry, the judge or court  
3410 commissioner shall determine:

3411            (i) that the minor is entering into the marriage voluntarily; and

3412            (ii) the marriage is in the best [~~interests~~] interest of the minor under the circumstances.

3413            (c) The judge or court commissioner shall require that both parties to the marriage  
3414 complete premarital counseling, except the requirement for premarital counseling may be  
3415 waived if premarital counseling is not reasonably available.

3416            (d) The judge or court commissioner may require:

3417            (i) that the minor continue to attend school, unless excused under Section [53G-6-204](#);

3418 and

3419            (ii) any other conditions that the court deems reasonable under the circumstances.

3420            (e) The judge or court commissioner may not issue a written authorization to the minor  
3421 if the age difference between both parties to the marriage is more than seven years.

3422            [~~(4)~~] (3) (a) The determination required in Subsection [~~(3)~~] (2) shall be made on the  
3423 record.

3424            (b) Any inquiry conducted by the judge or commissioner may be conducted in  
3425 chambers.

3426            (4) (a) A parent or legal guardian who knowingly consents or allows a minor to enter  
3427 into a marriage prohibited by law is guilty of a third degree felony.

3428            (b) An individual is guilty of a third degree felony if the individual:

3429            (i) knowingly, with or without a license, solemnizes the marriage of an individual who  
3430 is younger than 18 years old and the marriage is prohibited by law;

3431            (ii) without a written authorization from the juvenile court, solemnizes a marriage to  
3432 which a party is a minor;

3433            (iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor  
3434 to marry; or

3435 (iv) forges the name of a parent or legal guardian of a minor on any writing purporting  
3436 to give consent to a marriage of a minor.

3437 *The following section is affected by a coordination clause at the end of this bill.*

3438 Section 82. Section **81-2-305**, which is renumbered from Section 30-1-6 is renumbered  
3439 and amended to read:

3440 ~~[30-1-6].~~ **81-2-305. Who may solemnize marriages -- Certificate.**

3441 ~~[(1) As used in this section:]~~

3442 ~~[(a) "Judge or magistrate of the United States" means:]~~

3443 ~~[(i) a justice of the United States Supreme Court;]~~

3444 ~~[(ii) a judge of a court of appeals;]~~

3445 ~~[(iii) a judge of a district court;]~~

3446 ~~[(iv) a judge of any court created by an act of Congress, the judges of which are~~  
3447 ~~entitled to hold office during good behavior;]~~

3448 ~~[(v) a judge of a bankruptcy court;]~~

3449 ~~[(vi) a judge of a tax court; or]~~

3450 ~~[(vii) a United States magistrate.]~~

3451 ~~[(b) (i) "Native American spiritual advisor" means an individual who:]~~

3452 ~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or~~  
3453 ~~provides religious counseling; and]~~

3454 ~~[(B) is recognized as a spiritual advisor by a federally recognized Native American~~  
3455 ~~tribe.]]~~

3456 ~~[(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine~~  
3457 ~~person, traditional religious practitioner, or holy man or woman.]]~~

3458 ~~[(2)]~~ (1) The following individuals may solemnize a marriage:

3459 (a) an individual 18 years old or older who is authorized by a religious denomination to  
3460 solemnize a marriage;

3461 (b) a Native American spiritual advisor;

3462 (c) the governor;

3463 (d) the lieutenant governor;

3464 (e) the state attorney general;

3465 (f) the state treasurer;



- 3466 (g) the state auditor;
- 3467 (h) a mayor of a municipality or county executive;
- 3468 (i) a justice, judge, or commissioner of a court of record;
- 3469 (j) a judge of a court not of record of the state;
- 3470 (k) a judge or magistrate of the United States;
- 3471 (l) the county clerk of any county in the state or the county clerk's designee as
- 3472 authorized by Section 17-20-4;
- 3473 (m) a senator or representative of the Utah Legislature;
- 3474 (n) a member of the state's congressional delegation; or
- 3475 (o) a judge or magistrate who holds office in Utah when retired, under rules set by the
- 3476 Supreme Court.

3477 ~~[(3)]~~ (2) An individual authorized under Subsection ~~[(2)]~~ (1) who solemnizes a

3478 marriage shall give to the couple married a certificate of marriage that shows the:

- 3479 (a) name of the county from which the license is issued; and
- 3480 (b) date of the license's issuance.

3481 ~~[(4)]~~ (3) Except for an individual described in Subsection ~~[(2)]~~(1) (1)(1), an individual

3482 described in Subsection ~~[(2)]~~ (1) has discretion to solemnize a marriage.

3483 ~~[(5)]~~ (4) Except as provided in Section 17-20-4 and Subsection ~~[(2)]~~(1) (1)(1), and

3484 notwithstanding any other provision in law, no individual authorized under Subsection ~~[(2)]~~ (1)

3485 to solemnize a marriage may delegate or deputize another individual to perform the function of

3486 solemnizing a marriage.

3487 (5) (a) Within 30 days after the day on which a marriage is solemnized, the individual

3488 solemnizing the marriage shall return the marriage license to the county clerk that issued the

3489 marriage license with a certificate of the marriage over the individual's signature stating the

3490 date and place of solemnization and the names of two or more witnesses present at the

3491 marriage.

3492 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty

3493 of an infraction.

3494 (6) (a) An individual is guilty of a third degree felony if the individual knowingly:

3495 (i) solemnizes a marriage without a valid marriage license; or

3496 (ii) solemnizes a marriage in violation of this section.

3497 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with  
3498 or without a marriage license, solemnizes a marriage between two individuals who are 18 years  
3499 old or older that is prohibited by law.

3500 Section 83. Section **81-2-306**, which is renumbered from Section 30-1-12 is  
3501 renumbered and amended to read:

3502 ~~[30-1-12].~~ **81-2-306. County clerk to file license and certificate -- Designation**  
3503 **as vital record.**

3504 ~~[(1)(a) The license, together with the certificate of the individual officiating at the~~  
3505 ~~marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk]~~

3506 (1) (a) The county clerk shall:

3507 (i) file and preserve the marriage license returned by an individual under Subsection  
3508 81-2-305(5) with the certificate of the marriage; and

3509 (ii) record the marriage license and certificate in a book kept for that purpose[;] or by  
3510 electronic means.

3511 (b) The record shall be properly indexed in the names of the parties so married.

3512 (2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a  
3513 marriage license.

3514 (3) A transcript shall be promptly certified and transmitted by the clerk to the state  
3515 registrar of vital statistics.

3516 (4) The marriage license and the certificate of the individual officiating at the marriage  
3517 are:

3518 (a) vital records as defined in Section 26B-8-101; and [are]

3519 (b) subject to the inspection requirements described in Section 26B-8-125.

3520 Section 84. Section **81-2-401** is enacted to read:

3521 **Part 4. Validity of Marriage**

3522 **81-2-401. Definitions for part.**

3523 Reserved.

3524 Section 85. Section **81-2-402**, which is renumbered from Section 30-1-1 is renumbered  
3525 and amended to read:

3526 ~~[30-1-1].~~ **81-2-402. Incestuous marriages void.**

3527 (1) The following marriages are incestuous and void from the beginning, regardless of

3528 whether the relationship is legally recognized:

3529 (a) [~~marriages between parents and children~~] a marriage between a parent and a child;

3530 (b) [~~marriages between ancestors and descendants of every degree~~] a marriage between  
3531 an ancestor and a descendant of any degree;

3532 (c) [~~marriages between siblings of the half as well as the whole blood~~] a marriage  
3533 between siblings of the half or whole blood;

3534 [~~(d) marriages between:~~]

3535 [(i) ~~uncles and nieces or nephews; or~~]

3536 [(ii) ~~aunts and nieces or nephews;~~]

3537 (d) a marriage between an uncle and a niece or nephew;

3538 (e) a marriage between an aunt and a niece or nephew;

3539 [~~(e)~~] (f) [~~marriages between first cousins;~~] except as provided in Subsection (2), a  
3540 marriage between first cousins; or

3541 [(f)] (g) [~~marriages between any~~] except as provided in Subsection (2), a marriage

3542 between individuals related to each other within and not including the fifth degree of

3543 consanguinity computed according to the rules of the civil law[~~; except as provided in~~

3544 Subsection (2)].

3545 (2) First cousins may marry under the following circumstances:

3546 (a) both parties are 65 years [~~of age~~] old or older; or

3547 (b) if both parties are 55 years [~~of age~~] old or older, upon a finding by the district court,  
3548 located in the district in which either party resides, that either party is unable to reproduce.

3549 Section 86. Section **81-2-403**, which is renumbered from Section 30-1-2 is renumbered  
3550 and amended to read:

3551 [~~30-1-2~~]. **81-2-403. Marriages prohibited and void.**

3552 (1) The following marriages are prohibited and declared void:

3553 (a) when there is a spouse living[;] from whom the individual marrying has not been  
3554 divorced;

3555 (b) except as provided in Subsection (2), [~~when an applicant is~~] the individual  
3556 marrying is under 18 years old; [~~and~~] or

3557 (c) between a divorced individual and any individual other than the one from whom the  
3558 divorce was secured until;

- 3559 (i) the divorce decree becomes absolute~~[, and,];~~ and
- 3560 (ii) if an appeal is taken, until after the affirmance of the divorce decree.
- 3561 (2) A marriage of an individual under 18 years old is not void if the individual:
- 3562 (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile
- 3563 court authorization in accordance with Section ~~[30-1-9]~~ 81-2-304; or
- 3564 (b) lawfully marries before May 14, 2019.

3565 Section 87. Section **81-2-404**, which is renumbered from Section 30-1-2.1 is  
 3566 renumbered and amended to read:

3567 **[30-1-2.1]. 81-2-404. Validation of a marriage to an individual subject to**  
 3568 **chronic epileptic fits who had not been sterilized.**

3569 ~~[All marriages, otherwise valid and legal, contracted prior to the effective date of this~~  
 3570 ~~act, to which either party was subject to chronic epileptic fits and who had not been sterilized,~~  
 3571 ~~as provided by law, are hereby validated and legalized in all respects as though such marriages~~  
 3572 ~~had been duly and legally contracted in the first instance.] A marriage between two individuals~~  
 3573 ~~that was not valid or legal before May 14, 1963, on the basis that a party was subject to chronic~~  
 3574 ~~epileptic fits and had not been sterilized is considered valid and legal in this state.~~

3575 *The following section is affected by a coordination clause at the end of this bill.*

3576 Section 88. Section **81-2-405**, which is renumbered from Section 30-1-2.2 is  
 3577 renumbered and amended to read:

3578 **[30-1-2.2]. 81-2-405. Validation of a marriage on the basis of the race,**  
 3579 **ethnicity, or national origin of the parties.**

3580 ~~[All interracial marriages, otherwise valid and legal, contracted prior to July 1, 1965, to~~  
 3581 ~~which one of the parties of the marriage was subject to disability to marry on account of~~  
 3582 ~~Subsection 30-1-2(5) or (6), as those subsections existed prior to May 14, 1963, are hereby~~  
 3583 ~~valid and made lawful in all respects as though such marriages had been duly and legally~~  
 3584 ~~contracted in the first instance.] A marriage between two individuals that was not valid or legal~~  
 3585 ~~before July 1, 1965, on the basis of the race, ethnicity, or national origin of those individuals is~~  
 3586 ~~considered valid and legal in this state.~~

3587 Section 89. Section **81-2-406**, which is renumbered from Section 30-1-2.3 is  
 3588 renumbered and amended to read:

3589 **[30-1-2.3]. 81-2-406. Validation of a marriage to an individual with acquired**

3590 **immune deficiency syndrome or other sexually transmitted disease.**

3591 ~~[Each marriage contracted prior to October 21, 1993, is valid and legal but for the~~  
3592 ~~prohibition described in Laws of Utah 1991, Chapter 117, Section 1, Subsection 30-1-2(1)~~  
3593 ~~regarding persons afflicted with acquired immune deficiency syndrome, syphilis, or gonorrhea,~~  
3594 ~~is hereby valid and made lawful in all respects as though that marriage had been legally~~  
3595 ~~contracted in the first instance.] A marriage between two individuals that was not valid or legal  
3596 before October 21, 1993, on the basis that a party was afflicted with acquired immune  
3597 deficiency syndrome, syphilis, or gonorrhea, is considered valid and legal in this state.~~

3598 Section 90. Section **81-2-407**, which is renumbered from Section 30-1-4 is renumbered  
3599 and amended to read:

3600 ~~[30-1-4].~~ **81-2-407. Validity of a foreign marriage -- Exceptions.**

3601 A marriage solemnized in any other country, state, or territory, if valid where  
3602 solemnized, is valid in this state, unless [it is a marriage]:

3603 (1) ~~[that]~~ the marriage would be prohibited and declared void in this state[;] under  
3604 Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a); or

3605 (2) the marriage is between parties who are related to each other within and including  
3606 three degrees of consanguinity, except as provided in Subsection ~~[30-1-1(2)]~~ 81-2-402(2).

3607 *The following section is affected by a coordination clause at the end of this bill.*

3608 Section 91. Section **81-2-408**, which is renumbered from Section 30-1-4.5 is  
3609 renumbered and amended to read:

3610 ~~[30-1-4.5].~~ **81-2-408. Validity of marriage not solemnized or solemnized before**  
3611 **an unauthorized individual.**

3612 (1) A marriage ~~[which]~~ that is not solemnized according to this chapter ~~[shall be]~~ is  
3613 legal and valid if a court or administrative order establishes that the marriage arises out of a  
3614 contract between ~~[a man and a woman]~~ two individuals who:

3615 (a) are of legal age and capable of giving consent;

3616 (b) are legally capable of entering a solemnized marriage under the provisions of this  
3617 chapter;

3618 (c) have cohabited;

3619 (d) mutually assume marital rights, duties, and obligations; and

3620 (e) who hold themselves out as and have acquired a uniform and general reputation as

3621 [~~husband and wife~~] spouses.

3622 (2) (a) A petition for an unsolemnized marriage shall be filed during the relationship  
3623 described in Subsection (1), or within one year following the termination of that relationship.

3624 (b) Evidence of a marriage recognizable under this section may be:

3625 (i) manifested in any form~~[, and may be]~~; and

3626 (ii) proved under the same general rules of evidence as facts in other cases.

3627 (3) (a) A marriage solemnized before an individual professing to have authority to  
3628 perform marriages may not be invalidated for lack of authority if consummated in the belief of  
3629 the parties or either party that the person had authority and that the parties have been lawfully  
3630 married.

3631 (b) Subsection (3)(a) may not be construed to validate a marriage that is prohibited or  
3632 void under Section 81-2-403.

3633 Section 92. Section 81-2-409, which is renumbered from Section 30-1-3 is renumbered  
3634 and amended to read:

3635 ~~[30-1-3].~~ **81-2-409. Legal recognition of a child when marriage is void.**

3636 When a marriage is void under Subsection ~~[30-1-2(1)(a)]~~ 81-2-403(1)(a) and the parties  
3637 entered into the marriage in good faith, a child of the marriage, who is born or conceived  
3638 before the parties had actual knowledge that the marriage was void, shall be legally recognized  
3639 as the child of the parties.

3640 Section 93. Section 81-3-101 is enacted to read:

3641 **CHAPTER 3. RIGHTS AND OBLIGATIONS DURING MARRIAGE**

3642 **Part 1. Property Rights**

3643 **81-3-101. Definitions for part.**

3644 Reserved.

3645 Section 94. Section 81-3-102, which is renumbered from Section 30-2-2 is renumbered  
3646 and amended to read:

3647 ~~[30-2-2].~~ **81-3-102. Married individual's right to contract, sue, and be sued.**

3648 [~~Contracts may be made by a wife, and liabilities incurred and enforced by or against~~  
3649 ~~her, to the same extent and in the same manner as if she were unmarried.] A married individual  
3650 may contract, sue, or be sued, to the same extent and in the same manner as if the individual  
3651 was unmarried.~~

3652 Section 95. Section **81-3-103**, which is renumbered from Section 30-2-3 is renumbered  
3653 and amended to read:

3654 ~~[30-2-3].~~ **81-3-103. Conveyances between spouses.**

3655 A conveyance, transfer, or lien executed by ~~[either husband or wife]~~ an individual, to or  
3656 in favor of the ~~[other shall be]~~ individual's spouse is valid to the same extent as between other  
3657 persons.

3658 Section 96. Section **81-3-104**, which is renumbered from Section 30-2-4 is renumbered  
3659 and amended to read:

3660 ~~[30-2-4].~~ **81-3-104. Married individual's right to wages -- Actions for**  
3661 **personal injury.**

3662 (1) A ~~[wife]~~ married individual may:

3663 (a) receive the wages for ~~[her]~~ the individual's personal labor[;] as if unmarried;

3664 (b) maintain an action ~~[therefor in her]~~ in the individual's own name and hold the same  
3665 in [her] the individual's own right[; and may] as if unmarried; and

3666 (c) prosecute and defend all actions for the preservation and protection of ~~[her]~~ the  
3667 individual's rights and property as if unmarried.

3668 (2) ~~[There shall be no right of recovery by the husband]~~ A husband does not have a  
3669 right of recovery:

3670 (a) on account of personal injury or wrong to ~~[his wife, or]~~ the husband's wife; or

3671 (b) for expenses connected ~~[therewith, but the wife]~~ with the personal injury or wrong  
3672 to the husband's wife.

3673 (3) (a) A wife may recover against a third person for ~~[such injury or wrong]~~ a personal  
3674 injury or wrong to the wife as if unmarried~~[; and such]~~.

3675 (b) A recovery shall include expenses of medical treatment and other expenses paid or  
3676 assumed by the husband.

3677 Section 97. Section **81-3-105**, which is renumbered from Section 30-2-5 is renumbered  
3678 and amended to read:

3679 ~~[30-2-5].~~ **81-3-105. Separate debts.**

3680 (1) ~~[Neither spouse is]~~ A married individual is not personally liable for the separate  
3681 debts, obligations, or liabilities of the [other] individual's spouse that are:

3682 (a) contracted or incurred before marriage;

3683 (b) contracted or incurred during marriage, except family expenses as provided in  
3684 Section ~~[30-2-9]~~ 81-3-109;

3685 (c) contracted or incurred after divorce or an order for separate maintenance under ~~[this~~  
3686 ~~title, except the spouse is personally liable for that portion of the expenses incurred on behalf~~  
3687 ~~of a minor child for reasonable and necessary medical and dental expenses, and other similar~~  
3688 ~~necessities as provided in a court order under Section 30-3-5, 30-4-3, or 78B-12-212, or an~~  
3689 ~~administrative order under Section 26B-9-224]~~ Chapter 4, Dissolution of Marriage, except that  
3690 the individual is personally liable for any support ordered by a court as described in Chapter 6,  
3691 Child Support, or an administrative agency as described in Title 26B, Chapter 9, Recovery  
3692 Services and Administration of Child Support; or

3693 (d) ordered by the court to be paid by the ~~[other]~~ individual's spouse under ~~[Section~~  
3694 ~~30-3-5 or 30-4-3]~~ Chapter 4, Dissolution of Marriage, and not in conflict with Section 15-4-6.5  
3695 or 15-4-6.7.

3696 (2) ~~[The]~~ A creditor of a married individual may not reach the wages, earnings,  
3697 property, rents, or other income of ~~[one spouse may not be reached by a creditor of the other~~  
3698 ~~spouse]~~ the individual's spouse to satisfy a debt, obligation, or liability ~~[of the other spouse, as~~  
3699 ~~described]~~ of the individual under Subsection (1).

3700 Section 98. Section **81-3-106**, which is renumbered from Section 30-2-6 is renumbered  
3701 and amended to read:

3702 ~~[30-2-6].~~ **81-3-106. Actions based on property rights.**

3703 ~~[Should the husband or wife obtain]~~ If a married individual obtains possession or  
3704 control of property belonging to the ~~[other]~~ individual's spouse before or after marriage, the  
3705 owner of the property may maintain an action therefor, or for any right growing out of the  
3706 same, in the same manner and to the same extent as if ~~[they were]~~ the individual was  
3707 unmarried.

3708 Section 99. Section **81-3-107**, which is renumbered from Section 30-2-7 is renumbered  
3709 and amended to read:

3710 ~~[30-2-7].~~ **81-3-107. Liability for spouse's torts.**

3711 ~~[For civil injuries committed by a married woman damages may be recovered from her~~  
3712 ~~alone, and her husband]~~

3713 (1) If a married individual is held liable in a civil action, the plaintiff may recover



3714 damages from the individual alone.

3715 (2) The spouse of the individual described in Subsection (1) may not be held liable [for  
 3716 those civil injuries] in the civil action, except in [cases where he would be jointly liable with  
 3717 her] an action where the spouse would be jointly liable with the individual if the marriage did  
 3718 not exist.

3719 Section 100. Section **81-3-108**, which is renumbered from Section 30-2-8 is  
 3720 renumbered and amended to read:

3721 ~~[30-2-8].~~ **81-3-108. Agency between spouses.**

3722 A ~~[husband or wife]~~ married individual may:

3723 (1) constitute the ~~[other his or her]~~ attorney in fact to control and dispose of ~~[his or her~~  
 3724 ~~property for their mutual benefit]~~ the property of the individual's spouse for the mutual benefit  
 3725 of the individual and the individual's spouse or otherwise~~[-and may]; and~~

3726 (2) revoke the appointment the same as other persons.

3727 Section 101. Section **81-3-109**, which is renumbered from Section 30-2-9 is  
 3728 renumbered and amended to read:

3729 ~~[30-2-9].~~ **81-3-109. Family expenses -- Joint and several liability.**

3730 ~~[(1) The expenses of the family and the education of the children are chargeable upon~~  
 3731 ~~the property of both spouses or of either of them separately, for which expenses they may be~~  
 3732 ~~sued jointly or separately.]~~

3733 (1) As used in this section:

3734 (a) "Family expenses" means expenses incurred that benefit and promote the family  
 3735 unit.

3736 (b) "Family expenses" do not include items purchased in accordance with a written  
 3737 contract or agreement during the marriage that do not relate to the expenses described in  
 3738 Subsection (1)(a).

3739 (2) (a) A married individual, and the married individual's property, is chargeable for  
 3740 family expenses and expenses for the education of a minor child.

3741 (b) A married individual may be sued separately or jointly with the individual's spouse  
 3742 for the expenses described in Subsection (2)(a).

3743 ~~[(2)]~~ (3) For the expenses described in Subsection ~~[(1);]~~ (2), where there is a written  
 3744 agreement signed by ~~[either]~~ a spouse that allows for the recovery of agreed upon amounts, a

3745 creditor or an assignee or successor in interest of the creditor is entitled to recover the  
3746 contractually allowed amounts against both spouses, jointly and severally.

3747 ~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3) applies to all contracts and agreements under this section  
3748 entered into by ~~[either]~~ a spouse during the time the parties are married and living together.

3749 ~~[(4) For the purposes of this section, family expenses are considered expenses incurred~~  
3750 ~~that benefit and promote the family unit. Items purchased pursuant to a written contract or~~  
3751 ~~agreement during the marriage that do not relate to family expenses are not covered by this~~  
3752 ~~section.]~~

3753 (5) The provisions of Subsections ~~[(2) and (3)]~~ (3) and (4) do not create a right to  
3754 attorney's fees or collection fees as to the nonsigning spouse for purchases of:

3755 (a) food or clothing; or

3756 (b) home improvements or repairs over \$5,000.

3757 Section 102. Section **81-3-110**, which is renumbered from Section 30-2-10 is  
3758 renumbered and amended to read:

3759 ~~[30-2-10].~~ **81-3-110. Homestead rights -- Custody of a minor child.**

3760 ~~[Neither the husband nor wife can remove the other or their children]~~

3761 (1) A married individual may not remove the individual's spouse or minor child from  
3762 the homestead without the consent of the ~~[other]~~ individual's spouse, unless the owner of the  
3763 property shall in good faith provide another homestead suitable to the condition in life of the  
3764 family~~[- and if a husband or wife abandons his or her spouse, that spouse].~~

3765 (2) If a married individual abandons the individual's spouse, the individual's spouse is  
3766 entitled to the custody of [the minor children] a minor child, unless a court ~~[of competent~~  
3767 ~~jurisdiction shall otherwise direct]~~ with jurisdiction orders otherwise.

3768 Section 103. Section **81-3-111**, which is renumbered from Section 30-2-11 is  
3769 renumbered and amended to read:

3770 ~~[30-2-11].~~ **81-3-111. Action for consortium due to personal injury.**

3771 (1) ~~[For purposes of]~~ As used in this section:

3772 (a) ~~["injury"]~~ "Injury" or "injured" means a significant permanent injury to [a person]  
3773 an individual that substantially changes that ~~[person's]~~ individual's lifestyle ~~[and includes the~~  
3774 ~~following], including:~~

3775 (i) a partial or complete paralysis of one or more of the extremities;

3776 (ii) significant disfigurement; or  
3777 (iii) incapability of the [person] individual of performing the types of jobs the [person]  
3778 individual performed before the injury[~~;~~and].

3779 (b) [~~"spouse"~~] "Spouse" means the legal relationship:  
3780 (i) established between [~~a man and a woman~~] two individuals as recognized by the  
3781 laws of this state; and  
3782 (ii) existing at the time of the person's injury.

3783 (2) The spouse of [~~a person~~] an individual injured by a third party on or after May 4,  
3784 1997, may maintain an action against the third party to recover for loss of consortium.

3785 (3) A claim for loss of consortium begins on the date of injury to the spouse.

3786 (4) The statute of limitations applicable to the injured [person] individual shall also  
3787 apply to the spouse's claim of loss of consortium.

3788 [~~(4)~~] (5) A claim for the spouse's loss of consortium shall be:  
3789 (a) made at the time the claim of the injured person is made and joinder of actions shall  
3790 be compulsory; and  
3791 (b) subject to the same defenses, limitations, immunities, and provisions applicable to  
3792 the claims of the injured [person] individual.

3793 [~~(5)~~] (6) The spouse's action for loss of consortium:  
3794 (a) shall be derivative from the cause of action existing [in] on behalf of the injured  
3795 [person] individual; and  
3796 (b) may not exist in cases where the injured [person] individual would not have a cause  
3797 of action.

3798 [~~(6)~~] (7) Fault of the spouse of the injured [person] individual, as well as fault of the  
3799 injured [person] individual, shall be compared with the fault of all other parties, pursuant to  
3800 Sections 78B-5-817 through 78B-5-823, for purposes of reducing or barring any recovery by  
3801 the spouse for loss of consortium.

3802 [~~(7)~~] (8) Damages awarded for loss of consortium, when combined with any award to  
3803 the injured [person] individual for general damages, may not exceed any applicable statutory  
3804 limit on noneconomic damages, including Section 78B-3-410.

3805 [~~(8)~~] (9) Damages awarded for loss of consortium which a governmental entity is  
3806 required to pay, when combined with any award to the injured [person] individual which a

3807 governmental entity is required to pay, may not exceed the liability limit for one [person]  
3808 individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity Act of  
3809 Utah.

3810 Section 104. Section **81-3-201**, which is renumbered from Section 30-8-2 is  
3811 renumbered and amended to read:

3812 **Part 2. Uniform Premarital Agreement Act**

3813 ~~[30-8-2]~~. **81-3-201. Definitions for part.**

3814 As used in this [chapter] part:

3815 (1) "Premarital agreement" means an agreement between prospective spouses made in  
3816 contemplation of marriage and to be effective upon marriage.

3817 (2) "Property" means an interest, present or future, legal or equitable, vested or  
3818 contingent, in real or personal property, including income and earnings.

3819 Section 105. Section **81-3-202**, which is renumbered from Section 30-8-3 is  
3820 renumbered and amended to read:

3821 ~~[30-8-3]~~. **81-3-202. Writing -- Signature required.**

3822 (1) A premarital agreement shall be in writing and signed by both parties.

3823 (2) ~~[It]~~ A premarital agreement is enforceable without consideration.

3824 Section 106. Section **81-3-203**, which is renumbered from Section 30-8-4 is  
3825 renumbered and amended to read:

3826 ~~[30-8-4]~~. **81-3-203. Content.**

3827 (1) Parties to a premarital agreement may contract with respect to:

3828 (a) the rights and obligations of each of the parties in any of the property of either or  
3829 both of them whenever and wherever acquired or located;

3830 (b) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,  
3831 assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and  
3832 control property;

3833 (c) the disposition of property upon separation, marital dissolution, death, or the  
3834 occurrence or nonoccurrence of any other event;

3835 (d) the modification or elimination of spousal support;

3836 (e) the ownership rights in and disposition of the death benefit from a life insurance  
3837 policy;

3838 (f) the choice of law governing the construction of the agreement, except that a court  
3839 [~~of competent jurisdiction~~] with jurisdiction may apply the law of the legal domicile of either  
3840 party, if it is fair and equitable; and

3841 (g) any other matter, including their personal rights and obligations, not in violation of  
3842 public policy or a statute imposing a criminal penalty.

3843 (2) The right of a child, as defined in Section 81-6-101, to support, health and medical  
3844 provider expenses, medical insurance, and child care coverage may not be affected by a  
3845 premarital agreement.

3846 Section 107. Section **81-3-204**, which is renumbered from Section 30-8-5 is  
3847 renumbered and amended to read:

3848 ~~[30-8-5]~~. **81-3-204. Effect of marriage -- Amendment -- Revocation.**

3849 (1) A premarital agreement becomes effective upon marriage.

3850 (2) (a) After marriage, a premarital agreement may be amended or revoked only by a  
3851 written agreement signed by the parties.

3852 (b) The amended agreement or the revocation is enforceable without consideration.

3853 Section 108. Section **81-3-205**, which is renumbered from Section 30-8-6 is  
3854 renumbered and amended to read:

3855 ~~[30-8-6]~~. **81-3-205. Enforcement.**

3856 (1) A premarital agreement is not enforceable if the party against whom enforcement is  
3857 sought proves that:

3858 (a) that party did not execute the agreement voluntarily; or

3859 (b) the agreement was fraudulent when [it] the agreement was executed and, before  
3860 execution of the agreement, that party:

3861 (i) was not provided a reasonable disclosure of the property or financial obligations of  
3862 the other party insofar as was possible;

3863 (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the  
3864 property or financial obligations of the other party beyond the disclosure provided; and

3865 (iii) did not have, or reasonably could not have had, an adequate knowledge of the  
3866 property or financial obligations of the other party.

3867 (2) If a provision of a premarital agreement modifies or eliminates spousal support and  
3868 that modification or elimination causes one party to the agreement to be eligible for support

3869 under a program of public assistance at the time of separation or marital dissolution, a court,  
3870 notwithstanding the terms of the agreement, may require the other party to provide support to  
3871 the extent necessary to avoid that eligibility.

3872 (3) An issue of fraud of a premarital agreement shall be decided by the court as a  
3873 matter of law.

3874 Section 109. Section **81-3-206**, which is renumbered from Section 30-8-7 is  
3875 renumbered and amended to read:

3876 ~~[30-8-7]~~. **81-3-206. Enforcement -- Void marriage.**

3877 If a marriage is determined to be void, an agreement that would otherwise have been a  
3878 premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

3879 Section 110. Section **81-3-207**, which is renumbered from Section 30-8-8 is  
3880 renumbered and amended to read:

3881 ~~[30-8-8]~~. **81-3-207. Limitations of actions.**

3882 Any statute of limitations applicable to an action asserting a claim for relief under a  
3883 premarital agreement is tolled during the marriage of the parties to the agreement.

3884 Section 111. Section **81-3-208**, which is renumbered from Section 30-8-9 is  
3885 renumbered and amended to read:

3886 ~~[30-8-9]~~. **81-3-208. Application and construction.**

3887 This ~~[act]~~ part shall be applied and construed to effectuate ~~[its]~~ the part's general  
3888 purpose to make uniform the law with respect to the subject of this ~~[act]~~ part among states  
3889 enacting ~~[it]~~ this uniform law.

3890 Section 112. Section **81-4-101** is enacted to read:

3891 **CHAPTER 4. DISSOLUTION OF MARRIAGE**

3892 **Part 1. General Provisions**

3893 **81-4-101. Definitions for chapter.**

3894 As used in this chapter:

3895 (1) "Alimony" means financial support made to a spouse or former spouse for the  
3896 support and maintenance of that spouse.

3897 (2) "Child support" means the same as that term is defined in Section 81-6-101.

3898 Section 113. Section **81-4-102**, which is renumbered from Section 30-1-17.4 is  
3899 renumbered and amended to read:

3900 ~~[30-1-17.4].~~ **81-4-102. Action for annulment or divorce as alternative relief.**

3901 Nothing ~~[herein]~~ in this chapter shall be construed to prevent the filing of an action  
3902 requesting an annulment or a divorce as alternative relief.

3903 Section 114. Section **81-4-103**, which is renumbered from Section 30-4a-1 is  
3904 renumbered and amended to read:

3905 ~~[30-4a-1].~~ **81-4-103. Nunc pro tunc order by court.**

3906 ~~[A court having jurisdiction may, upon its]~~ Upon a court's finding of good cause and  
3907 giving of such notice as may be ordered, the court may enter an order nunc pro tunc in a matter  
3908 relating to marriage, divorce, legal separation, or annulment of marriage.

3909 *The following section is affected by a coordination clause at the end of this bill.*

3910 Section 115. Section **81-4-104**, which is renumbered from Section 30-3-4.5 is  
3911 renumbered and amended to read:

3912 ~~[30-3-4.5].~~ **81-4-104. Temporary separation order.**

3913 (1) ~~[A petitioner]~~ An individual may file an action for a temporary separation order,  
3914 without filing a petition for divorce, by filing a petition for temporary separation and motion  
3915 for temporary orders if:

3916 (a) the ~~[petitioner]~~ individual is lawfully married to the ~~[respondent]~~ individual from  
3917 whom the separation is sought; and

3918 (b) both parties are residents of the state for at least 90 days ~~[prior to the date of filing]~~  
3919 before the day on which the action is filed.

3920 (2) The temporary orders are valid for one year ~~[from the date of the hearing,]~~ after the  
3921 day on which the hearing for the order is held or until one of the following occurs:

3922 (a) a petition for divorce is filed and consolidated with the petition for temporary  
3923 separation; or

3924 (b) the case is dismissed.

3925 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
3926 separation, orders entered in the temporary separation shall continue in the consolidated case.

3927 (4) (a) ~~[Both]~~ If the parties have a minor child, the parties shall attend the divorce  
3928 orientation course described in Section ~~[30-3-11.4]~~ 81-4-105 within:

3929 (i) 60 days of the filing of the petition, for the petitioner~~[, and within];~~and

3930 (ii) 45 days of being served, for the respondent.

3931 (b) The clerk of the court shall provide notice to the petitioner of the requirement for  
3932 the divorce orientation course.

3933 (c) The petition shall include information regarding the divorce orientation course  
3934 when the petition is served on the respondent.

3935 (d) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
3936 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
3937 petition for temporary separation, until the moving party completes the divorce orientation  
3938 course.

3939 (e) The court may waive the requirement for the parties to attend the mandatory  
3940 courses under this Subsection (4), on the court's own motion or on the motion of one of the  
3941 parties, if the court determines course attendance and completion are not necessary,  
3942 appropriate, feasible, or in the best interest of the parties.

3943 (5) The petitioner shall serve the petition for a temporary separation order in  
3944 accordance with the Utah Rules of Civil Procedure.

3945 (6) If a party files for divorce within one year after the day on which the petition for  
3946 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
3947 credited towards the filing fee for a divorce.

3948 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~  
3949 ~~accordance with the rules of civil procedure.]~~

3950 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either~~  
3951 ~~party files a petition for divorce within one year from the date of filing the petition for~~  
3952 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~  
3953 ~~divorce.]~~

3954 *The following section is affected by a coordination clause at the end of this bill.*

3955 Section 116. Section **81-4-105**, which is renumbered from Section 30-3-11.4 is  
3956 renumbered and amended to read:

3957 ~~[30-3-11.4].~~ **81-4-105. Mandatory orientation course for divorcing parties.**

3958 (1) (a) There is established a mandatory divorce orientation course for all parties with  
3959 ~~[minor children]~~ a minor child who file a petition for temporary separation or for a divorce. ~~[A~~  
3960 ~~couple with no minor children is not required, but may choose to attend the course.]~~

3961 (b) The purpose of the course is to educate parties about the divorce process and



3962 reasonable alternatives.

3963 ~~[(2) A petitioner shall attend a divorce orientation course no more than 60 days after~~  
3964 ~~filing a petition for divorce.]~~

3965 ~~[(3) (a) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~  
3966 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~  
3967 ~~related to the divorce or petition for temporary separation, until the moving party completes the~~  
3968 ~~divorce orientation course.]~~

3969 ~~[(b) Notwithstanding Subsection (3)(a), both parties shall attend a divorce orientation~~  
3970 ~~course before a divorce decree may be entered, unless waived by the court under Section~~  
3971 ~~30-3-4.]~~

3972 ~~[(4) The respondent shall attend the divorce orientation course no more than 30 days~~  
3973 ~~after being served with a petition for divorce.]~~

3974 ~~[(5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~  
3975 ~~course, and information regarding the course shall be included with the petition or motion,~~  
3976 ~~when served on the respondent.]~~

3977 ~~[(6)] (2) The divorce orientation course shall be neutral, unbiased, at least one hour in~~  
3978 ~~duration, and include:~~

3979 (a) options available as alternatives to divorce;

3980 (b) resources available from courts and administrative agencies for resolving custody  
3981 and support issues without filing for divorce;

3982 (c) resources available to improve or strengthen the marriage;

3983 (d) a discussion of the positive and negative consequences of divorce;

3984 (e) a discussion of the process of divorce;

3985 (f) options available for proceeding with a divorce, including:

3986 (i) mediation;

3987 (ii) collaborative law; and

3988 (iii) litigation; and

3989 (g) a discussion of post-divorce resources.

3990 ~~[(7)] (3) The course may be provided in conjunction with the mandatory course for~~  
3991 ~~divorcing parents required by Section [30-3-11.3] [81-4-106](#).~~

3992 ~~[(8)] (4) (a) The Administrative Office of the Courts shall administer the course~~

3993 pursuant to Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.

3994 (b) The contracts shall provide for the recoupment of administrative expenses through  
3995 the costs charged to individual parties as described in Subsection (6).

3996 ~~[(9)]~~ (5) The course may be through live instruction, video instruction, or through an  
3997 online provider.

3998 ~~[(10)]~~ (6) (a) A participant shall pay the costs of the course, which may not exceed \$30,  
3999 to the independent contractor providing the course at the time and place of the course.

4000 (b) A petitioner who attends a live instruction course within 30 days of filing may not  
4001 be charged more than \$15 for the course.

4002 (c) A respondent who attends a live instruction course within 30 days of being served  
4003 with a petition for divorce or temporary separation order may not be charged more than \$15 for  
4004 the course.

4005 (d) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and  
4006 deposited in the Children's Legal Defense Account described in Section [51-9-408](#).

4007 (e) Each party who is unable to pay the costs of the course may attend the course  
4008 without payment upon a prima facie showing of indigency as evidenced by an affidavit of  
4009 indigency filed in the district court in accordance with Section [78A-2-302](#). ~~[The independent~~  
4010 ~~contractor shall be reimbursed for the independent contractor's costs by the Administrative~~  
4011 ~~Office of the Courts.]~~

4012 (f) A petitioner who is later determined not to meet the qualifications for indigency  
4013 may be ordered to pay the costs of the course.

4014 ~~[(11) Appropriations from the General Fund to the Administrative Office of the Courts~~  
4015 ~~for the divorce orientation course shall be used]~~

4016 (7) (a) The Administrative Office of the Courts shall reimburse an independent  
4017 contractor that administers the mandatory orientation courts for the independent contractor's  
4018 costs.

4019 (b) The Administrative Office of the Courts shall use appropriations from the  
4020 Children's Legal Defense Account to pay the costs of an indigent [petitioner who is determined  
4021 to be indigent as provided in Subsection (10)(c)] individual who makes a showing as described  
4022 in Subsection (6) to attend the mandatory orientation course under this section.

4023 ~~[(12)]~~ (8) The Online Court Assistance Program shall include instructions with the

4024 forms for divorce that inform the petitioner of the requirement of this section.

4025 ~~[(13)]~~ (9) A certificate of completion constitutes evidence to the court of course  
4026 completion by the parties.

4027 ~~[(14)]~~ (10) It ~~[shall be]~~ is an affirmative defense in all divorce actions that the divorce  
4028 orientation requirement was not complied with~~[-]~~ and the action may not continue until a party  
4029 has complied.

4030 ~~[(15)]~~ (11) The Administrative Office of the Courts shall:

4031 (a) adopt a program to evaluate the effectiveness of the mandatory educational course~~[-~~  
4032 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and~~

4033 (b) provide progress reports to the Judiciary Interim Committee if requested.

4034 *The following section is affected by a coordination clause at the end of this bill.*

4035 Section 117. Section **81-4-106**, which is renumbered from Section 30-3-11.3 is  
4036 renumbered and amended to read:

4037 ~~[30-3-11.3].~~ **81-4-106. Mandatory educational course for divorcing parents.**

4038 (1) (a) The Judicial Council shall approve and implement a mandatory educational  
4039 course for divorcing parents in all judicial districts.

4040 (b) The mandatory educational course is designed to educate and sensitize divorcing  
4041 parties to their ~~[children's]~~ minor child's needs both during and after the divorce process.

4042 (2) The Judicial Council shall adopt rules to implement and administer this program.

4043 ~~[(3) (a) As a prerequisite to receiving a divorce decree, both parties are required to~~  
4044 ~~attend a mandatory course on their children's needs after filing a complaint for divorce and~~  
4045 ~~receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived,~~  
4046 ~~the court may permit the divorce action to proceed.]~~

4047 ~~[(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~  
4048 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~  
4049 ~~related to the divorce until the moving party completes the mandatory educational course for~~  
4050 ~~divorcing parents required by this section.]~~

4051 ~~[(4) The court may require unmarried parents to attend this educational course when~~  
4052 ~~those parents are involved in a visitation or custody proceeding before the court.]~~

4053 ~~[(5)]~~ (3) The mandatory educational course shall instruct both parties:

4054 (a) about divorce and its impacts on:

- 4055 (i) their [~~child or children~~] minor child;
- 4056 (ii) their family relationship; and
- 4057 (iii) their financial responsibilities for [~~their child or children~~] their minor child; and
- 4058 (b) that domestic violence has a harmful effect on [~~children~~] a minor child and family
- 4059 relationships.

4060 [~~(6)~~] (4) (a) The course may be provided through live instruction, video instruction, or

4061 an online provider.

4062 (b) The online and video options must be formatted as interactive presentations that

4063 ensure active participation and learning by the parent.

4064 [~~(7)~~] (5) (a) The Administrative Office of the Courts shall administer the course

4065 [~~pursuant to~~] in accordance with Title 63G, Chapter 6a, Utah Procurement Code, through

4066 private or public contracts and organize the program in each of Utah's judicial districts.

4067 (b) The contracts shall provide for the recoupment of administrative expenses through

4068 the costs charged to individual parties[~~, pursuant to Subsection (9)~~] as described in Subsection

4069 (7).

4070 [~~(8)~~] (6) A certificate of completion constitutes evidence to the court of course

4071 completion by the parties.

4072 [~~(9)~~] (7) (a) Each party shall pay the costs of the course to the independent contractor

4073 providing the course at the time and place of the course.

4074 (b) A fee of \$8 shall be collected, as part of the course fee paid by each participant, and

4075 deposited in the Children's Legal Defense Account[~~;~~] described in Section [51-9-408](#).

4076 [~~(b)~~] (c) Each party who is unable to pay the costs of the course may attend the course

4077 without payment upon a prima facie showing of indigency as evidenced by an affidavit of

4078 indigency filed in the district court in accordance with Section [78A-2-302](#). [~~In those situations,~~

4079 ~~the independent contractor shall be reimbursed for the independent contractor's costs from the~~

4080 ~~appropriation to the Administrative Office of the Courts for "Mandatory Educational Course~~

4081 ~~for Divorcing Parents Program."~~]

4082 (d) Before a decree of divorce may be entered, the court shall make a final review and

4083 determination of indigency and may order the payment of the costs if so determined.

4084 [~~(10) Appropriations from the General Fund to the Administrative Office of the Courts~~

4085 ~~for the "Mandatory Educational Course for Divorcing Parents Program" shall be used]~~

4086 (8) (a) The Administrative Office of the Courts shall reimburse an independent  
 4087 contractor that administers the mandatory educational course for the independent contractor's  
 4088 costs.

4089 (b) The Administrative Office of the Courts shall use appropriations from the  
 4090 Children's Legal Defense Account to pay the costs of an indigent parent who makes a showing  
 4091 as [provided in Subsection (9)(b)] described in Subsection (7) to attend the mandatory  
 4092 educational course under this section.

4093 ~~[(H)]~~ (9) The Administrative Office of the Courts shall:

4094 (a) adopt a program to evaluate the effectiveness of the mandatory educational course[;  
 4095 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.]; and~~

4096 (b) provide progress reports to the Judiciary Interim Committee if requested.

4097 Section 118. Section **81-4-201** is enacted to read:

4098 **Part 2. Separate Maintenance**

4099 **81-4-201. Definitions for part.**

4100 As used in this part:

4101 (1) "Petitioner" means an individual who brings a petition for separate maintenance.

4102 (2) "Respondent" means the individual against whom a petition for separate  
 4103 maintenance is brought.

4104 Section 119. Section **81-4-202**, which is renumbered from Section 30-4-1 is  
 4105 renumbered and amended to read:

4106 ~~[30-4-1].~~ **81-4-202. Petition for separate maintenance -- Grounds.**

4107 ~~[Whenever a resident of this state:]~~

4108 (1) A married individual may bring a petition seeking separate maintenance from the  
 4109 married individual's spouse if:

4110 (a) the married individual, or the married individual's spouse, is a resident of this state;  
 4111 and

4112 (b) the married individual's spouse:

4113 ~~[(H)]~~ (i) deserts [a spouse] the married individual without good and sufficient cause;

4114 ~~[(2)]~~ (ii) being of sufficient ability to provide support, neglects or refuses to properly  
 4115 provide for and suitably maintain [that spouse] the married individual;

4116 ~~[(3)]~~ (iii) ~~[having property within this state and the spouse being a resident of this state,~~

4117 ~~so deserts or neglects or refuses to provide such support]~~ has property within this state and  
 4118 deserts, neglects or refuses to provide support to the married individual; or  
 4119 ~~[(4)] (iv) [where a married person without that person's fault lives separate and apart~~  
 4120 ~~from that spouse, the district court shall, on the filing of a complaint, allot, assign, set apart and~~  
 4121 ~~decree as alimony the use of the real and personal estate or earnings of the deserting spouse as~~  
 4122 ~~the court may determine appropriate]~~ lives separate and apart from the married individual  
 4123 without any fault to the married individual.

4124 (2) If a petition is filed under Subsection (1), the court shall allot, assign, set apart, and  
 4125 decree as alimony the use of the real and personal estate or earnings of the respondent as the  
 4126 court may determine is appropriate.

4127 (3) During the pendency of the action, the court may require the [deserting spouse]  
 4128 respondent to pay a sum as provided in Section [30-3-3] 81-1-203.

4129 Section 120. Section **81-4-203**, which is renumbered from Section 30-4-2 is  
 4130 renumbered and amended to read:

4131 ~~[30-4-2].~~ **81-4-203. Venue -- Procedure.**

4132 ~~[In all actions brought hereunder the proceedings and practice shall be the same as near~~  
 4133 ~~as may be as in actions for divorce; but the action may be brought in any county where the wife~~  
 4134 ~~or the husband may be found.]~~

4135 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall  
 4136 bring an action under this part in any county in which the petitioner or respondent is found.

4137 (2) An action under this part shall proceed in accordance with the Utah Rules of Civil  
 4138 Procedure.

4139 Section 121. Section **81-4-204**, which is renumbered from Section 30-4-3 is  
 4140 renumbered and amended to read:

4141 ~~[30-4-3].~~ **81-4-204. Custody and maintenance of children -- Property and**  
 4142 **debt division -- Support payments.**

4143 (1) [In all actions brought under this chapter] In an action under this part, the court may  
 4144 by order or decree:

4145 (a) provide for the care, custody, and maintenance of [the minor children] a minor child  
 4146 of the parties [and may determine with which of the parties the children or any of them shall  
 4147 remain];

4148 (b) (i) provide for support of ~~[either]~~ a spouse and the support of ~~[the minor children]~~ a  
4149 minor child remaining with that spouse;

4150 (ii) provide how and when support payments ~~[shall be]~~ are made; and

4151 (iii) provide that ~~[either]~~ a spouse have a lien upon the property of the other spouse to  
4152 secure payment of the support or maintenance obligation;

4153 (c) award to ~~[either]~~ a spouse the possession of any real or personal property of the  
4154 other spouse or acquired by the spouses during the marriage; ~~[or]~~

4155 (d) specify which party is responsible for the payment of joint debts, obligations, or  
4156 liabilities of the parties contracted or incurred during marriage in accordance with Section  
4157 15-4-6.5;

4158 (e) require the parties to notify respective creditors or obligees regarding the court's  
4159 division of debts, obligations, or liabilities and regarding the parties' separate and current  
4160 addresses in accordance with Section 15-4-6.5; or

4161 (f) provide for the enforcement of the orders described in Subsections (1)(a) and (e).

4162 ~~[(d) pursuant to Section 15-4-6.5;]~~

4163 ~~[(i) specify which party is responsible for the payment of joint debts, obligations, or~~  
4164 ~~liabilities contracted or incurred by the parties during the marriage;]~~

4165 ~~[(ii) require the parties to notify respective creditors or obligees regarding the court's~~  
4166 ~~division of debts, obligations, and liabilities and regarding the parties' separate, current~~  
4167 ~~addresses; and]~~

4168 ~~[(iii) provide for the enforcement of these orders.]~~

4169 (2) ~~[The orders and decrees]~~ A court may enforce an order or decree under this section  
4170 [may be enforced]:

4171 (a) by sale of any property of the spouse ~~[or by];~~

4172 (b) by contempt proceedings ~~[or otherwise as may be necessary.];~~ or

4173 (c) as is otherwise necessary.

4174 (3) The court may:

4175 (a) change the support or maintenance of a party from time to time according to  
4176 circumstances~~[-, and may];~~ or

4177 (b) terminate altogether any obligation upon satisfactory proof of voluntary and  
4178 permanent reconciliation.





4210 As used in this part:

4211 (1) "Petitioner" means an individual who brings a petition for an annulment.

4212 (2) "Respondent" means the individual against whom a petition for an annulment is  
4213 brought.

4214 Section 125. Section **81-4-302**, which is renumbered from Section 30-1-17.1 is  
4215 renumbered and amended to read:

4216 **[~~30-1-17.1~~]. 81-4-302. Annulment -- Grounds.**

4217 [A marriage may be annulled] A court may annul a marriage for any of the following  
4218 causes existing at the time of the marriage:

4219 [~~(1) When the marriage is prohibited or void under Title 30, Chapter 1, Marriage.~~]

4220 (1) when the marriage is prohibited or void under Title 81, Chapter 2, Part 4, Validity  
4221 of Marriage; or

4222 (2) [~~Upon~~] upon grounds existing at common law.

4223 Section 126. Section **81-4-303**, which is renumbered from Section 30-1-17 is  
4224 renumbered and amended to read:

4225 **[~~30-1-17~~]. 81-4-303. Petition for annulment -- Venue -- Judgment on validity**  
4226 **of marriage.**

4227 (1) (a) When there is doubt as to the validity of a marriage, [~~either party may, in a court~~  
4228 of equity in a county where either party is domiciled,] a party to the marriage may bring a  
4229 petition for annulment to demand avoidance or affirmance of the marriage[~~, but when~~].

4230 (b) If one of the parties was under 18 years old at the time of the marriage, the other  
4231 party, being of proper age at the time of the marriage, [~~does not have a proceeding for that~~  
4232 cause] may not bring a petition for annulment against the party who was under 18 years old.

4233 (2) A petitioner may bring a petition for annulment in any county where the petitioner  
4234 or respondent is domiciled.

4235 (3) (a) If a petition for annulment is filed upon the ground that one or both of the  
4236 parties were prohibited from marriage because of the age of the parties, the court may refuse to  
4237 grant the annulment if the court finds that it is in the best interest of the parties, or a child of the  
4238 parties, to refuse the annulment.

4239 (b) The refusal to annul under Subsection (3)(a) makes the marriage valid and  
4240 subsisting for all purposes.

4241 (4) If the parties have accumulated any property or acquired any obligations subsequent  
 4242 to the marriage, if there is a genuine need arising from an economic change of circumstances  
 4243 due to the marriage, or if there is a child born or expected, the court may make temporary and  
 4244 final orders, and subsequently modify the orders, as may be equitable, in regards to:

4245 (a) the property and obligations of the parties;

4246 (b) the support and maintenance of the parties and a child, as defined in Section  
 4247 81-6-101, of the parties; and

4248 (c) the custody and parent-time for a minor child of the parties.

4249 ~~(5) [The judgment in the action shall either declare the marriage valid or annulled and~~  
 4250 ~~shall be conclusive]~~ A judgment in an action under this part:

4251 (a) shall declare the marriage valid or annulled; and

4252 (b) is conclusive upon all persons concerned with the marriage.

4253 *The following section is affected by a coordination clause at the end of this bill.*

4254 Section 127. Section **81-4-401** is enacted to read:

4255 **Part 4. Divorce**

4256 **81-4-401. Definitions for part.**

4257 As used in this part:

4258 (1) "Cohabitation" means the same as the term, "cohabit," is defined in Section  
 4259 81-4-501.

4260 (2) "Mandatory courses" means:

4261 (a) the mandatory divorce orientation course described in Section 81-4-105; and

4262 (b) the mandatory educational course for divorcing parents described in Section  
 4263 81-4-106.

4264 (3) "Petitioner" means the individual who brings a petition for divorce.

4265 (4) "Respondent" means the individual against whom a petition for divorce is brought.

4266 *The following section is affected by a coordination clause at the end of this bill.*

4267 Section 128. Section **81-4-402** is enacted to read:

4268 **81-4-402. Petition for divorce -- Divorce proceedings -- Temporary orders.**

4269 (1) An individual may bring a petition for divorce if:

4270 (a) the individual or the individual's spouse is an actual and bona fide resident of the  
 4271 county where the petition is filed for at least 90 days before the day on which the petition is

4272 filed; or

4273 (b) the individual is a member of the armed forces of the United States and the  
4274 individual is stationed under military orders in this state for at least 90 days before the day on  
4275 which the petition is filed.

4276 (2) A divorce action shall be commenced and conducted in accordance with this  
4277 chapter and the Utah Rules of Civil Procedure.

4278 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
4279 the petition is filed, unless the court finds that extraordinary circumstances exist.

4280 (b) The court may make interim orders as the court considers just and equitable before  
4281 the expiration of the 30-day period described in Subsection (3)(a).

4282 (4) (a) Except as provided in Subsection (5), if the parties to the divorce action have a  
4283 minor child, the parties shall attend the mandatory courses described in Sections [81-4-105](#) and  
4284 [81-4-106](#) within:

4285 (i) for the petitioner, 60 days after the day on which the petition is filed; and

4286 (ii) for the respondent, 30 days after the day on which the respondent is served.

4287 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
4288 to attend the mandatory divorce orientation course described in Section [81-4-105](#).

4289 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
4290 mandatory courses.

4291 (d) A petition shall include information regarding the mandatory courses when the  
4292 petition is served on the respondent.

4293 (e) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
4294 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
4295 divorce until the moving party completes the mandatory courses.

4296 (5) (a) The court may waive the requirement for the parties to attend the mandatory  
4297 courses under Subsection (4), on the court's own motion or on the motion of one of the parties,  
4298 if the court determines course attendance and completion are not necessary, appropriate,  
4299 feasible, or in the best interest of the parties.

4300 (b) If the requirement is waived, the court may permit the divorce action to proceed.

4301 (6) The use of counseling, mediation, and education services provided under this part  
4302 may not be construed as condoning or promoting divorce.

4303 Section 129. Section **81-4-403**, which is renumbered from Section 30-3-39 is  
4304 renumbered and amended to read:

4305 ~~[30-3-39].~~ **81-4-403. Mediation requirement.**

4306 (1) There is established a mandatory domestic mediation program to help reduce the  
4307 time and tensions associated with obtaining a divorce.

4308 (2) (a) If~~[, after the filing of an answer to a complaint of divorce,]~~ there are any  
4309 remaining contested issues after the filing of a response to a petition for divorce, the parties  
4310 shall participate in good faith in at least one session of mediation.

4311 (b) ~~[This requirement]~~ The requirement described in Subsection (2)(a) does not  
4312 preclude the entry of pretrial orders before mediation takes place.

4313 (3) The parties shall use a mediator qualified to mediate domestic disputes under  
4314 criteria established by the Judicial Council in accordance with Section **78B-6-205**.

4315 (4) Unless otherwise ordered by the court or the parties agree upon a different payment  
4316 arrangement, the cost of mediation shall be divided equally between the parties.

4317 (5) The director of dispute resolution programs for the courts, the court, or the  
4318 mediator may excuse either party from the requirement to mediate for good cause.

4319 (6) ~~[Mediation]~~ A mediation described in this section shall be conducted in accordance  
4320 with the Utah Rules of Court-Annexed Alternative Dispute Resolution.

4321 Section 130. Section **81-4-404**, which is renumbered from Section 30-3-5.2 is  
4322 renumbered and amended to read:

4323 ~~[30-3-5.2].~~ **81-4-404. Allegations of child abuse or child sexual abuse in a**  
4324 **divorce proceeding -- Investigation.**

4325 (1) When~~[, in any divorce proceeding or upon a request for modification of a divorce~~  
4326 ~~decree,]~~ an allegation of child abuse or child sexual abuse is made~~[, implicating either]~~ in a  
4327 divorce proceeding, or a request for modification of a divorce decree, that implicates a party,  
4328 the court, after making an inquiry, may order that an investigation be conducted by the Division  
4329 of Child and Family Services ~~[within the Department of Human Services]~~ in accordance with  
4330 Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective  
4331 Custody of a Child.

4332 (2) A final award of custody or parent-time may not be rendered until a report on that  
4333 investigation, consistent with Section **80-2-1005**, is received by the court.

4334           (3) [~~That investigation shall be conducted by the~~] The Division of Child and Family  
4335 Services shall conduct an investigation described in Subsection (1) within 30 days of the court's  
4336 notice and request for an investigation.

4337           (4) In reviewing [~~this report~~] a report described in Subsection (2), the court shall  
4338 comply with Sections 78A-2-703, 78A-2-705, and 78B-15-612.

4339           Section 131. Section ~~81-4-405~~, which is renumbered from Section 30-3-1 is  
4340 renumbered and amended to read:

4341           ~~[30-3-1].~~       **81-4-405. Grounds for divorce.**

4342           ~~[(1) Proceedings in divorce are commenced and conducted as provided by law for~~  
4343 ~~proceedings in civil causes, except as provided in this chapter.]~~

4344           ~~[(2) The court may decree a dissolution of the marriage contract between the petitioner~~  
4345 ~~and respondent on the grounds specified in Subsection (3) in all cases where the petitioner or~~  
4346 ~~respondent has been an actual and bona fide resident of this state and of the county where the~~  
4347 ~~action is brought, or if members of the armed forces of the United States who are not legal~~  
4348 ~~residents of this state, where the petitioner has been stationed in this state under military orders,~~  
4349 ~~for three months next prior to the commencement of the action.]~~

4350           ~~[(3)]~~ (1) [~~Grounds for divorce~~] A court may order the dissolution of a marriage contract  
4351 between the petitioner and the respondent on the grounds of:

4352           (a) impotency of the respondent at the time of marriage;

4353           (b) adultery committed by the respondent subsequent to marriage;

4354           (c) willful desertion of the petitioner by the respondent for more than one year;

4355           (d) willful neglect of the respondent to provide for the petitioner the common  
4356 necessities of life;

4357           (e) habitual drunkenness of the respondent;

4358           (f) conviction of the respondent for a felony;

4359           (g) cruel treatment of the petitioner by the respondent to the extent of causing bodily  
4360 injury or great mental distress to the petitioner;

4361           (h) irreconcilable differences of the marriage;

4362           (i) incurable insanity; or

4363           (j) when the [~~husband and wife~~] petitioner and respondent have lived separately under  
4364 a decree of separate maintenance of any state for three consecutive years without cohabitation.

4365           ~~[(4)]~~ (2) A decree of divorce granted under Subsection ~~[(3)(j)]~~ (1)(i) does not affect the  
 4366 liability of either party under any provision for separate maintenance previously granted.

4367           ~~[(5)]~~ (3) (a) A ~~[divorce may not be granted on the]~~ court may not order the dissolution  
 4368 of a marriage contract between the petitioner and the respondent on the grounds of insanity  
 4369 unless:

4370           (i) the respondent has been adjudged insane by the appropriate authorities of this or  
 4371 another state prior to the commencement of the action; and

4372           (ii) the court finds by the testimony of competent witnesses that the insanity of the  
 4373 respondent is incurable.

4374           (b) The court shall appoint for the respondent a guardian ad litem who shall protect the  
 4375 interests of the respondent.

4376           (c) A copy of the summons and ~~[complaint]~~ petition shall be served on:

4377           (i) the respondent in person or by publication, as provided by the laws of this state in  
 4378 other actions for divorce, or upon ~~[his]~~ the respondent's guardian ad litem~~[-and upon];~~ and

4379           (ii) the county attorney for the county where the action is prosecuted.

4380           ~~[(e)]~~ (d) The county attorney shall:

4381           (i) investigate the merits of the case ~~[and]~~;

4382           (ii) if the respondent resides out of this state, take depositions as necessary~~[-];~~;

4383           (iii) attend the proceedings~~[-];~~ and

4384           (iv) make a defense as is just to protect the rights of the respondent and the interests of  
 4385 the state.

4386           ~~[(d) In all actions the court and judge have jurisdiction over the payment of alimony;~~  
 4387 ~~the distribution of property, and the custody and maintenance of minor children, as the courts~~  
 4388 ~~and judges possess in other actions for divorce.]~~

4389           (e) The petitioner or respondent may~~[-];~~;

4390           (i) if the respondent resides in this state, upon notice, have the respondent brought into  
 4391 the court at trial~~[-or];~~ or

4392           (ii) have an examination of the respondent by two or more competent physicians~~[-];~~ to  
 4393 determine the mental condition of the respondent.

4394           (f) For ~~[this purpose either]~~ the purpose described in Subsection (3)(e), a party may  
 4395 have leave from the court to enter any asylum or institution where the respondent may be

4396 confined.

4397 (g) The court shall apportion the costs of court in this action [shall be apportioned by  
4398 the court].

4399 Section 132. Section **81-4-406** is enacted to read:

4400 **81-4-406. Decree of divorce -- When decree becomes absolute -- Remarriage --**  
4401 **Jurisdiction to modify a decree for a child born after the decree.**

4402 (1) (a) The court shall enter a decree of divorce upon the evidence or the petitioner's  
4403 affidavit in the case of default as described in Subsection (1)(b).

4404 (b) A court may not grant a divorce upon default, unless there is evidence to support a  
4405 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules  
4406 of Civil Procedure.

4407 (2) Unless the requirement is waived by the court under Subsection [81-4-402\(5\)](#), a  
4408 court may not grant a decree of divorce for parties with a minor child until:

4409 (a) both parties have attended the mandatory courses described in Sections [81-4-105](#)  
4410 and [81-4-106](#); and

4411 (b) both parties have presented a certificate of course completion for each course to the  
4412 court.

4413 (3) In a decree of divorce, the court shall:

4414 (a) specify which party is responsible for the payment of joint debts, obligations, or  
4415 liabilities of the parties contracted or incurred during marriage in accordance with Section  
4416 [15-4-6.5](#);

4417 (b) require the parties to notify respective creditors or obligees, regarding the court's  
4418 division of debts, obligations, or liabilities and regarding the parties' separate and current  
4419 addresses in accordance with Section [15-4-6.5](#);

4420 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

4421 (d) if a party owns a life insurance policy or an annuity contract, include an  
4422 acknowledgment by the court that the party:

4423 (i) has reviewed and updated, where appropriate, the list of beneficiaries;

4424 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries  
4425 after the divorce becomes final; and

4426 (iii) understands that, if no changes are made to the policy or contract, the beneficiaries

4427 currently listed will receive any funds paid by the insurance company under the terms of the  
4428 policy or contract; and

4429 (e) if the parties have a child as defined in Section 81-6-101, include an order for child  
4430 support and medical expenses as described in Chapter 6, Child Support.

4431 (4) The court may include in the divorce decree any equitable orders relating to:

4432 (a) the parties, including any alimony to be awarded to a party in accordance with Part  
4433 5, Spousal Support;

4434 (b) a child of the parties; and

4435 (c) any property, debts, or obligations.

4436 (5) A decree of divorce becomes absolute:

4437 (a) on the date it is signed by the court and entered by the clerk in the register of  
4438 actions;

4439 (b) at the expiration of a period of time the court may specifically designate, unless an  
4440 appeal or other proceedings for review are pending;

4441 (c) if an appeal is taken, when the decree is affirmed; or

4442 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise  
4443 orders.

4444 (6) The court, upon application or on the court's own motion for good cause shown,  
4445 may waive, alter, or extend a designated period of time before the decree becomes absolute, but  
4446 not to exceed six months from the signing and entry of the decree.

4447 (7) A party to a divorce proceeding may not marry another individual other than the  
4448 other party for whom the divorce was granted until the party's divorce becomes absolute.

4449 (8) The court has jurisdiction to modify a decree of divorce to address child support,  
4450 parent-time, and other matters related to a minor child born to the parties after the decree of  
4451 divorce is entered.

4452 Section 133. Section **81-4-501** is enacted to read:

4453 **Part 5. Spousal Support**

4454 **81-4-501. Definitions for part.**

4455 As used in this part:

4456 (1) "Child support guidelines" means the same as that term is defined in Section  
4457 81-6-101.



4458           (2) "Cohabit" means to live together, or to reside together on a regular basis, in the  
4459 same residence and in a relationship of a romantic or sexual nature.

4460           (3) "Fault" means any of the following wrongful conduct during the marriage that  
4461 substantially contributed to the breakup of the marriage:

4462           (a) engaging in sexual relations with an individual other than the party's spouse;

4463           (b) knowingly and intentionally causing or attempting to cause physical harm to the  
4464 other party or a minor child;

4465           (c) knowingly and intentionally causing the other party or a minor child to reasonably  
4466 fear life-threatening harm; or

4467           (d) substantially undermining the financial stability of the other party or the minor  
4468 child.

4469           (4) "Length of the marriage" means, for purposes of alimony, the number of years from  
4470 the day on which the parties are legally married to the day on which the petition for divorce is  
4471 filed with the court.

4472           (5) "Payee" means the party who is or would receive alimony from the other party.

4473           (6) "Payor" means the party who is paying, or would pay, alimony to the other party.

4474           (7) "Temporary alimony" means money that the court orders a party to pay during the  
4475 pendency of an action under this chapter for the support and maintenance of a party as  
4476 described in Subsection [81-1-203\(4\)](#).

4477           Section 134. Section **81-4-502** is enacted to read:

4478           **81-4-502. Determination of alimony.**

4479           (1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to  
4480 modify alimony, the court shall consider at least the following factors in determining alimony:

4481           (a) the financial condition and needs of the payee;

4482           (b) the payee's earning capacity or ability to produce income, including the impact of  
4483 diminished workplace experience resulting from primarily caring for a minor child of the  
4484 payor;

4485           (c) the ability of the payor to provide support;

4486           (d) the length of the marriage;

4487           (e) whether the payee has custody of a minor child requiring support;

4488           (f) whether the payee worked in a business owned or operated by the payor; and

4489 (g) whether the payee directly contributed to any increase in the payor's skill by paying  
4490 for education received by the payor or enabling the payor to attend school during the marriage.

4491 (2) (a) The court may consider the fault of the parties in determining whether to award  
4492 alimony and the terms of the alimony.

4493 (b) The court may, when fault is at issue, close the proceedings and seal the court  
4494 records.

4495 (3) (a) Except as otherwise provided by this section, the court shall consider the  
4496 standard of living, existing at the time of separation, in determining alimony in accordance  
4497 with this section.

4498 (b) In considering all relevant facts and equitable principles, the court may, in the  
4499 court's discretion, base alimony on the standard of living that existed at the time of trial.

4500 (4) The court may, under appropriate circumstances, attempt to equalize the parties'  
4501 respective standards of living.

4502 (5) (a) If the marriage is short in duration and a minor child has not been conceived or  
4503 born during the marriage, the court may consider the standard of living that existed at the time  
4504 of the marriage.

4505 (b) In determining alimony when a marriage of short duration dissolves and a minor  
4506 child has not been conceived or born during the marriage, the court may consider restoring  
4507 each party to the condition which existed at the time of the marriage.

4508 (6) (a) When a marriage of long duration dissolves on the threshold of a major change  
4509 in the income of one of the parties due to the collective efforts of both parties, the court shall  
4510 consider the change when dividing the marital property and in determining the amount of  
4511 alimony.

4512 (b) If a party's earning capacity has been greatly enhanced through the efforts of both  
4513 parties during the marriage, the court may make a compensating adjustment in dividing the  
4514 marital property and awarding alimony.

4515 (7) (a) Except as provided in Subsection (7)(c), the court may not order alimony for a  
4516 period of time longer than the length of the marriage.

4517 (b) If a party is ordered to pay temporary alimony during the pendency of a divorce  
4518 action, the court shall count the period of time that the party pays temporary alimony towards  
4519 the period of time for which the party is ordered to pay alimony.

4520 (c) At any time before the termination of alimony, the court may find extenuating  
4521 circumstances or good cause that justify the payment of alimony for a longer period of time  
4522 than the length of the marriage.

4523 Section 135. Section **81-4-503** is enacted to read:

4524 **81-4-503. Modification of alimony after divorce decree.**

4525 (1) The court has continuing jurisdiction to make substantive changes and new orders  
4526 regarding alimony based on a substantial material change in circumstances not expressly stated  
4527 in the divorce decree or in the findings that the court entered at the time of the divorce decree.

4528 (2) (a) A party's retirement is a substantial material change in circumstances that is  
4529 subject to a petition to modify alimony, unless the divorce decree, or the findings that the court  
4530 entered at the time of the divorce decree, expressly states otherwise.

4531 (b) Subsection (2)(a) applies to a divorce decree regardless of the date on which the  
4532 divorce decree was entered.

4533 (3) The court may not modify alimony or issue a new order for alimony to address  
4534 needs of the recipient that did not exist at the time the decree was entered, unless the court  
4535 finds extenuating circumstances that justify that action.

4536 (4) In modifying the amount of alimony, the court may not consider the income of any  
4537 subsequent spouse of the payor, except that the court may consider:

4538 (a) the subsequent spouse's financial ability to share living expenses; or

4539 (b) the income of a subsequent spouse if the court finds that the payor's improper  
4540 conduct justifies that consideration.

4541 Section 136. Section **81-4-504** is enacted to read:

4542 **81-4-504. Termination of alimony.**

4543 (1) (a) Except as provided in Subsection (1)(b), or unless a decree of divorce  
4544 specifically provides otherwise, any order of the court that a payor pay alimony to a payee  
4545 automatically terminates upon the remarriage or death of that payee.

4546 (b) If the remarriage of the payee is annulled and found to be void ab initio, the  
4547 payment of alimony shall resume if the payor is made a party to the action of annulment and  
4548 the payor's rights are determined.

4549 (2) If a payor establishes that a payee cohabits with another individual during the  
4550 pendency of the divorce action, the court:

4551 (a) may not order the payor to pay temporary alimony to the payee; and  
4552 (b) shall terminate any order that the payor pay temporary alimony to the payee.  
4553 (3) (a) Subject to Subsection (3)(b), the court shall terminate an order that a payor pay  
4554 alimony to a payee if the payor establishes that, after the order for alimony is issued, the payee  
4555 cohabits with another individual even if the payee is not cohabiting with the individual when  
4556 the payor files the motion to terminate alimony.

4557 (b) A payor may not seek termination of alimony under Subsection (3)(a) later than one  
4558 year after the day on which the payor knew or should have known that the payee has cohabited  
4559 with another individual.

4560 Section 137. Section **81-5-101** is enacted to read:

4561 **CHAPTER 5. UNIFORM PARENTAGE ACT**

4562 **81-5-101. Reserved.**

4563 Reserved.

4564 Section 138. Section **81-6-101**, which is renumbered from Section 78B-12-102 is  
4565 renumbered and amended to read:

4566 **CHAPTER 6. CHILD SUPPORT**

4567 **Part 1. General Provisions**

4568 ~~[78B-12-102].~~ **81-6-101. Definitions for chapter.**

4569 As used in this chapter:

4570 ~~[(1) "Adjusted gross income" means income calculated under Subsection~~  
4571 ~~78B-12-204(1).]~~

4572 ~~[(2)]~~ (1) "Administrative agency" means the Office of Recovery Services or the  
4573 Department of Health and Human Services.

4574 ~~[(3)]~~ (2) "Administrative order" means ~~[an order that has been issued by the Office of~~  
4575 ~~Recovery Services, the Department of Health and Human Services, or an administrative agency~~  
4576 ~~of another state or other comparable jurisdiction with similar authority to that of the office.]~~ the  
4577 same as that term is defined in Section 26B-9-201.

4578 (3) "Alimony" means the same as that term is defined in Section 81-4-101.

4579 (4) "Base child support award" means the award that may be ordered and is calculated  
4580 using the child support guidelines before additions for medical expenses and work-related child  
4581 care costs.

4582 (5) "Base combined child support obligation" means the presumed amount of child  
 4583 support that the parents should provide for their child as described in Subsection 81-6-204(1).

4584 (6) "Base combined child support obligation table" means the appropriate table  
 4585 described in Sections 81-6-302 and 81-6-304.

4586 ~~[(5) "Base combined child support obligation table," "child support table," "base child~~  
 4587 ~~support obligation table," "low income table," or "table" means the appropriate table in Part 3,~~  
 4588 ~~Tables.]~~

4589 ~~[(6) "Cash medical support" means an obligation to equally share all reasonable and~~  
 4590 ~~necessary medical and dental expenses of children.]~~

4591 (7) "Child" means:

4592 (a) a son or daughter ~~[under the age of 18 years]~~ who is under 18 years old and who is  
 4593 not otherwise emancipated, self-supporting, married, or a member of the armed forces of the  
 4594 United States;

4595 (b) a son or daughter ~~[over the age of 18 years;]~~ who is 18 years old or older while  
 4596 enrolled in high school during the normal and expected year of graduation and not otherwise  
 4597 emancipated, self-supporting, married, or a member of the armed forces of the United States; or

4598 (c) a son or daughter of any age who is incapacitated from earning a living and, if able  
 4599 to provide some financial resources to the family, is not able to support self by own means.

4600 (8) (a) "Child support" means a base child support award, or a monthly financial award  
 4601 for uninsured medical expenses, ordered by a tribunal for the support of a child~~[-including].~~

4602 (b) "Child support" includes current periodic payments, arrearages that accrue under an  
 4603 order for current periodic payments, and sum certain judgments awarded for arrearages,  
 4604 medical expenses, and child care costs.

4605 (9) "Child support guidelines" means the calculation and application of child support  
 4606 as described in Part 2, Calculation and Adjustment of Child Support.

4607 ~~[(9)]~~ (10) "Child support order" ~~[or "support order"]~~ means a judgment, decree, or  
 4608 order ~~[of]~~ issued by a tribunal ~~[whether interlocutory or final, whether or not prospectively or~~  
 4609 ~~retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal~~  
 4610 ~~separation, separate maintenance, paternity, guardianship, civil protection, or otherwise]~~  
 4611 whether temporary, final, or subject to modification, that:

4612 (a) establishes or modifies child support;

4613 (b) reduces child support arrearages to judgment; or

4614 (c) establishes child support or registers a child support order under [~~Chapter 14, Utah~~  
4615 ~~Uniform Interstate Family Support Act~~] Title 78B, Chapter 14, Utah Uniform Interstate Family  
4616 Support Act.

4617 (11) "Child support tables" means the tables described in Part 3, Child Support Tables.

4618 [~~(10) "Child support services" or "IV-D child support services" means services~~  
4619 ~~provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651 et seq.~~]

4620 [~~(11) "Court" means the district court or juvenile court.~~]

4621 [~~(12) "Guidelines" means the directions for the calculation and application of child~~  
4622 ~~support in Part 2, Calculation and Adjustment.~~]

4623 (12) "Child support services" means the same as that term is defined in Section  
4624 [26B-9-101](#).

4625 (13) "Gross income" means the amount of income calculated for a parent as described  
4626 in Section [81-6-203](#).

4627 [~~(13)~~] (14) "Health care coverage" means coverage under which medical services are  
4628 provided to a child through:

- 4629 (a) fee for service;
- 4630 (b) a health maintenance organization;
- 4631 (c) a preferred provider organization;
- 4632 (d) any other type of private health insurance; or
- 4633 (e) public health care coverage.

4634 [~~(14)~~] (15) (a) "Income" means earnings, compensation, or other payment due to an  
4635 individual, regardless of source, whether denominated as wages, salary, commission, bonus,  
4636 pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and  
4637 incentive pay.

4638 (b) "Income" includes:

- 4639 (i) all gain derived from capital assets, labor, or both, including profit gained through  
4640 sale or conversion of capital assets;
- 4641 (ii) interest and dividends;
- 4642 (iii) periodic payments made under pension or retirement programs or insurance  
4643 policies of any type;

4644 (iv) unemployment compensation benefits;

4645 (v) workers' compensation benefits; and

4646 (vi) disability benefits.

4647 ~~[(15)] (16) "Joint physical custody" means the [child stays with each parent overnight~~  
4648 ~~for more than 30% of the year, and both parents contribute to the expenses of the child in~~  
4649 ~~addition to paying child support]~~ same as that term is defined in Section [81-9-101](#).

4650 (17) "Low income table" means the appropriate table under Section [81-6-303](#) or  
4651 [81-6-305](#).

4652 ~~[(16)] (18) "Medical expenses" means health and dental expenses and related insurance~~  
4653 ~~costs.~~

4654 (19) "Minor child" means a child who is younger than 18 years old.

4655 ~~[(17)] (20) "Obligee" means an individual, this state, another state, or another~~  
4656 ~~comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of~~  
4657 ~~child support or public assistance.~~

4658 ~~[(18)] (21) "Obligor" means a person owing a duty of support.~~

4659 ~~[(19)] (22) "Office" means the Office of Recovery Services within the Department of~~  
4660 ~~Health and Human Services.~~

4661 ~~[(20) "Parent" includes a natural parent, or an adoptive parent.]~~

4662 ~~[(21)] (23) "Pregnancy expenses" means an amount equal to:~~

4663 (a) the sum of a pregnant mother's:

4664 (i) health insurance premiums while pregnant that are not paid by an employer or  
4665 government program; and

4666 (ii) medical costs related to the pregnancy, incurred after the date of conception and  
4667 before the pregnancy ends; ~~minus~~ and

4668 (b) minus any portion of the amount described in Subsection ~~[(21)(a)] (23)(a)~~ that a  
4669 court determines is equitable based on the totality of the circumstances, not including any  
4670 amount paid by the mother or father of the child.

4671 ~~[(22)] (24) "Split custody" means that each parent has physical custody of at least one~~  
4672 ~~of the children.~~

4673 ~~[(23)] (25) "State" [includes] means~~ a state, territory, possession of the United States,  
4674 the District of Columbia, the Commonwealth of Puerto Rico, Native American ~~[Tribe]~~ tribe, or

4675 other comparable domestic or foreign jurisdiction.

4676 (26) "Support" means past-due, present, and future obligations to provide for the  
4677 financial support, maintenance, or medical expenses of a child.

4678 (27) "Support order" means:

4679 (a) a child support order; or

4680 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to  
4681 modification, for alimony.

4682 ~~[(24)]~~ (28) "Temporary" means a period of time that is projected to be less than 12  
4683 months in duration.

4684 ~~[(25)]~~ (29) "Third party" means an agency or a person other than [the biological or  
4685 adoptive parent] a parent or a child who provides care, maintenance, and support to a child.

4686 ~~[(26)]~~ (30) "Tribunal" means the district court, the Department of Health and Human  
4687 Services, Office of Recovery Services, or court or administrative agency of a state, territory,  
4688 possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico,  
4689 Native American [Tribe] tribe, or other comparable domestic or foreign jurisdiction.

4690 ~~[(27)]~~ (31) "Work-related child care [costs] expenses" means reasonable child care  
4691 costs for up to a full-time work week or training schedule as necessitated by the employment or  
4692 training of a parent [under Section ~~78B-12-215~~].

4693 ~~[(28)]~~ (32) [~~"Worksheets" means the forms~~] "Worksheet" means a form used to aid in  
4694 calculating the base child support award.

4695 Section 139. Section **81-6-102** is enacted to read:

4696 **81-6-102. Application of chapter.**

4697 This chapter applies to any judicial or administrative order establishing or modifying an  
4698 award of child support entered on or after July 1, 1989.

4699 Section 140. Section **81-6-103**, which is renumbered from Section 78B-12-103 is  
4700 renumbered and amended to read:

4701 ~~[78B-12-103].~~ **81-6-103. Jurisdiction over a child support proceeding --**

4702 **Appeals.**

4703 ~~[The district court shall have jurisdiction of all proceedings brought under this chapter.]~~

4704 (1) A court has jurisdiction over a proceeding brought under this chapter in accordance  
4705 with Title 78A, Judiciary and Judicial Administration.



4706 (2) An appeal may be taken from an order or judgment under this part as in other civil  
4707 actions.

4708 Section 141. Section **81-6-104**, which is renumbered from Section 78B-12-105 is  
4709 renumbered and amended to read:

4710 ~~[78B-12-105].~~ **81-6-104. Duty of parents to provide support for a child --**  
4711 **Support follows the child.**

4712 (1) (a) Every child is presumed to be in need of the support of the [~~child's mother and~~  
4713 ~~father. Every mother and father shall support their children.~~] child's parents.

4714 (b) Every parent shall support their child.

4715 (c) Nothing in this chapter relieves a parent of the primary obligation of support for the  
4716 parent's child.

4717 (2) Except as limited in a [~~court order under Section 30-3-5, 30-4-3, or 78B-12-212]~~  
4718 court order under Section 81-6-208:

4719 (a) [~~The~~] the expenses incurred on behalf of a minor child for reasonable and necessary  
4720 medical and dental expenses[;] and other necessities are chargeable upon the property of both  
4721 parents, regardless of the marital status of the parents[;]; and

4722 (b) [~~Either or both parents may be sued by a creditor~~] a creditor may sue a parent for  
4723 the expenses described in Subsection (2)(a) incurred on behalf of [minor children] a minor  
4724 child.

4725 (3) (a) A parent whose minor child has become a ward of this or any other state is not  
4726 relieved of the primary obligation to support that child until the minor child is 18 years old or is  
4727 legally married, regardless of any agreements or legal defenses that exist between the parents or  
4728 other care providers.

4729 (b) Any state that provides support for a child shall have the right to reimbursement.

4730 (c) A third party has a right to recover support from a parent.

4731 (4) An obligation ordered for child support and medical expenses:

4732 (a) are for the use and benefit of the child; and

4733 (b) shall follow the child in a case in which a parent, or another person, is awarded sole  
4734 physical custody of the child as described in Subsection 81-6-205(8).

4735 (5) The rights created in this chapter are in addition to and not in substitution to any  
4736 other rights.

4737 Section 142. Section **81-6-105**, which is renumbered from Section 78B-12-105.1 is  
4738 renumbered and amended to read:

4739 ~~[78B-12-105.1].~~ **81-6-105. Duty of biological father to share pregnancy**  
4740 **expenses.**

4741 (1) Except as otherwise provided in this section, a biological father of a child has a  
4742 duty to pay 50% of the mother's pregnancy expenses.

4743 (2) (a) If paternity is disputed, a biological father owes no duty under this section until  
4744 the biological father's paternity is established.

4745 (b) Once paternity is established, the biological father is subject to Subsection (1).

4746 (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the  
4747 biological father reduces that parent's 50% share under Subsection (1), not the total amount of  
4748 pregnancy expenses.

4749 (b) Subsection (3)(a) applies regardless of when the mother or biological father pays  
4750 the pregnancy expense.

4751 (4) If a mother receives an abortion, as defined in Section [76-7-301](#), without the  
4752 biological father's consent, the biological father owes no duty under this section, unless:

4753 (a) the abortion is necessary to avert the death of the mother; or

4754 (b) the mother was pregnant as a result of:

4755 (i) rape, as described in Section [76-5-402](#);

4756 (ii) rape of a child, as described in Section [76-5-402.1](#); or

4757 (iii) incest, as described in Subsection [76-5-406\(2\)\(j\)](#) or Section [76-7-102](#).

4758 (5) Subsection (1) does not apply if a court apportions pregnancy expenses [~~under~~  
4759 ~~Section [30-3-5](#)] in a divorce decree under Section [81-4-406](#).~~

4760 [~~(6) A person may seek payment under Subsection (1) in accordance with Section~~  
4761 ~~[78B-12-113](#).]~~

4762 (6) (a) A person who seeks payment under this section for pregnancy expenses shall  
4763 provide documentation of payments, medical expenses, and insurance premiums to the court.

4764 (b) The court shall order the payment of the expenses after a review of the  
4765 documentation described in Subsection (6)(a).

4766 (7) Nothing in this section [~~or Section [78B-12-212.1](#)] requires a person to separately~~  
4767 bill a biological father for pregnancy expenses.

4768 Section 143. Section **81-6-106**, which is renumbered from Section 78B-12-113 is  
 4769 renumbered and amended to read:

4770 ~~[78B-12-113]~~. **81-6-106. Duty of obligor -- Enforcement of right of support.**

4771 (1) (a) An obligor who is present in, or a resident of, this state has the duty to provide  
 4772 support to the child regardless of the presence or residence of the obligee.

4773 ~~[(1)]~~

4774 ~~[(a)]~~ (b) The obligee may enforce ~~[his]~~ the obligee's right of support against the  
 4775 obligor.

4776 (2) (a) The office may proceed pursuant to this ~~[chapter]~~ part or any other applicable  
 4777 statute on behalf of:

4778 (i) the Department of Health and Human Services;

4779 (ii) any other department or agency of this state that provides public assistance, as  
 4780 defined by ~~[Subsection 26B-9-201(4)]~~ Section 26B-9-101, to enforce the right to recover public  
 4781 assistance; or

4782 (iii) the obligee, to enforce the obligee's right of support against the obligor.

4783 (b) Whenever any court action is commenced by the office to enforce payment of the  
 4784 obligor's support obligation, the attorney general or the county attorney of the county of  
 4785 residence of the obligee shall represent the office.

4786 (c) The attorney general or the county attorney does not represent or have an  
 4787 attorney-client relationship with the obligee or the obligor in carrying out the duties under this  
 4788 chapter.

4789 ~~[(2)]~~ (3) (a) A person may not commence an action, file a pleading, or submit a written  
 4790 stipulation to the court, without complying with Subsection ~~[(2)(b)]~~ (3)(b), if the purpose or  
 4791 effect of the action, pleading, or stipulation is to:

4792 (i) establish paternity;

4793 (ii) establish or modify a support obligation;

4794 (iii) change the court-ordered manner of payment of support;

4795 (iv) recover support due or owing; or

4796 (v) appeal issues regarding child support laws.

4797 (b) (i) When taking an action described in Subsection ~~[(2)(a)]~~ (3)(a), a person must file  
 4798 an affidavit with the court at the time the action is commenced, the pleading is filed, or the

4799 stipulation is submitted stating whether child support services have been or are being provided  
 4800 under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., on behalf of a child  
 4801 who is a subject of the action, pleading, or stipulation.

4802 (ii) If child support services have been or are being provided, under Part IV of the  
 4803 Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of the affidavit  
 4804 and a copy of the pleading or stipulation to the child and family support division of the Office  
 4805 of the Attorney General[~~Child Support Division~~].

4806 (iii) (A) If notice is not given in accordance with this Subsection [(2)] (3), the office is  
 4807 not bound by any decision, judgment, agreement, or compromise rendered in the action.

4808 (B) For purposes of appeals, service must be made on the Office of the Director for the  
 4809 Office of Recovery Services.

4810 (c) If [~~IV-D services~~] child support services have been or are being provided, that  
 4811 person shall join the office as a party to the action, or mail or deliver a written request to the  
 4812 child and family support division of the Office of the Attorney General, [~~Child Support~~  
 4813 ~~Division~~] asking the office to join as a party to the action.

4814 (d) A copy of [~~that request~~] the request described in Subsection (3)(c), along with proof  
 4815 of service, shall be filed with the court.

4816 (e) The office shall be represented as provided in Subsection [(1)(b)] (2)(b).

4817 [~~(3) Neither the attorney general nor the county attorney represents or has an~~  
 4818 ~~attorney-client relationship with the obligee or the obligor in carrying out the duties under this~~  
 4819 ~~chapter.~~]

4820 Section 144. Section **81-6-107**, which is renumbered from Section 78B-12-201 is  
 4821 renumbered and amended to read:

4822 [~~78B-12-201~~]. **81-6-107. Procedure for child support proceeding --**

4823 **Documentation.**

4824 (1) In any matter in which child support is ordered, the moving party shall submit:

4825 (a) a completed [~~child support~~] worksheet;

4826 (b) the financial verification required by [~~Subsection 78B-12-203(5)~~] Section

4827 81-6-203;

4828 (c) a written statement indicating whether or not the amount of child support requested  
 4829 is consistent with the child support guidelines; and

4830 (d) the information required under Subsection (3).

4831 (2) (a) If the documentation of income required under Subsection (1) is not available,  
 4832 the moving party may submit a verified representation of the other party's income [~~by the~~  
 4833 ~~moving party,~~] based on the best evidence available[~~, may be submitted~~].

4834 (b) [~~The evidence shall be in affidavit form and may only be offered after a copy has~~  
 4835 ~~been provided~~] The moving party shall provide the evidence described in Subsection (2)(a) in  
 4836 affidavit form.

4837 (c) The moving party may only offer the evidence described in Subsection (2)(a) after a  
 4838 copy is provided to the other party in accordance with Utah Rules of Civil Procedure or Title  
 4839 63G, Chapter 4, Administrative Procedures Act, in an administrative proceeding.

4840 (3) (a) Upon the entry of an order in a proceeding to establish paternity or to establish,  
 4841 modify, or enforce a child support order, each party shall:

4842 (i) file identifying information [~~and shall~~]; and

4843 (ii) update that information as changes occur with the court that conducted the  
 4844 proceeding.

4845 [(a)] (b) The required identifying information shall include the person's social security  
 4846 number, driver's license number, residential and mailing addresses, telephone numbers, the  
 4847 name, address and telephone number of employers, and any other data required by the United  
 4848 States Secretary of Health and Human Services.

4849 [(b)] (c) [~~Attorneys~~] An attorney representing the office in child support services cases  
 4850 [~~are~~] is not required to file the identifying information required by Subsection [(3)(a)-] (3)(b).

4851 [(4) ~~A stipulated amount for child support or combined child support and alimony is~~  
 4852 ~~adequate under the guidelines if the stipulated child support amount or combined amount~~  
 4853 ~~equals or exceeds the base child support award required by the guidelines.~~]

4854 Section 145. Section **81-6-108**, which is renumbered from Section 78B-12-109 is  
 4855 renumbered and amended to read:

4856 [~~78B-12-109~~]. **81-6-108. Waiver and estoppel.**

4857 (1) Waiver and estoppel shall apply only to the [~~custodial parent~~] obligee when there is  
 4858 no order already established by a tribunal if the [~~custodial parent~~] obligee freely and voluntarily  
 4859 waives support specifically and in writing.

4860 (2) Waiver and estoppel may not be applied against any third party or public entity that

4861 may provide support for the child.

4862 (3) [~~A noncustodial parent~~] An obligor, or alleged biological father in a paternity  
4863 action, may not rely on statements made by the [~~custodial parent of the child~~] obligee  
4864 concerning child support unless the statements are reduced to writing and signed by both  
4865 parties.

4866 Section 146. Section **81-6-109**, which is renumbered from Section 78B-12-115 is  
4867 renumbered and amended to read:

4868 ~~[78B-12-115].~~ **81-6-109. Spousal privilege -- Competency of spouses.**

4869 [~~Laws~~]

4870 (1) A law attaching a privilege against the disclosure of communications between  
4871 [~~husband and wife~~] spouses are inapplicable under this chapter.

4872 (2) Spouses are competent witnesses to testify to any relevant matter, including  
4873 marriage and parentage.

4874 Section 147. Section **81-6-110**, which is renumbered from Section 78B-12-114 is  
4875 renumbered and amended to read:

4876 ~~[78B-12-114].~~ **81-6-110. County attorney to assist obligee.**

4877 (1) The county attorney's office shall provide assistance to an obligee desiring to  
4878 proceed under this [~~chapter~~] part in the following manner:

4879 (a) provide forms, approved by the Judicial Council [~~of Utah~~], for an order of wage  
4880 assignment if the obligee is not represented by legal counsel;

4881 (b) inform the obligee of the right to file [~~impecuniously~~] indigently if the obligee is  
4882 unable to bear the expenses of the action and assist the obligee with such filing;

4883 (c) advise the obligee of the available methods for service of process; and

4884 (d) assist the obligee in expeditiously scheduling a hearing before the court.

4885 (2) The county attorney's office may charge a fee not to exceed \$25 for providing  
4886 assistance to an obligee under Subsection (1).

4887 Section 148. Section **81-6-201** is enacted to read:

4888 **Part 2. Calculation and Adjustment of Child Support**

4889 **81-6-201. Definitions for part.**

4890 Reserved.

4891 Section 149. Section **81-6-202**, which is renumbered from Section 78B-12-210 is

4892 renumbered and amended to read:

4893 ~~[78B-12-210].~~ 81-6-202. Determination of amount of child support --

4894 Application of child support guidelines -- Requirements for child support order.

4895 ~~[(1) The guidelines in this chapter apply to any judicial or administrative order~~  
4896 ~~establishing or modifying an award of child support entered on or after July 1, 1989.]~~

4897 (1) (a) If a prior child support order does not exist, a substantial change in  
4898 circumstances has occurred, or a petition to modify a child support order as described in  
4899 Section 81-6-212 is filed, the court determining the amount of prospective child support shall  
4900 require each party to file a proposed award of child support using the child support guidelines  
4901 before the court enters or modifies a child support order.

4902 (b) When no prior child support order exists, the court or administrative agency shall  
4903 determine and assess all arrearages based upon the child support guidelines.

4904 (2) (a) The court or administrative agency shall apply the child support guidelines  
4905 ~~[shall be applied]~~ as a rebuttable presumption in establishing or modifying the amount of  
4906 temporary or permanent child support.

4907 (b) The rebuttable presumption means the provisions and considerations required by  
4908 the child support guidelines, the award amounts resulting from the application of the child  
4909 support guidelines, and the use of worksheets consistent with ~~[these]~~ the child support  
4910 guidelines are presumed to be correct, unless ~~[rebutted under the provisions of]~~ the child  
4911 support guidelines are rebutted in accordance with this section.

4912 (3) (a) A written finding or specific finding on the record supporting the conclusion  
4913 that complying with a provision of the child support guidelines or ordering an award amount  
4914 resulting from use of the child support guidelines would be unjust, inappropriate, or not in the  
4915 best interest of a child in a particular case is sufficient to rebut the presumption in that case.

4916 (b) If an order rebuts the presumption through findings, ~~[it]~~ the order is considered a  
4917 deviated order.

4918 (4) The following ~~[shall be]~~ are considered deviations from the child support  
4919 guidelines, if:

4920 (a) the order includes a written finding that ~~[it]~~ the order is a deviation from the child  
4921 support guidelines;

4922 (b) the ~~[guidelines]~~ worksheet has:

4923 (i) the box checked for a deviation; and  
4924 (ii) an explanation as to the reason; or  
4925 (c) the deviation is made because there were more children than provided for in the  
4926 ~~[guidelines table]~~ child support tables.  
4927 (5) If the amount in the order and the amount on the ~~[guidelines]~~ worksheet differ by  
4928 \$10 or more:  
4929 (a) the order is considered deviated; and  
4930 (b) the incomes listed on the worksheet may not be used in adjusting support for  
4931 emancipation as described in Section 81-6-213.  
4932 (6) If the court finds sufficient evidence to rebut the guidelines as described in  
4933 Subsection (3), the court shall establish child support after considering all relevant factors,  
4934 including:  
4935 (a) the standard of living and situation of the parties;  
4936 (b) the relative wealth and income of the parties;  
4937 (c) the ability of the obligor to earn;  
4938 (d) the ability of the obligee to earn;  
4939 (e) the ability of an incapacitated adult child to earn, or other benefits received by the  
4940 adult child or on the adult child's behalf including Supplemental Security Income;  
4941 (f) the needs of the obligee, the obligor, and the child;  
4942 (g) the ages of the parties; and  
4943 (h) the responsibilities of the obligor and the obligee for the support of others.  
4944 ~~[(6)]~~ (7) (a) ~~[Natural or adoptive children of either]~~ If there are children of either parent  
4945 who live in the home of that parent and are not children in common to both parties ~~[may at the~~  
4946 ~~option of either party be taken into account],~~ the court or administrative agency, at the option of  
4947 either party, may take into account the children under the child support guidelines in setting a  
4948 base child support award~~[, as provided]~~ as described in Subsection ~~[(7)]~~ (8).  
4949 (b) Additional worksheets shall be prepared that ~~[compute]~~ calculate the base child  
4950 support award of the respective parents for the additional children.  
4951 (c) ~~[The base child support award shall then be subtracted]~~ The court or administrative  
4952 agency shall subtract the base child support award calculated under Subsection (7)(b) from the  
4953 appropriate parent's income before determining the award in the ~~[instant case]~~ case described in



4954 Subsection (7)(a).

4955 ~~[(7)]~~ (8) In a proceeding to adjust or modify ~~[an existing award, consideration of~~  
4956 ~~natural or adoptive children born after entry of the order and who are not in common to both~~  
4957 ~~parties may be applied]~~ a child support order, the court or administrative agency may consider  
4958 children, who are born after the entry of the child support order and are not in common to both  
4959 parties, to mitigate an increase in the award, but ~~[may not be applied]~~ the court or  
4960 administrative agency may not consider the children:

4961 (a) for the benefit of the obligee if the credit would increase the support obligation of  
4962 the obligor from the most recent child support order; or

4963 (b) for the benefit of the obligor if the amount of support received by the obligee would  
4964 be decreased from the most recent child support order.

4965 (9) A stipulated amount for child support or combined child support and alimony is  
4966 adequate under the child support guidelines if the stipulated child support amount or combined  
4967 amount equals or exceeds the base child support award required by the child support  
4968 guidelines.

4969 (10) The court shall include the following provisions in a child support order:

4970 (a) a provision establishing the monthly amount of child support obligation for each  
4971 parent in accordance with the child support guidelines;

4972 (b) a provision assigning responsibility for the payment of reasonable and necessary  
4973 medical expenses for the child as described in Section [81-6-208](#);

4974 (c) a provision requiring the purchase and maintenance of appropriate health care  
4975 insurance for the medical expenses of the child as described in Section [81-6-208](#) if health care  
4976 insurance is or becomes available at a reasonable cost;

4977 (d) a provision regarding the child care expenses and costs as described in Section  
4978 [81-6-209](#);

4979 (e) a provision regarding each parent's right to claim a child as a tax exemption for  
4980 federal and state income tax purposes in accordance with Section [81-6-210](#);

4981 (f) provisions for income withholding as a means of collecting child support, in  
4982 accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title  
4983 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and

4984 (g) a provision regarding a parent's opportunity to adjust a child support order as

4985 described in Section [81-6-212](#).

4986 (11) The office shall include the provisions described in Section [26B-9-224](#) in a child  
4987 support order.

4988 ~~[(8) (a) If a child support order has not been issued or modified within the previous~~  
4989 ~~three years, a parent, legal guardian, or the office may move the court to adjust the amount of a~~  
4990 ~~child support order.]~~

4991 ~~[(b) Upon receiving a motion under Subsection (8)(a), the court shall, taking into~~  
4992 ~~account the best interests of the child:]~~

4993 ~~[(i) determine whether there is a difference between the payor's ordered support~~  
4994 ~~amount and the payor's support amount that would be required under the guidelines; and]~~

4995 ~~[(ii) if there is a difference as described in Subsection (8)(b)(i), adjust the payor's~~  
4996 ~~ordered support amount to the payor's support amount provided in the guidelines if:]~~

4997 ~~[(A) the difference is 10% or more;]~~

4998 ~~[(B) the difference is not of a temporary nature; and]~~

4999 ~~[(C) the order adjusting the payor's ordered support amount does not deviate from the~~  
5000 ~~guidelines:]~~

5001 ~~[(c) A showing of a substantial change in circumstances is not necessary for an~~  
5002 ~~adjustment under this Subsection (8):]~~

5003 ~~[(9) (a) A parent, legal guardian, or the office may at any time petition the court to~~  
5004 ~~adjust the amount of a child support order if there has been a substantial change in~~  
5005 ~~circumstances. A change in the base combined child support obligation table is not a~~  
5006 ~~substantial change in circumstances for the purposes of this Subsection (9):]~~

5007 ~~[(b) For purposes of this Subsection (9), a substantial change in circumstances may~~  
5008 ~~include:]~~

5009 ~~[(i) material changes in custody;]~~

5010 ~~[(ii) material changes in the relative wealth or assets of the parties;]~~

5011 ~~[(iii) material changes of 30% or more in the income of a parent;]~~

5012 ~~[(iv) material changes in the employment potential and ability of a parent to earn;]~~

5013 ~~[(v) material changes in the medical needs of the child; or]~~

5014 ~~[(vi) material changes in the legal responsibilities of either parent for the support of~~  
5015 ~~others:]~~

5016 ~~[(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into~~  
 5017 ~~account the best interests of the child:]~~

5018 ~~[(i) determine whether a substantial change has occurred;]~~

5019 ~~[(ii) if a substantial change has occurred, determine whether the change results in a~~  
 5020 ~~difference of 15% or more between the payor's ordered support amount and the payor's support~~  
 5021 ~~amount that would be required under the guidelines; and]~~

5022 ~~[(iii) adjust the payor's ordered support amount to that which is provided for in the~~  
 5023 ~~guidelines if:]~~

5024 ~~[(A) there is a difference of 15% or more; and]~~

5025 ~~[(B) the difference is not of a temporary nature.]~~

5026 ~~[(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9)~~  
 5027 ~~shall be included in each child support order.]~~

5028 Section 150. Section **81-6-203**, which is renumbered from Section 78B-12-203 is  
 5029 renumbered and amended to read:

5030 ~~[78B-12-203].~~ **81-6-203. Determination of gross income for child support --**  
 5031 **Imputing income to a parent.**

5032 ~~[(1) As used in the guidelines, "gross income" includes prospective income from any~~  
 5033 ~~source, including earned and nonearned income sources which may include salaries, wages,~~  
 5034 ~~commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay,~~  
 5035 ~~pensions, interest, trust income, alimony from previous marriages, annuities, capital gains,~~  
 5036 ~~Social Security benefits, workers' compensation benefits, unemployment compensation,~~  
 5037 ~~income replacement disability insurance benefits, and payments from "nonmeans-tested"~~  
 5038 ~~government programs.]~~

5039 (1) (a) Each parent shall provide verification of current income to the court or  
 5040 administrative agency.

5041 (b) Each parent shall provide year-to-date pay stubs or employer statements and  
 5042 complete copies of tax returns from at least the most recent year, unless the court finds the  
 5043 verification is not reasonably available.

5044 (c) Verification of income from records maintained by the Department of Workforce  
 5045 Services may be substituted for pay stubs, employer statements, and income tax returns.

5046 (2) (a) To calculate gross income of a parent, the court or administrative agency may

5047 include:

5048 (i) prospective income of the parent, including income from earned and nonearned  
5049 sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone,  
5050 prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous  
5051 marriages, annuities, capital gains, Social Security benefits, worker compensation benefits,  
5052 unemployment compensation, income replacement disability insurance benefits, and payments  
5053 from nonmeans-tested government programs; and

5054 (ii) income imputed to the parent as described in Subsection (6).

5055 ~~[(2)]~~ (b) Income from earned income sources is limited to the equivalent of one  
5056 full-time 40-hour job.

5057 (c) If and only if during the time before the original support order, the parent normally  
5058 and consistently worked more than 40 hours at the parent's job, the court may consider this  
5059 extra time as a pattern in calculating the parent's ability to provide child support.

5060 (3) (a) The court or administrative agency shall use historical and current earnings to  
5061 determine whether an underemployment or overemployment situation exists.

5062 (b) The office may not treat incarceration of at least six months as voluntary  
5063 unemployment in establishing or modifying a support order.

5064 ~~[(3) Notwithstanding Subsection (1), specifically excluded from gross income are:]~~

5065 ~~[(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment~~  
5066 ~~Program;]~~

5067 ~~[(b) benefits received under a housing subsidy program, the Job Training Partnership~~  
5068 ~~Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP~~  
5069 ~~benefits, or General Assistance; and]~~

5070 ~~[(c) other similar means-tested welfare benefits received by a parent.]~~

5071 (4) ~~[(a) Gross income from self-employment or operation of a business shall be~~  
5072 ~~calculated]~~

5073 (a) To calculate income from self-employment or operation of a business, the court or  
5074 administrative agency:

5075 (i) shall calculate gross income from self-employment or operation of a business by  
5076 subtracting necessary expenses required for self-employment or business operation from gross  
5077 receipts[-];

5078           (ii) ~~[The]~~ shall review income and expenses from self-employment or operation of a  
5079 business ~~[shall be reviewed]~~ to determine an appropriate level of gross income available to the  
5080 parent to satisfy a child support award~~[-]; and~~

5081           (iii) ~~[Only]~~ may only deduct those expenses necessary to allow the business to operate  
5082 at a reasonable level ~~[may be deducted]~~ from gross receipts.

5083           (b) Gross income determined under this Subsection (4) may differ from the amount of  
5084 business income determined for tax purposes.

5085           ~~[(5) (a) When possible, gross income should first be computed on an annual basis and  
5086 then recalculated to determine the average gross monthly income.]~~

5087           ~~[(b) Each parent shall provide verification of current income. Each parent shall  
5088 provide year-to-date pay stubs or employer statements and complete copies of tax returns from  
5089 at least the most recent year unless the court finds the verification is not reasonably available.  
5090 Verification of income from records maintained by the Department of Workforce Services may  
5091 be substituted for pay stubs, employer statements, and income tax returns.]~~

5092           ~~[(c) Historical and current earnings shall be used to determine whether an  
5093 underemployment or overemployment situation exists.]~~

5094           ~~[(6) Incarceration of at least six months may not be treated as voluntary unemployment  
5095 by the office in establishing or modifying a support order.]~~

5096           ~~[(7) Gross income includes income imputed to the parent under Subsection (8).]~~

5097           ~~[(8) (a) Income may not be imputed]~~

5098           (5) When possible, the court or administrative agency shall determine the average  
5099 monthly gross income for each parent by:

5100           (a) calculating the gross income of each parent on an annual basis; and

5101           (b) dividing the annual gross income for each parent by 12.

5102           (6) (a) The court or administrative agency may not impute income to a parent unless  
5103 the parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a  
5104 hearing is held and [the judge in a judicial proceeding or the presiding officer in an  
5105 administrative proceeding] the court or administrative agency enters findings of fact as to the  
5106 evidentiary basis for the imputation.

5107           (b) If income is imputed to a parent, [the income shall be based] the court or  
5108 administrative agency shall base income upon employment potential and probable earnings

5109 considering, to the extent known:

- 5110 (i) employment opportunities;
- 5111 (ii) work history;
- 5112 (iii) occupation qualifications;
- 5113 (iv) educational attainment;
- 5114 (v) literacy;
- 5115 (vi) age;
- 5116 (vii) health;
- 5117 (viii) criminal record;
- 5118 (ix) other employment barriers and background factors; and
- 5119 (x) prevailing earnings and job availability for persons of similar backgrounds in the
- 5120 community.

5121 (c) If a parent has no recent work history or a parent's occupation is unknown, [~~that~~  
5122 ~~parent may be imputed~~] the court or administrative agency may impute an income to that parent  
5123 at the federal minimum wage for a 40-hour work week.

5124 (d) To impute a greater or lesser income, the [~~judge in a judicial proceeding or the~~  
5125 ~~presiding officer in an administrative proceeding~~] court or administrative agency shall enter  
5126 specific findings of fact as to the evidentiary basis for the imputation.

5127 [~~(d)~~] (e) [~~Income may not be imputed~~] The court or administrative agency may not  
5128 impute income to a parent if any of the following conditions exist and the condition is not of a  
5129 temporary nature:

- 5130 (i) the reasonable costs of child care for the parents' minor [~~children~~] child approach or
- 5131 equal the amount of income the custodial parent can earn;
- 5132 (ii) a parent is physically or mentally unable to earn minimum wage;
- 5133 (iii) a parent is engaged in career or occupational training to establish basic job skills;
- 5134 or
- 5135 (iv) unusual emotional or physical needs of a child require the custodial parent's
- 5136 presence in the home.

5137 (7) Notwithstanding Subsection (2), the court or administrative agency may not include  
5138 the following sources of income when calculating the gross income of a parent:

5139 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment

5140 Program;

5141 (b) benefits received under a housing subsidy program, the Job Training Partnership  
 5142 Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP  
 5143 benefits, or General Assistance;

5144 (c) other similar means-tested welfare benefits received by a parent;

5145 (d) the earned income of a child who is the subject of a child support award; or

5146 (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's  
 5147 own right, such as Supplemental Security Income.

5148 (8) (a) The court or administrative agency shall credit, as child support, the amount of  
 5149 social security benefits received by a child due to the earnings of the parent on whose earning  
 5150 record the social security benefits are based by crediting the amount against the potential  
 5151 obligation of that parent.

5152 (b) The court or administrative agency may consider other unearned income of a child  
 5153 as income of a parent depending upon the circumstances of each case.

5154 ~~[(9) (a) Gross income may not include the earnings of a minor child who is the subject~~  
 5155 ~~of a child support award nor benefits to a minor child in the child's own right such as~~  
 5156 ~~Supplemental Security Income.]~~

5157 ~~[(b) Social security benefits received by a child due to the earnings of a parent shall be~~  
 5158 ~~credited as child support to the parent upon whose earning record it is based, by crediting the~~  
 5159 ~~amount against the potential obligation of that parent. Other unearned income of a child may~~  
 5160 ~~be considered as income to a parent depending upon the circumstances of each case.]~~

5161 Section 151. Section **81-6-204** is enacted to read:

5162 **81-6-204. General provisions for calculating child support -- Determination of**  
 5163 **base combined child support obligation.**

5164 (1) To calculate child support, the court or administrative agency shall determine the  
 5165 base combined child support obligation for the parents by:

5166 (a) except as provided in Subsection (3), adjusting the average monthly gross income  
 5167 for each parent by subtracting any alimony previously ordered and paid and any child support  
 5168 previously ordered for that parent;

5169 (b) adjusting the average monthly gross income for each parent by subtracting any  
 5170 credits deemed appropriate under Subsections [81-6-202](#)(7) and (8);

5171 (c) combining the adjusted average monthly gross incomes for both parents; and  
5172 (d) locating the base combined child support obligation in the base combined child  
5173 support obligation table by finding:  
5174 (i) the combined adjusted average monthly gross incomes of the parents in the table;  
5175 and  
5176 (ii) the total number of children in common to the parents.  
5177 (2) The court or administrative agency may only use the income of the parents of the  
5178 child to determine the base child support award.  
5179 (3) The court or administrative agency may not subtract any alimony ordered in the  
5180 pending proceeding from the gross incomes of the parents as described in Subsection (1)(a).  
5181 (4) If there is no amount listed for the base combined child support obligation in the  
5182 base combined child support obligation table, the base combined support obligation for the  
5183 parents is \$0.  
5184 (5) Upon determining the base combined child support obligation, the court or  
5185 administrative agency shall make additional calculations as described in Section [81-6-205](#),  
5186 [81-6-206](#), or [81-6-207](#) to determine the base child support award.  
5187 (6) (a) Except as provided in Subsection (6)(b), the court may consider any amount that  
5188 an incapacitated adult child can contribute to the child's support and use the amount to justify a  
5189 reduction in the amount of support ordered.  
5190 (b) If the case described in Subsection (6)(a) involves more than one child, the  
5191 reduction may not be greater than the effect of reducing the total number of children by one.  
5192 (7) (a) The base combined child support obligation table provides combined child  
5193 support obligations for up to six children.  
5194 (b) If a case involves more than six children, the court may add additional amounts to  
5195 the base child support obligation shown in the base combined child support obligation table.  
5196 (c) Unless rebutted by Subsection [81-6-202](#)(3), the court or administrative agency may  
5197 not order an amount less than the amount that would be ordered for up to six children.  
5198 (8) (a) If the combined adjusted gross income exceeds the highest level specified in the  
5199 base combined child support obligation table, the court shall order an appropriate and just  
5200 amount of child support on a case-by-case basis, except that the court may not order an amount  
5201 that is less than the highest level specified in the table for the number of children due child



5202 support.

5203 (b) There is no maximum limit on the base child support award that a court may order  
5204 using the child support tables.

5205 (9) The amount shown in a child support table is the child support amount for the total  
5206 number of children not an amount per child.

5207 (10) For all worksheets, income and child support award figures are rounded to the  
5208 nearest dollar.

5209 Section 152. Section **81-6-205** is enacted to read:

5210 **81-6-205. Sole physical custody -- Obligation calculations -- Change in physical**  
5211 **custody.**

5212 (1) This section applies to a case in which a parent, or another person, is awarded sole  
5213 physical custody of the children.

5214 (2) Except as provided in Subsections (3) and (4), the court or administrative agency  
5215 shall determine the base child support award for each parent by:

5216 (a) dividing each parent's monthly adjusted gross income by the combined monthly  
5217 adjusted gross income to determine each parent's percentage; and

5218 (b) multiplying each parent's percentage by the base combined child support obligation  
5219 that is calculated as described in Subsection [81-6-204\(1\)](#).

5220 (3) (a) If the base combined child support obligation is \$0, the court or administrative  
5221 agency shall establish the base child support award for each parent by:

5222 (i) determining the individual monthly adjusted gross income for the parent;

5223 (ii) locating the amount of the base child support award in the low income table by  
5224 finding:

5225 (A) the monthly adjusted gross income for the parent in the low income table; and

5226 (B) the number of children in common with the parents.

5227 (b) The corresponding amount in the low income table is the base child support award  
5228 for that parent.

5229 (4) (a) If a parent's individual monthly adjusted gross income is less than the highest  
5230 amount of monthly adjusted gross income shown in the low income table, the court or  
5231 administrative agency shall determine that the base child support award is the lesser of:

5232 (i) the amount calculated using the base combined child support obligation table as

5233 described in Subsection (2); and

5234 (ii) the amount calculated using the low income table as described in Subsection (3).

5235 (b) If the monthly adjusted gross income of a parent is found in an area of the low  
5236 income table in which no amount is shown, the court or administrative agency shall determine  
5237 the base child support award by using the amount listed in the base combined child support  
5238 obligation table and calculated as described in Subsection (2).

5239 (5) A base child support award in a sole physical custody case may not be less than  
5240 \$30.

5241 (6) The amounts calculated under this section are rebuttable as described in Section  
5242 81-6-202.

5243 (7) A parent without sole physical custody of the children is an obligor and is required  
5244 to pay the amount of child support calculated under this section.

5245 (8) (a) When physical custody of a child changes after the original child support order,  
5246 the parent without physical custody of the child is required to pay the amount of child support  
5247 calculated under this section, without the need to modify the order, to:

5248 (i) the parent who has physical custody of the child;

5249 (ii) a relative to whom physical custody of the child has been voluntarily given; or

5250 (iii) the state when the child is residing outside of the home in the protective custody,  
5251 temporary custody, or care of the state or a state-licensed facility for at least 30 days.

5252 (b) When physical custody of a child changes from the physical custody that is  
5253 assumed in the original child support order calculated under this section, the modification of  
5254 the child support order is not necessary even if only one parent is specifically ordered to pay in  
5255 the child support order.

5256 Section 153. Section **81-6-206** is enacted to read:

5257 **81-6-206. Joint physical custody -- Obligation calculations.**

5258 (1) This section applies to a case in which the parents are awarded joint physical  
5259 custody of the children.

5260 (2) If the base combined child support obligation that is calculated as described in  
5261 Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.

5262 (3) If the base combined child support obligation that is calculated as described in  
5263 Subsection 81-6-204(1) is greater than \$0, the court or administrative agency shall determine

5264 each parent's share of the base combined child support obligation by:

5265 (a) dividing each parent's monthly adjusted gross income by the combined monthly  
5266 adjusted gross income to determine each parent's percentage; and

5267 (b) multiplying each parent's percentage by the base combined child support obligation.

5268 (4) The court or administrative agency shall determine the base child support award for  
5269 the parent with the lesser number of overnights by:

5270 (a) multiplying the number of overnights over 110 and under 131 for that parent by  
5271 .0027;

5272 (b) multiplying the number calculated under Subsection (4)(a) by the base combined  
5273 child support obligation;

5274 (c) multiplying the number of overnights over 130 for that parent by .0084;

5275 (d) multiplying the number calculated under Subsection (4)(c) by the base combined  
5276 child support obligation; and

5277 (e) subtracting the numbers calculated in Subsections (4)(b) and (4)(d) from that  
5278 parent's share of the base combined child support obligation calculated under Subsection (3).

5279 (5) If the base child support award calculated under Subsection (4) is greater than \$0,  
5280 the parent with the lesser number of overnights is the obligor and is required to pay child  
5281 support.

5282 (6) If the base child support award calculated under Subsection (4) is less than \$0:

5283 (a) the parent with the lesser number of overnights is the obligee; and

5284 (b) the parent with the greater number of overnights is the obligor and is required to  
5285 pay child support.

5286 (7) If the parents have an equal parent-time schedule under Section [81-9-305](#), the  
5287 amount of time to be spent with the parent who has the lower monthly adjusted gross income is  
5288 considered 183 overnights, regardless of whether the parent receives 182 overnights or 183  
5289 overnights under the equal parent-time schedule.

5290 Section 154. Section **81-6-207** is enacted to read:

5291 **81-6-207. Split physical custody -- Obligation calculations.**

5292 (1) This section applies to a case in which the parents are awarded split physical  
5293 custody of the children.

5294 (2) If the base combined child support obligation that is calculated as described in

5295 Subsection 81-6-204(1) is \$0, the base child support award for each parent is \$0.

5296 (3) If the base combined child support obligation that is calculated as described in

5297 Subsection 81-6-204(1) is greater than \$0, the court shall determine the base child support

5298 award by:

5299 (a) dividing the number of children with each parent by the combined number of

5300 children to calculate each parent's percentage of children;

5301 (b) dividing each parent's monthly adjusted gross income by the combined monthly

5302 adjusted gross income to calculate each parent's percentage of the combined monthly adjusted

5303 gross income;

5304 (c) multiplying each parent's percentage of the combined monthly adjusted gross

5305 income by the base combined child support obligation to calculate each parent's share of the

5306 base combined child support obligation;

5307 (d) multiplying each parent's share of the base combined child support obligation by

5308 the other parent's percentage of children to determine the individual child support obligations

5309 for each parent; and

5310 (e) subtracting the lesser individual child support obligation from the higher individual

5311 child support obligation to reach the base child support award.

5312 (4) The parent with the higher individual child support obligation is the parent required

5313 to pay the base child support award calculated under Subsection (3).

5314 Section 155. Section **81-6-208**, which is renumbered from Section 78B-12-212 is

5315 renumbered and amended to read:

5316 **[78B-12-212]. 81-6-208. Requirements for a child support order regarding**

5317 **medical expenses -- Determination of parental liability for medical expenses.**

5318 (1) As used in this section, "health insurance" means the same as that term is defined in

5319 Section 31A-1-301.

5320 [(1)] (2) Except as provided in Subsection [(3)] (4), a child support order issued or

5321 modified in this state on or after May 3, 2023, shall require compliance with the requirements

5322 described in Subsection [(2)] (3) as of the effective date of the child support order.

5323 [(2)] (3) A child support order shall:

5324 (a) [order that] require the parents provide health care coverage for the medical

5325 expenses of a child;

5326 (b) ~~[order that]~~ require the parents provide health insurance for the medical expenses of  
 5327 a child if health insurance is available to the parents at a reasonable cost;

5328 (c) ~~[in accordance with Subsection 30-3-5(3)(b)(ii) and Section 30-3-5.4,]~~ designate  
 5329 which health~~[- hospital, or dental]~~ insurance plan is primary and which health~~[- hospital, or~~  
 5330 ~~dental]~~ insurance plan is secondary if, at any time, a child is covered by both parents' health~~[-~~  
 5331 ~~hospital, or dental]~~ insurance plans as described in Subsection (7);

5332 (d) ~~[require]~~ require each parent to share equally the out-of-pocket costs of the  
 5333 premium actually paid by a parent for the child's portion of health insurance; and

5334 (e) ~~[in accordance with Subsection 30-3-5(3)(a),]~~ include a provision that requires each  
 5335 parent to equally share all reasonable and necessary uninsured and unreimbursed medical and  
 5336 dental expenses incurred for a child, including co-payments, co-insurance, and deductibles.

5337 ~~[(3)] (4) [A court]~~ The court may deviate from the requirements described in  
 5338 Subsection ~~[(2)] (3)~~ if:

5339 (a) the court makes specific findings establishing good cause for the deviation; or

5340 (b) subject to the court's approval, the parents agree which parent shall provide health  
 5341 insurance for the child.

5342 ~~[(4)] (5)~~ In determining whether to take the action described in Subsection ~~[(3)] (4)~~, the  
 5343 court may consider:

5344 (a) the reasonableness of the cost;

5345 (b) the availability of a group insurance policy;

5346 (c) the coverage of the policy; or

5347 (d) the preference of the custodial parent.

5348 ~~[(5)] (6)~~ Subject to Subsection ~~[(3)] (4)~~, if a child support order does not contain the  
 5349 requirements described in Subsection ~~[(2)] (3)~~:

5350 (a) the parents are nonetheless subject to the requirements described in Subsection ~~[(2)]~~  
 5351 ~~(3)~~, as applicable; and

5352 (b) for purposes of Subsection ~~[(2)(c)] (3)(c)~~, the health insurance plan of the parent  
 5353 whose birthday falls first in the calendar year is primary, and the health insurance plan of the  
 5354 parent whose birthday falls second in the calendar year is secondary.

5355 (7) (a) The provisions of an order under Subsection (3)(c) shall:

5356 (i) take effect if at any time a child is covered by both parents' health insurance plans;

5357 and

5358 (ii) include the following language: "If, at any point in time, a child is covered by the  
5359 health insurance plans of both parents, the health insurance plan of (Parent's Name) shall be  
5360 primary coverage for the child and the health insurance plan of (Other Parent's Name) shall be  
5361 secondary coverage for the child. If a parent remarries and the child is not covered by that  
5362 parent's health insurance plan but is covered by a step-parent's plan, the health insurance plan  
5363 of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the  
5364 same designation as the primary or secondary plan of the child."

5365 (b) A court or administrative agency may not modify the language required by  
5366 Subsection (7)(a)(ii).

5367 (c) Notwithstanding Subsection (7)(b), the court may allocate the payment of medical  
5368 expenses including co-payments, deductibles, and co-insurance not covered by health insurance  
5369 between the parents.

5370 (d) In designating primary coverage pursuant to Subsection (3)(c), the court may take  
5371 into account:

5372 (i) the birth dates of the parents;

5373 (ii) a requirement in a court order, if any, for one of the parents to maintain health  
5374 insurance coverage for a child;

5375 (iii) the parent with physical custody of the child; or

5376 (iv) any other factor the court considers relevant.

5377 ~~[(6)-(a)]~~ (8) (a) The parent who provides health insurance may receive credit against  
5378 the base child support award or recover the other parent's share of the child's portion of the  
5379 premium.

5380 (b) If the parent does not have health insurance but another member of the parent's  
5381 household provides health insurance for the child, the parent may receive credit against the  
5382 base child support award or recover the other parent's share of the child's portion of the  
5383 premium.

5384 ~~[(7)-(a)]~~ (9) (a) The child's portion of the premium is a per capita share of the premium  
5385 actually paid.

5386 (b) The premium expense for a child shall be calculated by dividing the premium  
5387 amount by the number of persons covered under the policy and multiplying the result by the

5388 number of children in the instant case.

5389 ~~[(8)(a)]~~ (10) (a) The parent maintaining health care coverage or insurance shall  
5390 provide verification of coverage to the other parent, or to the ~~[Office of Recovery Services]~~  
5391 office under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., upon initial  
5392 enrollment of the child, and after initial enrollment on or before January 2 of each calendar  
5393 year.

5394 (b) The parent shall notify the other parent, or the ~~[Office of Recovery Services]~~ office  
5395 under Title IV of the Social Security Act, 42 U.S.C. Sec. 601 et seq., of any change of  
5396 insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew  
5397 or should have known of the change.

5398 ~~[(9)]~~ (c) A parent who incurs medical expenses shall provide written verification of the  
5399 cost and payment of medical expenses to the other parent within 30 days of payment.

5400 ~~[(10)]~~ (d) ~~[In addition to any other sanctions provided by the court, a]~~ The court may  
5401 deny a parent incurring medical expenses ~~[may be denied]~~ the right to receive credit for the  
5402 expenses or to recover the other parent's share of the expenses if that parent fails to comply  
5403 with ~~[Subsections (8) and (9)]~~ this Subsection (10).

5404 (11) (a) The court or administrative agency may issue an order determining the amount  
5405 of a parent's liability for medical expenses of a child when the parent:

5406 (i) is required by a prior court or administrative order to:

5407 (A) share those expenses with the other parent of the child; or

5408 (B) obtain insurance for medical expenses but fails to do so; or

5409 (ii) receives direct payment from an insurer under insurance coverage obtained after the  
5410 prior court or administrative order was issued.

5411 (b) If the prior court or administrative order does not specify what proportions of the  
5412 expenses are to be shared:

5413 (i) the court may determine the amount of liability as may be reasonable and necessary;

5414 and

5415 (ii) the administrative agency may determine the amount of liability in accordance with  
5416 established rules.

5417 (c) This Subsection (11) applies to an order without regard to when the order was  
5418 issued.

5419 Section 156. Section **81-6-209**, which is renumbered from Section 78B-12-214 is  
5420 renumbered and amended to read:

5421 ~~[78B-12-214]~~. **81-6-209. Requirements for a child support order regarding**  
5422 **child care costs and expenses -- Actual expenses for child care.**

5423 ~~[(1) The child support order shall require that each parent share equally the reasonable~~  
5424 ~~work-related child care expenses of the parents.]~~

5425 (1) The court or administrative agency shall require in a child support order that each  
5426 parent share equally the reasonable work-related child care expenses of the parents.

5427 (2) (a) If an actual expense for child care is incurred, a parent shall begin paying ~~[his]~~  
5428 the parent's share on a monthly basis immediately upon presentation of proof of the child care  
5429 expense~~[, but if]~~.

5430 (b) If the child care expense ceases to be incurred, ~~[that]~~ the parent may suspend  
5431 making monthly payment of that expense, while ~~[it]~~ the expense is not being incurred, without  
5432 obtaining a modification of the child support order.

5433 ~~[(b)]~~ (c) (i) In the absence of a court order to the contrary, a parent who incurs child  
5434 care expense shall provide written verification of the cost and identity of a child care provider  
5435 to the other parent upon initial engagement of a provider and thereafter on the request of the  
5436 other parent.

5437 (ii) In the absence of a court order to the contrary, the parent shall notify the other  
5438 parent of any change of child care provider or the monthly expense of child care within 30  
5439 calendar days ~~[of the date of the change]~~ after the day on which the change occurred.

5440 ~~(3) [In addition to any other sanctions provided by the court, a]~~ The court may deny a  
5441 parent incurring child care expenses ~~[may be denied]~~ the right to receive credit for the expenses  
5442 or to recover the other parent's share of the expenses if the parent incurring the expenses fails to  
5443 comply with Subsection ~~[(2)(b)]~~ (2)(c).

5444 (4) (a) The court or administrative agency shall presume that child care costs should be  
5445 included in a child support order if a parent, during extended parent-time, is working and  
5446 actually incurring the child care costs.

5447 (b) The presumption under Subsection (4)(a) is rebutted if:

5448 (i) the obligor's base child support award, in combination with the award of medical  
5449 expenses, exceeds 50% of the obligor's adjusted gross income; or



5450 (ii) by adding the child care costs, the obligor's child support obligation would exceed  
 5451 50% of the obligor's adjusted gross income.

5452 (5) (a) The court or administrative agency may award child care costs on a case-by-case  
 5453 basis if the child care costs are related to the career and occupational training of the custodial  
 5454 parent or the child care costs would be in the interest of justice.

5455 (b) The court or administrative agency may assign financial responsibility in a child  
 5456 support order for all or a portion of child care expenses incurred on behalf of a child due to the  
 5457 employment or training of the custodial parent.

5458 (6) (a) The court or administrative agency may impute a monthly obligation for child  
 5459 care costs when the court imputes income to a parent who is providing child care for the child  
 5460 so that the parties are not incurring child care costs for the child.

5461 (b) The court shall apply any monthly obligation imputed under Subsection (6)(a)  
 5462 towards any actual child care costs incurred within the same month for the child.

5463 Section 157. Section **81-6-210**, which is renumbered from Section 78B-12-217 is  
 5464 renumbered and amended to read:

5465 ~~[78B-12-217].~~ **81-6-210. Award of tax exemption for a child.**

5466 (1) ~~[No presumption exists]~~ There is no presumption as to which parent should be  
 5467 awarded the right to claim a child ~~[or children as exemptions]~~ as an exemption for federal and  
 5468 state income tax purposes.

5469 (2) Unless the parties otherwise stipulate in writing, the court ~~[or administrative~~  
 5470 ~~agency]~~ shall award in any final order the exemption on a case-by-case basis.

5471 ~~[(2)]~~ (3) In awarding the exemption, the court ~~[or administrative agency]~~ shall  
 5472 consider:

5473 (a) as the primary factor, the relative contribution of each parent to the cost of raising  
 5474 the child; and

5475 (b) among other factors, the relative tax benefit to each parent.

5476 ~~[(3)]~~ (4) (a) Notwithstanding Subsection ~~[(2)]~~ (3), the court ~~[or administrative agency]~~  
 5477 may not award any exemption to ~~[the noncustodial parent if that parent is not current in his]~~ a  
 5478 parent if the parent is not current in the parent's child support obligation~~[, in which case].~~

5479 (b) If a parent is not current in the parent's child support obligation under Subsection  
 5480 (4)(a), the court [or administrative agency] may award an exemption to the [custodial parent]

5481 other parent.

5482 [~~(4)~~] (5) An exemption may not be awarded to a parent unless the award will result in a  
5483 tax benefit to that parent.

5484 Section 158. Section **81-6-211**, which is renumbered from Section 78B-12-216 is  
5485 renumbered and amended to read:

5486 [~~78B-12-216~~]. **81-6-211. Reduction for extended parent-time.**

5487 (1) The base child support award [~~shall be~~] is:

5488 (a) reduced by 50% for each child for time periods during which the child is with the  
5489 noncustodial parent by order of the court or by written agreement of the parties for at least 25  
5490 of any 30 consecutive days of extended parent-time; or

5491 (b) reduced by 25% for each child for time periods during which the child is with the  
5492 noncustodial parent by order of the court[;] or by written agreement of the parties for at least 12  
5493 of any 30 consecutive days of extended parent-time.

5494 (2) If the [~~dependent~~] child is a client of cash assistance provided under Title 35A,  
5495 Chapter 3, Part 3, Family Employment Program, the administrative agency shall approve any  
5496 agreement by the parties for reduction of child support during extended parent-time [~~shall be~~  
5497 approved by the administrative agency].

5498 (3) [~~Normal~~] For purposes of this section, normal parent-time and holiday visits to the  
5499 custodial parent [~~shall not be~~] are not considered extended parent-time.

5500 (4) For cases receiving [~~IV-D~~] child support services in accordance with [~~Title 26B,~~  
5501 ~~Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child Support~~  
5502 ~~Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, to receive the~~  
5503 ~~adjustment~~] Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the  
5504 noncustodial parent shall provide written documentation to the office of the extended  
5505 parent-time schedule to receive the adjustment under Subsection (1), including the beginning  
5506 and ending dates, [~~to the Office of Recovery Services~~] in the form of [~~either~~] a court order or a  
5507 voluntary written agreement between the parties.

5508 (5) If the noncustodial parent complies with Subsection (4), owes no past-due support,  
5509 and pays the full, unadjusted amount of current child support due for the month of scheduled  
5510 extended parent-time and the following month, the [~~Office of Recovery Services~~] office shall  
5511 refund the difference from the child support due to the custodial parent or the state, between the

5512 full amount of current child support received during the month of extended parent-time and the  
5513 adjusted amount of current child support due:

5514 (a) from current child support received in the month following the month of scheduled  
5515 extended parent-time; or

5516 (b) from current child support received in the month following the month written  
5517 documentation of the scheduled extended parent-time is provided to the office, whichever  
5518 occurs later.

5519 (6) If the noncustodial parent complies with Subsection (4), owes past-due support, and  
5520 pays the full, unadjusted amount of current child support due for the month of scheduled  
5521 extended parent-time, the ~~[Office of Recovery Services]~~ office shall apply the difference, from  
5522 the child support due to the custodial parent or the state, between the full amount of current  
5523 child support received during the month of extended parent-time and the adjusted amount of  
5524 current child support due, to the past-due support obligation in the case.

5525 (7) For cases not receiving ~~[IV-D]~~ child support services in accordance with ~~[Title~~  
5526 ~~26B, Chapter 9, Part 1, Office of Recovery Services, Title 26B, Chapter 9, Part 2, Child~~  
5527 ~~Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, any~~  
5528 ~~potential adjustment of the support payment during the month of extended visitation or any~~  
5529 ~~refund that may be due to the noncustodial parent from the custodial parent, shall be resolved~~  
5530 ~~between the parents or through the court without involvement by the Office of Recovery~~  
5531 ~~Services]~~ Title 26B, Chapter 9, Recovery Services and Administration of Child Support, the  
5532 court or the parents shall resolve, without involvement by the office, any potential adjustment  
5533 of the child support payment during the month of extended visitation or any refund that is due  
5534 to the noncustodial parent from the custodial parent.

5535 (8) For purposes of this section, the per child amount to which the abatement applies  
5536 ~~[shall be]~~ is calculated by dividing the base child support award by the number of children  
5537 included in the award.

5538 (9) The reduction in this section does not apply to parents with joint physical custody  
5539 obligations calculated in accordance with Section ~~[78B-12-208]~~ 81-6-206.

5540 Section 159. Section **81-6-212** is enacted to read:

5541 **81-6-212. Modification of child support order -- Adjustment of child support.**

5542 (1) The amount of prospective child support is equal to the amount granted by a prior

5543 child support order unless:

5544 (a) there is a substantial change of circumstances on the part of the obligor or obligee  
5545 as described in this section; or

5546 (b) an adjustment is made as described in this section or Section [81-6-213](#).

5547 (2) If the prior child support order contains a stipulated provision for the automatic  
5548 adjustment for prospective child support, the prospective child support is the amount as stated  
5549 in the order, without a showing of a substantial change of circumstances, if the stipulated  
5550 provision:

5551 (a) is clear and unambiguous;

5552 (b) is self-executing;

5553 (c) provides for child support that equals or exceeds the base child support award  
5554 required by the child support guidelines; and

5555 (d) does not allow a decrease in child support as a result of the obligor's voluntary  
5556 reduction of income.

5557 (3) (a) A parent, legal guardian, or the office may, at any time, petition the court to  
5558 adjust the amount of a child support order if there has been a substantial change in  
5559 circumstances.

5560 (b) A change in the child support tables is not a substantial change in circumstances for  
5561 the purposes of Subsection (3)(a).

5562 (c) For purposes of this Subsection (3)(a), a substantial change in circumstances may  
5563 include:

5564 (i) material changes in custody;

5565 (ii) material changes in the relative wealth or assets of the parties;

5566 (iii) material changes of 30% or more in the income of a parent;

5567 (iv) material changes in the employment potential and ability of a parent to earn;

5568 (v) material changes in the medical needs of the child; or

5569 (vi) material changes in the legal responsibilities of either parent for the support of  
5570 others.

5571 (4) Upon receiving a petition under Subsection (3)(a), the court shall, taking into  
5572 account the best interests of the child:

5573 (a) determine whether a substantial change has occurred;

5574 (b) if a substantial change has occurred, determine whether the change results in a  
5575 difference of 15% or more between the obligor's ordered support amount and the obligor's  
5576 support amount that would be required under the child support guidelines; and

5577 (c) adjust the obligor's ordered support amount to that which is provided for in the  
5578 child support guidelines if:

5579 (i) there is a difference of 15% or more; and

5580 (ii) the difference is not of a temporary nature.

5581 (5) (a) If a child support order has not been issued or modified within the previous  
5582 three years, a parent, legal guardian, or the office may move the court to adjust the amount of a  
5583 child support order.

5584 (b) Upon receiving a motion under Subsection (5)(a), the court shall, taking into  
5585 account the best interests of the child:

5586 (i) determine whether there is a difference between the obligor's ordered support  
5587 amount and the obligor's support amount that would be required under the child support  
5588 guidelines; and

5589 (ii) if there is a difference as described in Subsection (5)(b)(i), adjust the obligor's  
5590 ordered support amount to the obligor's support amount provided in the child support  
5591 guidelines if:

5592 (A) the difference is 10% or more;

5593 (B) the difference is not of a temporary nature; and

5594 (C) the order adjusting the obligor's ordered support amount does not deviate from the  
5595 child support guidelines.

5596 (c) A showing of a substantial change in circumstances is not necessary for an  
5597 adjustment under this Subsection (5).

5598 Section 160. Section **81-6-213** is enacted to read:

5599 **81-6-213. Adjustment to child support when child becomes emancipated.**

5600 (1) Except as otherwise provided in the child support order, the base child support  
5601 award is automatically adjusted to the base child support award for the remaining number of  
5602 children due child support, without the need to modify the most recent child support order by a  
5603 court, when a child:

5604 (a) becomes 18 years old or graduates from high school during the child's normal and

5605 expected year of graduation, whichever occurs later;

5606 (b) dies, marries, becomes a member of the armed forces of the United States; or

5607 (c) is emancipated in accordance with Title 80, Chapter 7, Emancipation.

5608 (2) The base child support award is adjusted as described in Subsection (1) by using

5609 the child support table that was used to establish the most recent child support order and by

5610 using the income of the parties as specified in the most recent child support order or the

5611 worksheets.

5612 (3) The base child support award may not be reduced by a per child amount derived

5613 from the base child support award originally ordered.

5614 (4) If the incomes of the parties are not specified in the most recent child support order

5615 or the worksheets, the information regarding the incomes is not consistent, or the order deviates

5616 from the child support guidelines, the base child support award is not automatically adjusted

5617 under Subsection (1) and the child support order will continue until modified by the issuing

5618 tribunal.

5619 (5) If the child support order is deviated and the parties subsequently obtain a court

5620 order that adjusts the amount of child support back to the date of the emancipation of the child,

5621 the office may not be required to repay any difference in the child support collected during the

5622 interim.

5623 Section 161. Section **81-6-214**, which is renumbered from Section 78B-12-218 is

5624 renumbered and amended to read:

5625 ~~[78B-12-218]~~. **81-6-214. Accountability of support provided to benefit child**

5626 **-- Accounting.**

5627 (1) The court or administrative agency ~~[which]~~ that issues the initial or modified order

5628 for child support may, upon the petition of the obligor, order prospectively the obligee to

5629 furnish an accounting of amounts provided for the child's benefit to the obligor, including an

5630 accounting or receipts.

5631 (2) The court or administrative agency may prescribe the frequency and the form of the

5632 accounting ~~[which shall include]~~, including receipts ~~[and an accounting]~~.

5633 (3) The obligor may petition for the accounting only if current on all child support that

5634 has been ordered.

5635 Section 162. Section **81-6-301** is enacted to read:

5636 **Part 3. Child Support Tables**

5637 **81-6-301. Definitions for part.**

5638 Reserved.

5639 Section 163. Section **81-6-302**, which is renumbered from Section 78B-12-301 is  
 5640 renumbered and amended to read:

5641 **78B-12-301. 81-6-302. Base combined child support obligation table --**  
 5642 **Both parents -- Child support orders entered before January 1, 2023.**

5643 The table in this section [~~shall be~~] is used to:

5644 (1) establish a child support order entered for the first time on or after January 1, 2008,  
 5645 but before January 1, 2023;

5646 (2) modify a child support order entered for the first time on or after January 1, 2008,  
 5647 but before January 1, 2023;

5648 (3) modify a temporary judicial child support order established on or before December  
 5649 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or

5650 (4) modify a final child support order entered on or before December 31, 2007, if the  
 5651 modification is made on or after January 1, 2010, but before January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
726 -	750	138	245	286	319	351	382
751 -	775	141	252	294	328	360	392
776 -	800	146	259	301	336	370	402
801 -	825	151	265	309	345	379	412
826 -	850	155	272	317	353	389	423
851 -	875	160	279	324	362	398	433
876 -	900	165	285	332	370	407	443
901 -	925	169	292	340	379	417	453
926 -	950	174	299	348	387	426	464

5664	951 - 975	179	305	355	396	436	474
5665	976 - 1,000	183	312	363	405	445	484
5666	1,001 - 1,050	193	322	374	417	459	500
5667	1,051 - 1,100	201	335	390	435	478	520
5668	1,101 - 1,150	210	348	405	452	497	541
5669	1,151 - 1,200	220	362	420	469	516	561
5670	1,201 - 1,250	229	375	436	486	535	582
5671	1,251 - 1,300	238	388	451	503	553	602
5672	1,301 - 1,350	248	401	467	520	572	623
5673	1,351 - 1,400	256	414	481	536	590	642
5674	1,401 - 1,450	265	426	495	552	607	661
5675	1,451 - 1,500	275	438	510	568	625	680
5676	1,501 - 1,550	284	451	524	584	643	699
5677	1,551 - 1,600	293	463	538	600	660	718
5678	1,601 - 1,650	303	476	553	616	678	737
5679	1,651 - 1,700	311	488	567	632	695	757
5680	1,701 - 1,750	320	500	581	648	713	776
5681	1,751 - 1,800	330	513	596	664	731	795
5682	1,801 - 1,850	339	525	610	680	748	814
5683	1,851 - 1,900	348	538	624	696	766	833
5684	1,901 - 1,950	358	550	638	712	783	852
5685	1,951 - 2,000	366	562	652	727	800	870
5686	2,001 - 2,100	385	580	673	750	825	898
5687	2,101 - 2,200	399	604	701	781	859	935
5688	2,201 - 2,300	410	628	728	812	893	972
5689	2,301 - 2,400	420	652	756	843	927	1,009
5690	2,401 - 2,500	431	676	784	874	961	1,046
5691	2,501 - 2,600	443	700	811	904	995	1,082



5692	2,601 -	2,700	453	723	838	934	1,028	1,118
5693	2,701 -	2,800	464	747	865	964	1,060	1,154
5694	2,801 -	2,900	475	770	891	994	1,093	1,189
5695	2,901 -	3,000	485	794	918	1,024	1,126	1,225
5696	3,001 -	3,100	496	817	945	1,054	1,159	1,261
5697	3,101 -	3,200	508	838	970	1,081	1,189	1,294
5698	3,201 -	3,300	518	859	994	1,108	1,219	1,326
5699	3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
5700	3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
5701	3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
5702	3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
5703	3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
5704	3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
5705	3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
5706	4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
5707	4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
5708	4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
5709	4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665
5710	4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
5711	4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
5712	4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
5713	4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
5714	4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
5715	4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5716	5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5717	5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5718	5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5719	5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878

5720	5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894
5721	5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5722	5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5723	5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5724	5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5725	5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
5726	6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
5727	6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005
5728	6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023
5729	6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
5730	6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
5731	6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
5732	6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
5733	6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
5734	6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
5735	6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
5736	7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
5737	7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
5738	7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
5739	7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
5740	7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
5741	7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
5742	7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
5743	7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
5744	7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
5745	7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
5746	8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
5747	8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200

5748	8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
5749	8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
5750	8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
5751	8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
5752	8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
5753	8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
5754	8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
5755	8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
5756	9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
5757	9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
5758	9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
5759	9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
5760	9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
5761	9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
5762	9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
5763	9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
5764	9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
5765	9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
5766	10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
5767	10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
5768	10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
5769	10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
5770	10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
5771	10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
5772	10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
5773	10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
5774	10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
5775	10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713

5776	11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
5777	11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
5778	11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
5779	11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
5780	11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
5781	11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
5782	11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
5783	11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
5784	11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
5785	11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
5786	12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
5787	12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
5788	12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
5789	12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
5790	12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
5791	12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
5792	12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
5793	12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
5794	12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
5795	12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
5796	13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
5797	13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
5798	13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
5799	13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
5800	13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
5801	13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
5802	13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
5803	13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114

5804	13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
5805	13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
5806	14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
5807	14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
5808	14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
5809	14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
5810	14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
5811	14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
5812	14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
5813	14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
5814	14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
5815	14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
5816	15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
5817	15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
5818	15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
5819	15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
5820	15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
5821	15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
5822	15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
5823	15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
5824	15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
5825	15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
5826	16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
5827	16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
5828	16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
5829	16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
5830	16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
5831	16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436

5832	16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
5833	16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
5834	16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
5835	16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
5836	17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
5837	17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
5838	17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
5839	17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
5840	17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
5841	17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
5842	17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
5843	17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
5844	17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
5845	17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
5846	18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
5847	18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
5848	18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
5849	18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
5850	18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
5851	18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
5852	18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
5853	18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
5854	18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
5855	18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
5856	19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
5857	19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
5858	19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
5859	19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720

5860	19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
5861	19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
5862	19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
5863	19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
5864	19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
5865	19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
5866	20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
5867	22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
5868	24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
5869	26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293
5870	28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
5871	30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
5872	32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
5873	34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
5874	36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
5875	38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
5876	40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
5877	42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
5878	44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
5879	46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
5880	48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
5881	50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
5882	52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
5883	54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
5884	56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
5885	58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
5886	60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
5887	62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872

5888	64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
5889	66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
5890	68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
5891	70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
5892	72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
5893	74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
5894	76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
5895	78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
5896	80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
5897	82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
5898	84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
5899	86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
5900	88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
5901	90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
5902	92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
5903	94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
5904	96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
5905	98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

5906 Section 164. Section **81-6-303**, which is renumbered from Section 78B-12-302 is  
 5907 renumbered and amended to read:

5908 ~~[78B-12-302]~~. **81-6-303. Low income table -- Obligor parent only -- Child**  
 5909 **support orders entered before January 1, 2023.**

5910 The table in this section [~~shall be~~] is used to:

5911 (1) establish a child support order entered for the first time on or after January 1, 2008,  
 5912 but before January 1, 2023;

5913 (2) modify a child support order entered for the first time on or after January 1, 2008,  
 5914 but before January 1, 2023;

5915 (3) modify a temporary judicial child support order established on or before December



5916 31, 2007, if the new order is entered on or after January 1, 2008, but before January 1, 2023; or  
 5917 (4) modify a final child support order entered on or before December 31, 2007, if the  
 5918 modification is made on or after January 1, 2010, but before January 1, 2025.

5919	Individual Monthly Adjusted Gross Income		Number of Children					
	From	To	1	2	3	4	5	6
5920								
5921	0 -	649	30	30	30	30	30	30
5922	650 -	675	30	30	30	30	31	31
5923	676 -	700	58	60	60	61	61	62
5924	701 -	725	88	88	90	91	92	92
5925	726 -	750	117	118	119	120	122	123
5926	751 -	775		148	149	151	153	155
5927	776 -	800		178	179	182	183	186
5928	801 -	825		207	209	212	214	216
5929	826 -	850		236	239	242	244	247
5930	851 -	875		266	269	272	275	278
5931	876 -	900			299	303	305	309
5932	901 -	925			329	333	337	339
5933	926 -	950				363	366	370
5934	951 -	975				393	398	402
5935	976 -	1,000					428	433
5936	1,001 -	1,050						494

5938 Section 165. Section **81-6-304**, which is renumbered from Section 78B-12-303 is  
 5939 renumbered and amended to read:

5940 ~~[78B-12-303]~~. **81-6-304. Based combined child support obligation table --**  
 5941 **Both parents -- Child support orders entered on or after January 1, 2023.**

- 5942 The following table [~~shall be~~] is used to:
- 5943 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 5944 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 5945 (3) modify a temporary judicial child support order established on or before December
- 5946 31, 2022, if the new order is entered on or after January 1, 2023; or
- 5947 (4) modify a final child support order entered on or before December 31, 2022, if the
- 5948 modification is made on or after January 1, 2025.

Combined Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
1,951 -	2,000	366					
2,001 -	2,100	385					
2,101 -	2,200	399					
2,201 -	2,300	410	628	728			
2,301 -	2,400	420	652	756	843	927	
2,401 -	2,500	431	676	784	874	961	1,046
2,501 -	2,600	443	700	811	904	995	1,082
2,601 -	2,700	453	723	838	934	1,028	1,118
2,701 -	2,800	464	747	865	964	1,060	1,154
2,801 -	2,900	475	770	891	994	1,093	1,189
2,901 -	3,000	485	794	918	1,024	1,126	1,225
3,001 -	3,100	496	817	945	1,054	1,159	1,261
3,101 -	3,200	508	838	970	1,081	1,189	1,294
3,201 -	3,300	518	859	994	1,108	1,219	1,326
3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
3,501 -	3,600	548	923	1,066	1,189	1,308	1,423

5969	3,601 - 3,700	555	944	1,090	1,216	1,337	1,455
5970	3,701 - 3,800	564	965	1,115	1,243	1,367	1,487
5971	3,801 - 3,900	573	985	1,138	1,269	1,396	1,519
5972	3,901 - 4,000	581	1,004	1,160	1,294	1,423	1,548
5973	4,001 - 4,100	590	1,024	1,182	1,318	1,450	1,577
5974	4,101 - 4,200	599	1,043	1,204	1,342	1,477	1,607
5975	4,201 - 4,300	608	1,062	1,226	1,367	1,503	1,636
5976	4,301 - 4,400	616	1,081	1,248	1,391	1,530	1,665
5977	4,401 - 4,500	624	1,101	1,270	1,416	1,557	1,694
5978	4,501 - 4,600	633	1,119	1,291	1,439	1,583	1,722
5979	4,601 - 4,700	641	1,133	1,306	1,456	1,601	1,742
5980	4,701 - 4,800	650	1,147	1,321	1,473	1,620	1,762
5981	4,801 - 4,900	659	1,161	1,336	1,489	1,638	1,783
5982	4,901 - 5,000	668	1,175	1,351	1,506	1,657	1,803
5983	5,001 - 5,100	676	1,189	1,366	1,523	1,675	1,823
5984	5,101 - 5,200	684	1,203	1,381	1,540	1,694	1,843
5985	5,201 - 5,300	693	1,217	1,396	1,557	1,712	1,863
5986	5,301 - 5,400	701	1,227	1,408	1,570	1,726	1,878
5987	5,401 - 5,500	710	1,238	1,419	1,582	1,741	1,894
5988	5,501 - 5,600	719	1,248	1,431	1,595	1,755	1,909
5989	5,601 - 5,700	728	1,259	1,442	1,608	1,769	1,925
5990	5,701 - 5,800	733	1,269	1,454	1,621	1,783	1,940
5991	5,801 - 5,900	739	1,280	1,465	1,634	1,797	1,956
5992	5,901 - 6,000	745	1,290	1,477	1,647	1,812	1,971
5993	6,001 - 6,100	751	1,302	1,490	1,661	1,827	1,988
5994	6,101 - 6,200	756	1,313	1,503	1,676	1,843	2,005
5995	6,201 - 6,300	763	1,325	1,516	1,690	1,859	2,023
5996	6,301 - 6,400	769	1,336	1,528	1,704	1,874	2,039

5997	6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
5998	6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
5999	6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
6000	6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
6001	6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
6002	6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
6003	7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
6004	7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
6005	7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
6006	7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
6007	7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
6008	7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175
6009	7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
6010	7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
6011	7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
6012	7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
6013	8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
6014	8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
6015	8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
6016	8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
6017	8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
6018	8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
6019	8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
6020	8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
6021	8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
6022	8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
6023	9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
6024	9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382

6025	9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
6026	9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
6027	9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
6028	9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
6029	9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
6030	9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
6031	9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
6032	9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
6033	10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
6034	10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
6035	10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
6036	10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
6037	10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
6038	10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
6039	10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
6040	10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682
6041	10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
6042	10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
6043	11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
6044	11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
6045	11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
6046	11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
6047	11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
6048	11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
6049	11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
6050	11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
6051	11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
6052	11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867

6053	12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
6054	12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
6055	12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
6056	12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
6057	12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
6058	12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
6059	12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
6060	12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
6061	12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
6062	12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
6063	13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
6064	13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
6065	13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
6066	13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
6067	13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
6068	13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
6069	13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
6070	13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
6071	13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
6072	13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141
6073	14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
6074	14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
6075	14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
6076	14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
6077	14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
6078	14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
6079	14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
6080	14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246

6081	14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
6082	14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
6083	15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
6084	15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
6085	15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
6086	15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
6087	15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
6088	15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
6089	15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
6090	15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
6091	15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
6092	15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
6093	16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
6094	16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
6095	16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
6096	16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
6097	16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
6098	16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
6099	16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
6100	16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
6101	16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
6102	16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
6103	17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
6104	17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497
6105	17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
6106	17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
6107	17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
6108	17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538

6109	17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
6110	17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
6111	17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
6112	17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
6113	18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
6114	18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
6115	18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
6116	18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
6117	18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
6118	18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
6119	18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
6120	18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
6121	18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
6122	18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
6123	19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
6124	19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
6125	19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
6126	19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
6127	19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
6128	19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
6129	19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
6130	19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
6131	19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
6132	19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
6133	20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
6134	22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
6135	24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
6136	26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293



6137	28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
6138	30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
6139	32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
6140	34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
6141	36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
6142	38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
6143	40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
6144	42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
6145	44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
6146	46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
6147	48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
6148	50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
6149	52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
6150	54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
6151	56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
6152	58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
6153	60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
6154	62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
6155	64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
6156	66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
6157	68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
6158	70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
6159	72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
6160	74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
6161	76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
6162	78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
6163	80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
6164	82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872

6165	84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
6166	86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
6167	88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
6168	90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672
6169	92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
6170	94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
6171	96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
6172	98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

6173 Section 166. Section **81-6-305**, which is renumbered from Section 78B-12-304 is  
 6174 renumbered and amended to read:

6175 ~~[78B-12-304]~~. **81-6-305. Low income table -- Obligor parent only -- Child**  
 6176 **support orders entered on or after January 1, 2023.**

6177 The following table [shall be] is used to:

- 6178 (1) establish a child support order entered for the first time on or after January 1, 2023;
- 6179 (2) modify a child support order entered for the first time on or after January 1, 2023;
- 6180 (3) modify a temporary judicial child support order established on or before December  
 6181 31, 2022, if the new order is entered on or after January 1, 2023; or
- 6182 (4) modify a final child support order entered on or before December 31, 2022, if the  
 6183 modification is made on or after January 1, 2025.

Individual Monthly Adjusted Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
0 -	50	30	30	30	30	30	30
51 -	100	30	40	50	50	50	50
101 -	150	30	50	75	75	75	75

6190	151 -	750	30	55	75	90	100	105
6191	751 -	1,256	60	111	151	181	201	211
6192	1,257 -	1,270	75	138	189	226	251	264
6193	1,271 -	1,280	76	140	191	229	254	267
6194	1,281 -	1,290	77	141	192	231	256	269
6195	1,291 -	1,300	77	142	194	232	258	271
6196	1,301 -	1,310	78	143	195	234	260	273
6197	1,311 -	1,320	79	144	197	236	262	275
6198	1,321 -	1,330	79	145	198	238	264	277
6199	1,331 -	1,340	80	146	200	240	266	280
6200	1,341 -	1,350	80	148	201	241	268	282
6201	1,351 -	1,360	95	162	216	257	284	297
6202	1,361 -	1,370	95	163	218	259	286	299
6203	1,371 -	1,380	96	165	219	260	288	302
6204	1,381 -	1,390	97	166	221	262	290	304
6205	1,391 -	1,400	97	167	223	264	292	306
6206	1,401 -	1,410	98	168	224	266	294	308
6207	1,411 -	1,420	113	183	240	282	310	325
6208	1,421 -	1,430	114	185	242	284	313	327
6209	1,431 -	1,440	114	186	243	286	315	329
6210	1,441 -	1,450	115	187	245	288	317	331
6211	1,451 -	1,460	116	189	247	290	319	334
6212	1,461 -	1,470	131	205	263	307	336	351
6213	1,471 -	1,480	132	206	265	309	338	353
6214	1,481 -	1,490	133	207	267	311	341	355
6215	1,491 -	1,500	134	209	268	313	343	358
6216	1,501 -	1,510	135	210	270	315	345	360
6217	1,511 -	1,520	151	227	287	332	363	378

6218	1,521 -	1,530	152	228	289	335	365	380
6219	1,531 -	1,540	153	230	291	337	367	383
6220	1,541 -	1,550	154	231	293	339	370	385
6221	1,551 -	1,560	155	233	295	341	372	388
6222	1,561 -	1,570	172	250	312	359	390	406
6223	1,571 -	1,580	173	251	314	361	393	408
6224	1,581 -	1,590	174	253	316	364	395	411
6225	1,591 -	1,600	175	255	318	366	398	414
6226	1,601 -	1,610	176	256	320	368	400	416
6227	1,611 -	1,620	193	274	338	387	419	435
6228	1,621 -	1,630	195	276	340	389	421	438
6229	1,631 -	1,640	196	277	343	391	424	440
6230	1,641 -	1,650	197	279	345	394	427	443
6231	1,651 -	1,660	198	281	347	396	429	446
6232	1,661 -	1,670	216	299	365	415	448	465
6233	1,671 -	1,680	217	301	368	418	451	468
6234	1,681 -	1,690	219	303	370	420	454	471
6235	1,691 -	1,700	220	304	372	423	457	473
6236	1,701 -	1,710	221	306	374	425	459	476
6237	1,711 -	1,720	240	325	394	445	479	496
6238	1,721 -	1,730	241	327	396	447	482	499
6239	1,731 -	1,740	242	329	398	450	485	502
6240	1,741 -	1,750	244	331	400	453	487	505
6241	1,751 -	1,760	245	333	403	455	490	508
6242	1,761 -	1,770	264	352	423	475	511	528
6243	1,771 -	1,780	266	354	425	478	514	531
6244	1,781 -	1,790	267	356	427	481	516	534
6245	1,791 -	1,800	269	358	430	484	519	537

6246	1,801 -	1,810	270	360	432	486	522	540
6247	1,811 -	1,820	290	380	453	507	543	561
6248	1,821 -	1,830	291	382	455	510	546	565
6249	1,831 -	1,840	293	385	458	513	549	568
6250	1,841 -	1,850	295	387	460	515	552	571
6251	1,851 -	1,860	296	389	463	518	555	574
6252	1,861 -	1,870	316	409	484	540	577	596
6253	1,871 -	1,880	318	412	486	543	580	599
6254	1,881 -	1,890	320	414	489	545	583	602
6255	1,891 -	1,900	321	416	492	548	586	605
6256	1,901 -	1,910	323	418	494	551	589	608
6257	1,911 -	1,920	344	440	516	573	612	631
6258	1,921 -	1,930	346	442	519	576	615	634
6259	1,931 -	1,940	348	444	521	579	618	637
6260	1,941 -	1,950	349	446	524	582	621	641
6261	1,951 -	1,960	351	449	527	585	624	644
6262	1,961 -	1,970		471	549	608	647	667
6263	1,971 -	1,980		473	552	611	650	670
6264	1,981 -	1,990		475	555	614	654	674
6265	1,991 -	2,000		478	557	617	657	677
6266	2,001 -	2,050		480	560	620	660	680
6267	2,051 -	2,100		513	595	656	697	718
6268	2,101 -	2,150		546	630	693	735	756
6269	2,151 -	2,200		581	667	731	774	796
6270	2,201 -	2,250		616	704	770	814	836
6271	2,251 -	2,300				810	855	878
6272	2,301 -	2,350					897	920
6273	2,351 -	2,400						964

6274	2,401 -	2,450					1,008
------	---------	-------	--	--	--	--	-------

6275 Section 167. Section **81-6-401** is enacted to read:

6276 **Part 4. Child Support Guidelines Advisory Committee**

6277 **81-6-401. Definitions for part.**

6278 As used in this part, "advisory committee" means the Child Support Guidelines Advisory  
6279 Committee.

6280 Section 168. Section **81-6-402**, which is renumbered from Section 78B-12-401 is  
6281 renumbered and amended to read:

6282 ~~[78B-12-401].~~ **81-6-402. Creation of advisory committee.**

6283 (1) (a) There is created the advisory committee known as the "Child Support  
6284 Guidelines Advisory Committee."

6285 ~~[(b) As used in this part, "advisory committee" means the Child Support Guidelines~~  
6286 ~~Advisory Committee.]~~

6287 ~~[(c)]~~ (b) The governor shall appoint the 11 members of the advisory committee as  
6288 follows:

- 6289 (i) one representative recommended by the Office of Recovery Services;
- 6290 (ii) one representative recommended by the Judicial Council;
- 6291 (iii) two representatives recommended by the Utah State Bar Association;
- 6292 (iv) two representatives of noncustodial parents;
- 6293 (v) two representatives of custodial parents;
- 6294 (vi) one representative with expertise in economics; and
- 6295 (vii) two representatives from diverse interests related to child support issues and who  
6296 are not members of the Utah State Bar Association, as the governor may consider appropriate.

6297 (2) (a) The term of a member of the advisory committee is four years.

6298 (b) When a vacancy occurs in the membership for any reason, the governor shall  
6299 appoint a replacement for the unexpired term of the member.

6300 (c) The governor may appoint a member of the advisory committee to more than one  
6301 term.

6302 (3) (a) Six members of the advisory committee constitute a quorum.

6303 (b) The vote of a majority of a quorum present is an action of the advisory committee.

6304 (4) The advisory committee shall elect two members to serve as cochaIRS of the  
6305 advisory committee for a term of one year.

6306 (5) The advisory committee shall meet at the time and place designated by the cochaIRS.

6307 Section 169. Section **81-6-403**, which is renumbered from Section 78B-12-402 is  
6308 renumbered and amended to read:

6309 ~~[78B-12-402]~~. **81-6-403. Duties -- Report -- Staff.**

6310 (1) The advisory committee shall review the child support guidelines to ensure the  
6311 application of the guidelines results in the determination of appropriate child support award  
6312 amounts.

6313 (2) The advisory committee shall submit, in accordance with Section 68-3-14, a written  
6314 report to the [legislative] Judiciary Interim Committee on or before October 1, 2021, and then  
6315 on or before October 1 of every fourth year subsequently.

6316 (3) The advisory committee's report shall include recommendations of the majority of  
6317 the advisory committee, as well as specific recommendations of individual members of the  
6318 advisory committee.

6319 (4) Staff for the advisory committee shall be provided from the existing budget of the  
6320 Department of Health and Human Services.

6321 Section 170. Section **81-6-404**, which is renumbered from Section 78B-12-403 is  
6322 renumbered and amended to read:

6323 ~~[78B-12-403]~~. **81-6-404. Expenses for per diem and travel.**

6324 A member may not receive compensation or benefits for the member's service, but may  
6325 receive per diem and travel expenses in accordance with:

6326 (1) Section 63A-3-106;

6327 (2) Section 63A-3-107; and

6328 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6329 63A-3-107.

6330 Section 171. Section **81-7-101** is enacted to read:

6331 **CHAPTER 7. PAYMENT AND ENFORCEMENT OF SPOUSAL AND CHILD**  
6332 **SUPPORT**

6333 **81-7-101. Definitions for chapter.**

6334 As used in this chapter:

- 6335 (1) "Alimony" means the same as that term is defined in Section [81-4-101](#).
- 6336 (2) "Child support" means the same as that term is defined in Section [81-6-101](#).
- 6337 (3) "Child support services" means the same as that term is defined in Section
- 6338 [26B-9-101](#).
- 6339 (4) "Obligee" means the same as that term is defined in Section [81-6-101](#).
- 6340 (5) "Obligor" means the same as that term is defined in Section [81-6-101](#).
- 6341 (6) "Support order" means the same as that term is defined in Section [81-6-101](#).
- 6342 (7) "Tribunal" means the same as that term is defined in Section [81-6-101](#).

6343 Section 172. Section **81-7-102**, which is renumbered from Section 78B-12-112 is  
 6344 renumbered and amended to read:

6345 ~~[78B-12-112]~~. **81-7-102. Payment under child support or alimony order --**  
 6346 **Judgment.**

6347 (1) All monthly payments of child support ~~[shall be]~~ and alimony are due on the 1st  
 6348 day of each month ~~[pursuant to Title 26B, Chapter 9, Part 2, Child Support Services, Title 26B,~~  
 6349 ~~Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income~~  
 6350 ~~Withholding in Non IV-D Cases]~~ in accordance with Title 26B, Chapter 9, Recovery Services  
 6351 and Administration of Child Support.

6352 (2) For purposes of child support services and income withholding ~~[pursuant to]~~  
 6353 described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9,  
 6354 Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the  
 6355 1st day of the following month.

6356 (3) For purposes other than those specified in Subsection (1), ~~[support shall be]~~ child  
 6357 support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month,  
 6358 unless the order or decree provides for a different time for payment.

6359 ~~[(3)]~~ (4) Each payment or installment of ~~[child or spousal support]~~ child support or  
 6360 alimony under any support order ~~[, as defined by Section 78B-12-102,]~~ is, on and after the date  
 6361 ~~[it]~~ the payment or installment is due:

6362 (a) a judgment with the same attributes and effect of any judgment of a district court,  
 6363 except as provided in Subsection ~~[(4)]~~ (5);

6364 (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction;  
 6365 and



6366 (c) not subject to retroactive modification by this or any other jurisdiction, except as  
6367 provided in Subsection ~~[(4)]~~ (5).

6368 ~~[(4)]~~ (5) (a) A ~~[child or spousal support]~~ child support or alimony payment under a  
6369 support order may be modified with respect to any period during which a modification is  
6370 pending, but only from the date of service of the pleading on:

6371 (i) the obligee~~[-]~~ if the obligor is the petitioner~~[-or on]~~; or

6372 (ii) the obligor~~[-]~~ if the obligee is the petitioner.

6373 (b) If the tribunal orders that the support order should be modified, the effective date of  
6374 the modification shall be the month following service on the ~~[parent]~~ party whose support is  
6375 affected.

6376 (c) Once the tribunal determines that a modification is appropriate, the tribunal shall  
6377 order a judgment to be entered for any difference in the original order and the modified amount  
6378 for the period from the service of the pleading until the final order of modification is entered.

6379 ~~[(5)]~~ (6) The judgment provided for in Subsection ~~[(3)](a)~~ (4)(a), to be effective and  
6380 enforceable as a lien against the real property interest of any third party relying on the public  
6381 record, shall be docketed in the district court in accordance with Sections [78B-5-202](#) and  
6382 [26B-9-214](#).

6383 Section 173. Section **81-7-103**, which is renumbered from Section 30-3-3.5 is  
6384 renumbered and amended to read:

6385 ~~[30-3-3.5]~~. **81-7-103. Collection fee for past due child support or alimony.**

6386 (1) As used in this section:

6387 (a) "Debtor" means a person obligated or allegedly obligated to pay a domestic  
6388 relations debt.

6389 (b) "Domestic relations debt" means an obligation or alleged obligation to pay past due  
6390 child support or alimony.

6391 (2) (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:

6392 (i) the court issues a judgment requiring the payment of a domestic relations debt by  
6393 the debtor;

6394 (ii) imposing a collection fee on the debtor or in relation to the domestic relations debt  
6395 is not prohibited or otherwise restricted by another federal or state law; and

6396 (iii) the person owed the domestic relations debt has a contingency arrangement with

6397 an attorney to collect the domestic relations debt.

6398 (b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:

6399 (i) the principal amount due;

6400 (ii) applicable interest;

6401 (iii) a collection fee equal to the amount provided in the contingency agreement, except  
6402 that the collection fee may not exceed the lesser of:

6403 (A) the actual amount the person owed the domestic relations debt is required to pay  
6404 for collection costs, regardless of whether that amount is a specific dollar amount or a  
6405 percentage of the principal amount owed for the domestic relations debt; or

6406 (B) 40% of the principal amount owed to the person for the domestic relations debt;

6407 (iv) reasonable attorney fees; and

6408 (v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).

6409 (3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred  
6410 at the time the person owed a domestic relations debt enters into an agreement with an attorney  
6411 to collect the domestic relations debt.

6412 (4) An obligation to pay a collection fee imposed under this section is in addition to  
6413 any obligation to pay reasonable attorney fees that may exist.

6414 (5) The Office of Recovery Services may not collect an order issued pursuant to  
6415 Subsection (2).

6416 Section 174. Section **81-8-101** is enacted to read:

6417 **CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT**

6418 **81-8-101. Reserved.**

6419 Reserved.

6420 Section 175. Section **81-9-101**, which is renumbered from Section 30-3-10.1 is  
6421 renumbered and amended to read:

6422 **CHAPTER 9. CUSTODY, PARENT-TIME, AND VISITATION**

6423 **Part 1. General Provisions**

6424 **~~[30-3-10.1].~~ 81-9-101. Definitions for chapter.**

6425 As used in this chapter:

6426 (1) (a) "Custodial responsibility" [~~includes~~] means all powers and duties relating to  
6427 caretaking authority and decision-making authority for a minor child.

6428 (b) "Custodial responsibility" includes physical custody, legal custody, parenting time,  
6429 right to access, visitation, and authority to grant limited contact with a minor child.

6430 (2) "Domestic violence" means the same as that term is defined in Section 77-36-1.

6431 [~~(2) "Joint legal custody":~~]

6432 [~~(a) means the sharing of the rights, privileges, duties, and powers of a parent by both~~  
6433 ~~parents, where specified;~~]

6434 [~~(b) may include an award of exclusive authority by the court to one parent to make~~  
6435 ~~specific decisions;~~]

6436 [~~(c) does not affect the physical custody of the child except as specified in the order of~~  
6437 ~~joint legal custody;~~]

6438 [~~(d) is not based on awarding equal or nearly equal periods of physical custody of and~~  
6439 ~~access to the child to each of the parents, as the best interest of the child often requires that a~~  
6440 ~~primary physical residence for the child be designated; and]~~

6441 [~~(e) does not prohibit the court from specifying one parent as the primary caretaker and~~  
6442 ~~one home as the primary residence of the child.]~~

6443 [~~(3) "Joint physical custody":~~]

6444 [~~(a) means the child stays with each parent overnight for more than 30% of the year,~~  
6445 ~~and both parents contribute to the expenses of the child in addition to paying child support;~~]

6446 [~~(b) can mean equal or nearly equal periods of physical custody of and access to the~~  
6447 ~~child by each of the parents, as required to meet the best interest of the child;~~]

6448 [~~(c) may require that a primary physical residence for the child be designated; and]~~

6449 [~~(d) does not prohibit the court from specifying one parent as the primary caretaker and~~  
6450 ~~one home as the primary residence of the child.]~~

6451 (3) "Joint legal custody" means the sharing of the rights, privileges, duties, and powers  
6452 of a parent by both parents, where specified.

6453 (4) "Joint physical custody" means the minor child stays with each parent overnight for  
6454 more than 30% of the year and both parents contribute to the expenses of the minor child in  
6455 addition to paying child support.

6456 (5) (a) "Parenting functions" means those aspects of the parent-child relationship in  
6457 which the parent makes decisions and performs functions necessary for the care and growth of  
6458 the minor child.

- 6459 (b) "Parenting functions" include:
- 6460 (i) maintaining a loving, stable, consistent, and nurturing relationship with the minor
- 6461 child;
- 6462 (ii) attending to the daily needs of the minor child, such as feeding, clothing, physical
- 6463 care, grooming, supervision, health care, day care, and engaging in other activities which are
- 6464 appropriate to the developmental level of the minor child and that are within the social and
- 6465 economic circumstances of the particular family;
- 6466 (iii) attending to adequate education for the minor child, including remedial or other
- 6467 education essential to the best interest of the minor child;
- 6468 (iv) assisting the minor child in developing and maintaining appropriate interpersonal
- 6469 relationships;
- 6470 (v) exercising appropriate judgment regarding the minor child's welfare, consistent
- 6471 with the minor child's developmental level and family social and economic circumstances; and
- 6472 (vi) providing for the financial support of the minor child.
- 6473 (6) (a) "Parenting plan" means a plan for parenting a minor child.
- 6474 (b) "Parenting plan" includes the allocation of parenting functions that are incorporated
- 6475 in any final decree or decree of modification including an action for dissolution of marriage,
- 6476 annulment, legal separation, or paternity.
- 6477 ~~[(4)]~~ (7) "Service member" means a member of a uniformed service.
- 6478 (8) "Supervised parent-time" means parent-time that requires the noncustodial parent to
- 6479 be accompanied during parent-time by an individual approved by the court.
- 6480 (9) "Surrogate care" means care by any individual other than the parent of the minor
- 6481 child.
- 6482 ~~[(5)]~~ (10) "Uniformed service" means:
- 6483 (a) active and reserve components of the United States Armed Forces;
- 6484 (b) the United States Merchant Marine;
- 6485 (c) the commissioned corps of the United States Public Health Service;
- 6486 (d) the commissioned corps of the National Oceanic and Atmospheric Administration
- 6487 of the United States; or
- 6488 (e) the National Guard of a state.
- 6489 (11) "Uninterrupted time" means parent-time exercised by one parent without

6490 interruption at any time by the presence of the other parent.

6491 (12) "Virtual parent-time" means parent-time facilitated by tools such as telephone,  
6492 email, instant messaging, video conferencing, and other wired or wireless technologies over the  
6493 Internet or other communication media, to supplement in-person visits between a noncustodial  
6494 parent and a minor child or between a minor child and the custodial parent when the minor  
6495 child is staying with the noncustodial parent.

6496 Section 176. Section **81-9-102**, which is renumbered from Section 30-3-38 is  
6497 renumbered and amended to read:

6498 **[~~30-3-38~~]. 81-9-102. Expedited Parent-time Enforcement Program.**

6499 ~~[(1) There is established an Expedited Parent-time Enforcement Program in the third~~  
6500 ~~judicial district to be administered by the Administrative Office of the Courts.]~~

6501 ~~[(2)]~~ (1) As used in this section:

6502 (a) "Mediator" means a person who:

6503 (i) is qualified to mediate parent-time disputes under criteria established by the  
6504 Administrative Office of the Courts; and

6505 (ii) agrees to follow billing guidelines established by the Administrative Office of the  
6506 Courts and this section.

6507 (b) "Services to facilitate parent-time" or "services" means services designed to assist  
6508 families in resolving parent-time problems through:

6509 (i) counseling;

6510 (ii) supervised parent-time;

6511 (iii) neutral drop-off and pick-up;

6512 (iv) educational classes; and

6513 (v) other related activities.

6514 (2) The Administrative Office of the Courts shall administer an Expedited Parent-time  
6515 Enforcement Program in the third judicial district.

6516 (3) (a) If a parent files a motion in the third district court alleging that court-ordered  
6517 parent-time rights are being violated, the clerk of the court, after assigning the case to a judge,  
6518 shall refer the case to the administrator of this program for assignment to a mediator, unless a  
6519 parent is incarcerated or otherwise unavailable.

6520 (b) Unless the court rules otherwise, a parent residing outside of the state is not

6521 unavailable.

6522 (c) The director of the program for the courts, the court, or the mediator may excuse  
6523 either party from the requirement to mediate for good cause.

6524 ~~(b)~~ (d) Upon receipt of a case, the mediator shall:

6525 (i) meet with the parents to address parent-time issues within 15 days of the motion  
6526 being filed;

6527 (ii) assess the situation;

6528 (iii) facilitate an agreement on parent-time between the parents; and

6529 (iv) determine whether a referral to a service provider under Subsection ~~(3)(c)~~ (3)(e)  
6530 is warranted.

6531 ~~(e)~~ (e) While a case is in mediation, a mediator may refer the parents to a service  
6532 provider designated by the Department of Health and Human Services for services to facilitate  
6533 parent-time if:

6534 (i) the services may be of significant benefit to the parents; or

6535 (ii) (A) a mediated agreement between the parents is unlikely; and

6536 (B) the services may facilitate an agreement.

6537 ~~(d)~~ (f) At any time during mediation, a mediator shall terminate mediation and  
6538 transfer the case to the administrator of the program for referral to the ~~judge or court~~

6539 ~~commissioner~~ court to whom the case was assigned under Subsection (3)(a) if:

6540 (i) a written agreement between the parents is reached; or

6541 (ii) the parents are unable to reach an agreement through mediation and:

6542 (A) the parents have received services to facilitate parent-time;

6543 (B) both parents object to receiving services to facilitate parent-time; or

6544 (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.

6545 ~~(e)~~ (g) Upon receiving a case from the administrator of the program, a ~~judge or court~~  
6546 ~~commissioner~~ court may:

6547 (i) review the agreement of the parents and, if acceptable, sign it as an order;

6548 (ii) order the parents to receive services to facilitate parent-time;

6549 (iii) proceed with the case; or

6550 (iv) take other appropriate action.

6551 (4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a

6552 minor child who is the subject of a parent-time order against the other parent or a member of  
6553 the other parent's household to a mediator or service provider, the mediator or service provider  
6554 shall immediately report that information to:

6555 (i) the ~~[judge assigned to the case who]~~ court, which may immediately issue orders and  
6556 take other appropriate action to resolve the allegation and protect the minor child; and

6557 (ii) the Division of Child and Family Services within the Department of Health and  
6558 Human Services in the manner required by Title 80, Chapter 2, Part 6, Child Abuse and  
6559 Neglect Reports.

6560 (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time  
6561 rights or a member of that parent's household, parent-time by that parent shall, pursuant to an  
6562 order of the court, be supervised until:

6563 (i) the allegation has been resolved; or

6564 (ii) a court orders otherwise.

6565 (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to  
6566 mediate parent-time problems and a service provider may continue to provide services to  
6567 facilitate parent-time unless otherwise ordered by a court.

6568 (5) (a) The Department of Health and Human Services may contract with one or more  
6569 entities in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to provide:

6570 (i) services to facilitate parent-time;

6571 (ii) case management services; and

6572 (iii) administrative services.

6573 (b) An entity who contracts with the Department of Health and Human Services under  
6574 Subsection (5)(a) shall:

6575 (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and

6576 (ii) agree to follow billing guidelines established by the Department of Health and  
6577 Human Services and this section.

6578 (6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:

6579 (i) reduced to a sum certain;

6580 (ii) divided equally between the parents; and

6581 (iii) charged against each parent taking into account the ability of that parent to pay  
6582 under billing guidelines adopted in accordance with this section.

6583 (b) A ~~judge~~ court may order a parent to pay an amount in excess of that provided for  
6584 in Subsection (6)(a) if the parent:

6585 (i) failed to participate in good faith in mediation or services to facilitate parent-time;

6586 or

6587 (ii) made an unfounded assertion or claim of physical or sexual abuse of a minor child.

6588 (c) (i) The cost of mediation and services to facilitate parent-time may be charged to  
6589 parents at periodic intervals.

6590 (ii) Mediation and services to facilitate parent-time may only be terminated on the  
6591 ground of nonpayment if both parents are delinquent.

6592 (7) (a) The Judicial Council may make rules to implement and administer the  
6593 provisions of this program related to mediation.

6594 (b) The Department of Health and Human Services may make rules to implement and  
6595 administer the provisions of this program related to services to facilitate parent-time.

6596 (8) (a) (i) The Administrative Office of the Courts shall adopt outcome measures to  
6597 evaluate the effectiveness of the mediation component of this program.

6598 ~~(ii) [Progress reports shall be provided]~~ The Administrative Office of the Courts shall  
6599 provide progress reports to the Judiciary Interim Committee as requested by the committee.

6600 (b) (i) The Department of Health and Human Services shall adopt outcome measures to  
6601 evaluate the effectiveness of the services component of this program.

6602 ~~(ii) [Progress reports shall be provided]~~ The Department of Health and Human  
6603 Services shall provide progress reports to the Judiciary Interim Committee as requested by the  
6604 committee.

6605 (c) The Administrative Office of the Courts and the Department of Health and Human  
6606 Services may adopt joint outcome measures and file joint reports to satisfy the requirements of  
6607 Subsections [~~(7)(a)~~] (8)(a) and (b).

6608 (9) The Department of Health and Human Services shall, by following the procedures  
6609 and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, apply for federal  
6610 funds as available.

6611 Section 177. Section **81-9-201** is enacted to read:

6612 **Part 2. Custody and Parent-time Between Parents**

6613 **81-9-201. Definitions for part.**



6614 Reserved.

6615 Section 178. Section **81-9-202**, which is renumbered from Section 30-3-33 is  
6616 renumbered and amended to read:

6617 ~~[30-3-33].~~ **81-9-202.** **Advisory guidelines for a custody and parent-time**  
6618 **arrangement.**

6619 (1) In addition to the parent-time schedules provided in Sections ~~[30-3-35 and~~  
6620 ~~30-3-35.5]~~ 81-9-302 and 81-9-304, the following advisory guidelines are suggested to govern  
6621 ~~[all parent-time arrangements]~~ a custody and parent-time arrangement between parents.

6622 ~~[(1)]~~ (2) ~~[Parent-time schedules]~~ A parent-time schedule mutually agreed upon by both  
6623 parents ~~[are]~~ is preferable to a court-imposed solution.

6624 ~~[(2)]~~ (3) ~~[The]~~ A parent-time schedule shall be used to maximize the continuity and  
6625 stability of the minor child's life.

6626 ~~[(3)]~~ (4) ~~[Special consideration shall be given by each parent]~~ Each parent shall give  
6627 special consideration to make the minor child available to attend family functions including  
6628 funerals, weddings, family reunions, religious holidays, important ceremonies, and other  
6629 significant events in the life of the minor child or in the life of either parent which may  
6630 inadvertently conflict with the parent-time schedule.

6631 ~~[(4)]~~ (5) (a) The court shall determine the responsibility for the pick up, delivery, and  
6632 return of the ~~[child shall be determined by the court]~~ minor child when the parent-time order is  
6633 entered~~[, and may be changed].~~

6634 (b) The court may change the responsibility described in Subsection (5)(a) at any time  
6635 a subsequent modification is made to the parent-time order.

6636 ~~[(5)]~~ (c) If the noncustodial parent will be providing transportation, the custodial parent  
6637 shall:

6638 (i) have the minor child ready for parent-time at the time the minor child is to be  
6639 picked up ~~[and shall]; and~~

6640 (ii) be present at the custodial home or ~~[shall]~~ make reasonable alternate arrangements  
6641 to receive the minor child at the time the minor child is returned.

6642 ~~[(6)]~~ (d) If the custodial parent will be transporting the minor child, the noncustodial  
6643 parent shall:

6644 (i) be at the appointed place at the time the noncustodial parent is to receive the minor

6645 child~~[-and]~~; and

6646 (ii) have the minor child ready to be picked up at the appointed time and place~~[-]~~ or  
6647 have made reasonable alternate arrangements for the custodial parent to pick up the minor  
6648 child.

6649 ~~[(7)]~~ (6) ~~[Regular]~~ A parent may not interrupt regular school hours [may not be  
6650 interrupted] for a school-age minor child for the exercise of parent-time ~~[by either parent].~~

6651 ~~[(8)]~~ (7) The court may:

6652 (a) make alterations in the parent-time schedule to reasonably accommodate the work  
6653 schedule of both parents ~~[and may]~~; and

6654 (b) increase the parent-time allowed to the noncustodial parent but may not diminish  
6655 the standardized parent-time provided in Sections ~~[30-3-35 and 30-3-35.5]~~ 81-9-302 and  
6656 81-9-304.

6657 ~~[(9)]~~ (8) The court may make alterations in the parent-time schedule to reasonably  
6658 accommodate the distance between the parties and the expense of exercising parent-time.

6659 ~~[(10)]~~ (9) ~~[Neither parent-time nor child support is to be withheld due to either]~~ A  
6660 parent may not withhold parent-time or child support due to the other parent's failure to comply  
6661 with a court-ordered parent-time schedule.

6662 ~~[(11)]~~ (10) (a) The custodial parent shall notify the noncustodial parent within 24 hours  
6663 of receiving notice of all significant school, social, sports, and community functions in which  
6664 the minor child is participating or being honored~~[-and the]~~.

6665 (b) The noncustodial parent [shall be] is entitled to attend and participate fully in the  
6666 functions described in Subsection (10)(a).

6667 ~~[(12)]~~ (c) The noncustodial parent shall have access directly to all school reports  
6668 including preschool and daycare reports and medical records ~~[and shall be notified immediately~~  
6669 ~~by the custodial parent].~~

6670 (d) A parent shall immediately notify the other parent in the event of a medical  
6671 emergency.

6672 ~~[(13)]~~ (11) Each parent shall provide the other with the parent's current address and  
6673 telephone number, email address, and other virtual parent-time access information within 24  
6674 hours of any change.

6675 ~~[(14)]~~ (12) (a) Each parent shall permit and encourage, during reasonable hours,

6676 reasonable and uncensored communications with the minor child, in the form of mail privileges  
6677 and virtual parent-time if the equipment is reasonably available[~~-, provided that if the parties~~].

6678 (b) If the parents cannot agree on whether the equipment is reasonably available, the  
6679 court shall decide whether the equipment for virtual parent-time is reasonably available[~~;~~] by  
6680 taking into consideration:

6681 [~~(a)~~] (i) the best interests of the minor child;

6682 [~~(b)~~] (ii) each parent's ability to handle any additional expenses for virtual parent-time;  
6683 and

6684 [~~(c)~~] (iii) any other factors the court considers material.

6685 [~~(15)~~] (13) (a) Parental care [~~shall be~~] is presumed to be better care for the minor child  
6686 than surrogate care [~~and the~~].

6687 (b) The court shall encourage the parties to cooperate in allowing the noncustodial  
6688 parent, if willing and able to transport the [~~children~~] minor child, to provide the child care.

6689 (c) Child care arrangements existing during the marriage are preferred as are child care  
6690 arrangements with nominal or no charge.

6691 [~~(16)~~] (14) Each parent shall:

6692 (a) provide all surrogate care providers with the name, current address, and telephone  
6693 number of the other parent [~~and shall~~]; and

6694 (b) provide the noncustodial parent with the name, current address, and telephone  
6695 number of all surrogate care providers unless the court for good cause orders otherwise.

6696 [~~(17)~~] (15) (a) Each parent [~~shall be~~] is entitled to an equal division of major religious  
6697 holidays celebrated by the parents[~~-, and the~~].

6698 (b) The parent who celebrates a religious holiday that the other parent does not  
6699 celebrate shall have the right to be together with the minor child on the religious holiday.

6700 [~~(18)~~] (16) If the minor child is on a different parent-time schedule than a sibling,  
6701 based on Sections [~~30-3-35 and 30-3-35.5~~] 81-9-302 and 81-9-304, the parents should consider  
6702 if an upward deviation for parent-time with all the minor children so that parent-time is  
6703 uniform between school aged and nonschool aged children, is appropriate.

6704 [~~(19)~~] (17) (a) When one or both parents are servicemembers or contemplating joining  
6705 a uniformed service, the parents should resolve issues of custodial responsibility in the event of  
6706 deployment as soon as practicable through reaching a voluntary agreement pursuant to Section

6707 78B-20-201 or through court order obtained pursuant to [~~Section 30-3-10~~] this part.

6708 (b) Servicemembers shall ensure their family care plan reflects orders and agreements  
6709 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents Custody,  
6710 Parent-time, and Visitation Act.

6711 (18) (a) For emergency purposes, whenever the minor child travels with a parent, the  
6712 parent shall provide the following information to the other parent:

6713 (i) an itinerary of travel dates;

6714 (ii) destinations;

6715 (iii) places where the minor child or traveling parent can be reached; and

6716 (iv) the name and telephone number of an available third person who would be  
6717 knowledgeable of the minor child's location.

6718 (b) Unchaperoned travel of a minor child under the age of five years is not  
6719 recommended.

6720 Section 179. Section **81-9-203**, which is renumbered from Section 30-3-10.9 is  
6721 renumbered and amended to read:

6722 **[30-3-10.9]. 81-9-203. Custody and parent-time proceedings -- Requirements for**  
6723 **parenting plan.**

6724 (1) In a custody or parent-time proceeding that is not a divorce action, the court may  
6725 require the parents to attend the mandatory educational course described in Section 81-4-106.

6726 (2) (a) In a proceeding between parents regarding the custody or parent-time for a  
6727 minor child, the parent shall file and serve a proposed parenting plan at the time of the filing of  
6728 the parent's original petition or at the time of filing the parent's answer or counterclaim.

6729 (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting  
6730 plan, the parent shall file the proposed parenting plan with the petition to modify or the answer  
6731 or counterclaim to the petition to modify.

6732 (c) A parent who desires joint legal custody shall file a proposed parenting plan in  
6733 accordance with this section.

6734 (3) If a parent files a proposed parenting plan in compliance with this section, the  
6735 parent may move the court for an order of default to adopt the plan if the other parent fails to  
6736 file a proposed parenting plan as required by this section.

6737 (4) A parent may file and serve an amended proposed parenting plan according to the

6738 Utah Rules of Civil Procedure.

6739 (5) The parent submitting a proposed parenting plan shall attach a verified statement  
6740 that the plan is proposed by that parent in good faith.

6741 (6) (a) Both parents may submit a parenting plan which has been agreed upon.

6742 (b) The parents shall attach a verified statement to the parenting plan that is signed by  
6743 both parents.

6744 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad  
6745 litem to represent the best interests of the minor child, who may, if necessary, file a separate  
6746 parenting plan reflecting the best interests of the minor child.

6747 (8) (a) If a parent is a service member, the parenting plan shall be consistent with  
6748 Subsection (16).

6749 (b) If a parent becomes a service member after a parenting plan is adopted, the parents  
6750 shall amend the existing parenting plan as soon as practical to comply with Subsection (16).

6751 ~~[(1)]~~ (9) The objectives of a parenting plan are to:

6752 (a) provide for the minor child's physical care;

6753 (b) maintain the minor child's emotional stability;

6754 (c) provide for the minor child's changing needs as the minor child grows and matures  
6755 in a way that minimizes the need for future modifications to the parenting plan;

6756 (d) set forth the authority and responsibilities of each parent with respect to the minor  
6757 child consistent with the definitions outlined in this chapter;

6758 (e) minimize the minor child's exposure to harmful parental conflict;

6759 (f) encourage the parents, where appropriate, to meet the responsibilities to their

6760 ~~[minor children]~~ minor child through agreements in the parenting plan rather than relying on  
6761 judicial intervention; and

6762 (g) protect the best interests of the minor child.

6763 ~~[(2)]~~ (10) (a) The parenting plan shall contain:

6764 (i) provisions for resolution of future disputes between the parents, allocation of  
6765 decision-making authority, and residential provisions for the minor child~~[-and provisions];~~

6766 (ii) provisions addressing notice and parent-time responsibilities in the event of the  
6767 relocation of ~~[either party. It may contain other provisions comparable to those in Sections~~  
6768 ~~30-3-5 and 30-3-10.3 regarding the welfare of the child.]~~ a party; and

6769 (iii) a process for resolving disputes, unless precluded or limited by statute.  
6770 [~~(3) A process for resolving disputes shall be provided unless precluded or limited by~~  
6771 ~~statute.~~]

6772 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:

6773 [~~(a)~~] (i) counseling;

6774 [~~(b)~~] (ii) mediation or arbitration by a specified individual or agency; or

6775 [~~(c)~~] (iii) court action.

6776 [~~(4)~~] (c) In the dispute resolution process under Subsection (10)(b):

6777 [~~(a)~~] (i) preference shall be given to the provisions in the parenting plan;

6778 [~~(b)~~] (ii) parents shall use the designated process to resolve disputes relating to  
6779 implementation of the plan, except those related to financial support, unless an emergency  
6780 exists;

6781 [~~(c)~~] (iii) a written record shall be prepared of any agreement reached in counseling or  
6782 mediation and provided to each party;

6783 [~~(d)~~] (iv) if arbitration becomes necessary, a written record shall be prepared and a  
6784 copy of the arbitration award shall be provided to each party;

6785 [~~(e)~~] (v) if the court finds that a parent has used or frustrated the dispute resolution  
6786 process without good reason, the court may award attorney fees and financial sanctions to the  
6787 prevailing parent;

6788 [~~(f)~~] (vi) the district court has the right of review from the dispute resolution process;  
6789 and

6790 [~~(g)~~] (vii) the provisions of this Subsection [~~(4)~~] (10)(c) shall be set forth in any final  
6791 decree or order.

6792 [~~(5)~~] (11) (a) Subject to the other provisions of this Subsection [~~(5)~~] (11), the parenting  
6793 plan shall allocate decision-making authority to one or both parties regarding the minor child's  
6794 education, healthcare, and religious upbringing.

6795 (b) The parties may incorporate an agreement related to the care and growth of the  
6796 minor child in these specified areas or in other areas into the plan[~~, consistent with~~] that are  
6797 consistent with parenting functions and the criteria outlined in Subsection [30-3-10.7(2) and  
6798 Subsection ~~(1)~~] (9).

6799 (c) Regardless of the allocation of decision-making in the parenting plan, [either] a

6800 parent may make emergency decisions affecting the health or safety of the minor child.

6801 ~~[(b)]~~ (d) A minor child's education plan shall designate the following:

6802 (i) the home residence for purposes of identifying the appropriate school or another  
6803 specific plan that provides for where the minor child will attend school;

6804 (ii) which parent has authority to make education decisions for the minor child if the  
6805 parents cannot agree; and

6806 (iii) whether one or both parents have access to the minor child during school and  
6807 authority to check the minor child out of school.

6808 ~~[(c)]~~ (e) ~~[If no education provision is included in the parent plan]~~ If an education  
6809 provision is not included in the parenting plan:

6810 (i) a parent with sole physical custody shall make the decisions listed in Subsection  
6811 ~~[(5)(b)]~~ (11)(d);

6812 (ii) in the event of joint physical custody when one parent has custody a majority of the  
6813 time~~[, pursuant to Subsection 30-3-10.3(4).]~~ as described in Subsection 81-9-205(10):

6814 (A) the parent having the minor child the majority of the time shall make the decisions  
6815 listed in Subsections ~~[(5)(b)(i)]~~ (11)(d)(i) and (ii); and

6816 (B) both parents with joint physical custody shall have access to the minor child during  
6817 school and authority to check the child out of school; or

6818 (iii) in the event of joint physical custody when the parents have custody an equal  
6819 amount of time:

6820 (A) the court shall determine how the decisions listed in Subsections ~~[(5)(b)(i)]~~  
6821 (11)(d)(i) and (ii) are made; and

6822 (B) both parents with joint physical custody shall have access to the minor child during  
6823 school and authority to check the minor child out of school.

6824 ~~[(6)]~~ (12) Each parent may make decisions regarding the day-to-day care and control of  
6825 the minor child while the minor child is residing with that parent.

6826 ~~[(7)]~~ (13) When mutual decision-making is designated but cannot be achieved, the  
6827 parties shall make a good faith effort to resolve the issue through the dispute resolution  
6828 process.

6829 ~~[(8)]~~ (14) The parenting plan shall include a residential schedule that designates in  
6830 which parent's home ~~[each]~~ a minor child shall reside on given days of the year, including

6831 provisions for holidays, birthdays of family members, vacations, and other special occasions.

6832 ~~[(9)]~~ (15) (a) If a parent fails to comply with a provision of the parenting plan or a child  
6833 support order, the other parent's obligations under the parenting plan or the child support order  
6834 are not affected.

6835 (b) Failure to comply with a provision of the parenting plan or a child support order  
6836 may result in a finding of contempt of court.

6837 ~~[(10)]~~ (16) (a) ~~[When one or both parents are servicemembers]~~ If a parent is a service  
6838 member, the parenting plan shall contain provisions that address the foreseeable parenting and  
6839 custodial issues likely to arise in the event of notification of deployment or other contingency,  
6840 including long-term deployments, short-term deployments, death, incapacity, and  
6841 noncombatant evacuation operations.

6842 (b) The provisions in the parenting plan described in Subsection ~~[(10)(a)]~~ (16)(a) shall  
6843 comport substantially with the requirements of an agreement made pursuant to Section  
6844 [78B-20-201](#).

6845 *The following section is affected by a coordination clause at the end of this bill.*

6846 Section 180. Section **81-9-204**, which is renumbered from Section 30-3-10 is  
6847 renumbered and amended to read:

6848 ~~[30-3-10]~~. **81-9-204. Custody and parent-time of a minor child -- Custody**  
6849 **factors -- Preferences.**

6850 ~~[(1) If a married couple having one or more minor children are separated, or the~~  
6851 ~~married couple's marriage is declared void or dissolved, the court shall enter, and has~~  
6852 ~~continuing jurisdiction to modify, an order of custody and parent-time.]~~

6853 (1) In a proceeding between parents in which the custody and parent-time of a minor  
6854 child is at issue, the court shall consider the best interests of the minor child.

6855 (2) The court shall determine whether an order for custody or parent-time is in the best  
6856 interests of the minor child by a preponderance of the evidence.

6857 ~~[(2)]~~ (3) ~~[In determining any form of custody and parent-time under Subsection (1), the~~  
6858 ~~court shall consider the best interest of the child and may consider among other factors the~~  
6859 ~~court finds relevant, the following]~~ In determining the form of custody or parent-time that is in  
6860 the best interests of the minor child, the court may consider the following factors for each  
6861 parent:



- 6862 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
6863 abuse, involving the minor child, the parent, or a household member of the parent;
- 6864 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet  
6865 the developmental needs of the minor child, including the minor child's:
- 6866 (i) physical needs;
- 6867 (ii) emotional needs;
- 6868 (iii) educational needs;
- 6869 (iv) medical needs; and
- 6870 (v) any special needs;
- 6871 (c) the parent's capacity and willingness to function as a parent, including:
- 6872 (i) parenting skills;
- 6873 (ii) co-parenting skills, including:
- 6874 (A) ability to appropriately communicate with the other parent;
- 6875 (B) ability to encourage the sharing of love and affection; and
- 6876 (C) willingness to allow frequent and continuous contact between the minor child and  
6877 the other parent, except that, if the court determines that the parent is acting to protect the  
6878 minor child from domestic violence, neglect, or abuse, the parent's protective actions may be  
6879 taken into consideration; and
- 6880 (iii) ability to provide personal care rather than surrogate care;
- 6881 (d) [~~in accordance with Subsection (10);~~] the past conduct and demonstrated moral  
6882 character of the parent as described in Subsection (8);
- 6883 (e) the emotional stability of the parent;
- 6884 (f) the parent's inability to function as a parent because of drug abuse, excessive  
6885 drinking, or other causes;
- 6886 (g) whether the parent has intentionally exposed the minor child to pornography or  
6887 [~~material harmful to minors, as "material" and "harmful to minors" are~~] material that is harmful  
6888 to minors, as those terms are defined in Section 76-10-1201;
- 6889 (h) the parent's reasons for having relinquished custody or parent-time in the past;
- 6890 (i) duration and depth of desire for custody or parent-time;
- 6891 (j) the parent's religious compatibility with the minor child;
- 6892 (k) the parent's financial responsibility;

6893 (l) the minor child's interaction and relationship with step-parents, extended family  
6894 members of other individuals who may significantly affect the minor child's best interests;

6895 (m) who has been the primary caretaker of the minor child;

6896 (n) previous parenting arrangements in which the minor child has been happy and  
6897 well-adjusted in the home, school, and community;

6898 (o) the relative benefit of keeping siblings together;

6899 (p) the stated wishes and concerns of the minor child, taking into consideration the  
6900 minor child's cognitive ability and emotional maturity;

6901 (q) the relative strength of the minor child's bond with the parent, meaning the depth,  
6902 quality, and nature of the relationship between the parent and the minor child; and

6903 (r) any other factor the court finds relevant.

6904 ~~[(3) There is a rebuttable presumption that joint legal custody, as defined in Section~~  
6905 ~~30-3-10.1, is in the best interest of the child, except in cases when there is:]~~

6906 ~~[(a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional~~  
6907 ~~abuse involving the child, a parent, or a household member of the parent;]~~

6908 ~~[(b) special physical or mental needs of a parent or child, making joint legal custody~~  
6909 ~~unreasonable;]~~

6910 ~~[(c) physical distance between the residences of the parents, making joint decision~~  
6911 ~~making impractical in certain circumstances; or]~~

6912 ~~[(d) any other factor the court considers relevant including those listed in this section~~  
6913 ~~and Section 30-3-10.2.]~~

6914 ~~[(4) (a) The person who desires joint legal custody shall file a proposed parenting plan~~  
6915 ~~in accordance with Sections 30-3-10.8 and 30-3-10.9.]~~

6916 ~~[(b) A presumption for joint legal custody may be rebutted by a showing by a~~  
6917 ~~preponderance of the evidence that it is not in the best interest of the child.]~~

6918 [(5)] (4) (a) A minor child may not be required by either party to testify unless the trier  
6919 of fact determines that extenuating circumstances exist that would necessitate the testimony of  
6920 the minor child be heard and there is no other reasonable method to present the minor child's  
6921 testimony.

6922 (b) (i) The court may inquire ~~[of the child's]~~ and take into consideration the minor  
6923 child's desires regarding future custody or parent-time schedules, but the expressed desires are

6924 not controlling and the court may determine the minor child's custody or parent-time otherwise.

6925 (ii) The desires of a minor child who is 14 years old or older shall be given added  
6926 weight, but is not the single controlling factor.

6927 (c) (i) If an interview with a minor child is conducted by the court [~~pursuant to~~] in  
6928 accordance with Subsection [~~(5)(b)~~] (4)(b), the interview shall be conducted by the [~~judge~~]  
6929 court in camera.

6930 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
6931 finds that an interview with a minor child is the only method to ascertain the minor child's  
6932 desires regarding custody.

6933 [~~(6)~~] (5) (a) Except as provided in Subsection [~~(6)(b)~~] (5)(b), a court may not  
6934 discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding  
6935 custody or determining whether a substantial change has occurred for the purpose of modifying  
6936 an award of custody.

6937 (b) The court may not consider the disability of a parent as a factor in awarding custody  
6938 or modifying an award of custody based on a determination of a substantial change in  
6939 circumstances, unless the court makes specific findings that:

6940 (i) the disability significantly or substantially inhibits the parent's ability to provide for  
6941 the physical and emotional needs of the minor child at issue; and

6942 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
6943 available to supplement the parent's ability to provide for the physical and emotional needs of  
6944 the minor child at issue.

6945 (c) Nothing in this section may be construed to apply to adoption proceedings under  
6946 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

6947 [~~(7)~~] (6) This section does not establish:

6948 (a) a preference for either parent solely because of the gender of the parent[-]; or

6949 [~~(8)~~] (b) [~~This section establishes neither a preference nor a presumption~~] a preference  
6950 for or against joint physical custody or sole physical custody, but allows the court and the  
6951 family the widest discretion to choose a parenting plan that is in the best interest of the minor  
6952 child.

6953 [~~(9)~~] (7) When an issue before the court involves custodial responsibility in the event  
6954 of a deployment of [~~one or both parents who are service members~~] a parent who is a service

6955 member and the service member has not yet been notified of deployment, the court shall  
6956 resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

6957 ~~[(10)]~~ (8) In considering the past conduct and demonstrated moral standards of each  
6958 party under Subsection ~~[(2)(d)]~~ (3)(d) or any other factor a court finds relevant, the court may  
6959 not:

6960 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
6961 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in  
6962 accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies,  
6963 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection  
6964 58-37-3.7(2) or (3) any differently than the court would consider or treat the lawful possession  
6965 or use of any prescribed controlled substance; or

6966 (b) discriminate against a parent because of the parent's status as a:

6967 (i) cannabis production establishment agent, as that term is defined in Section  
6968 4-41a-102;

6969 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;

6970 (iii) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or

6971 (iv) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,  
6972 Cannabinoid Research and Medical Cannabis.

6973 (9) (a) The court shall consider evidence of domestic violence if evidence of domestic  
6974 violence is presented.

6975 (b) The court shall consider as primary, the safety and well-being of the minor child  
6976 and the parent who experiences domestic violence.

6977 (c) A court shall consider an order issued by a court in accordance with Title 78B,  
6978 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or  
6979 substantiated potential harm to the minor child.

6980 (d) If a parent relocates because of an act of domestic violence or family violence by  
6981 the other parent, the court shall make specific findings and orders with regards to the  
6982 application of Section 81-9-209.

6983 (10) Absent a showing by a preponderance of evidence of real harm or substantiated  
6984 potential harm to the minor child:

6985 (a) it is in the best interest of the minor child to have frequent, meaningful, and

6986 continuing access to each parent following separation or divorce;

6987 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing  
6988 access with the parent's minor child consistent with the minor child's best interests; and

6989 (c) it is in the best interest of the minor child to have both parents actively involved in  
6990 parenting the minor child.

6991 Section 181. Section **81-9-205**, which is renumbered from Section 30-3-10.2 is  
6992 renumbered and amended to read:

6993 **[30-3-10.2]. 81-9-205. Presumption of joint legal custody -- Joint custody factors**  
6994 **-- Order for joint custody.**

6995 ~~[(1) The court may order joint legal custody or joint physical custody or both if one or~~  
6996 ~~both parents have filed a parenting plan in accordance with Section 30-3-10.8 and the court~~  
6997 ~~determines that joint legal custody or joint physical custody or both is in the best interest of the~~  
6998 ~~child.]~~

6999 ~~[(2) In determining whether the best interest of a child will be served by ordering joint~~  
7000 ~~legal custody or joint physical custody or both, the court shall consider the custody factors in~~  
7001 ~~Section 30-3-10 and the following factors:]~~

7002 (1) The court may order joint legal custody or joint physical custody or both joint legal  
7003 custody and joint physical custody if:

7004 (a) one or both parents have filed a parenting plan as described in Section 81-9-203;  
7005 and

7006 (b) the court determines that, by a preponderance of the evidence, joint legal custody or  
7007 joint physical custody or both joint legal custody and joint physical custody is in the best  
7008 interest of the minor child in accordance with Subsection (5) and Section 81-9-204.

7009 (2) (a) There is a rebuttable presumption that joint legal custody is in the best interest  
7010 of the minor child, except in cases when there is:

7011 (i) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
7012 abuse involving the minor child, a parent, or a household member of the parent;

7013 (ii) special physical or mental needs of a parent or minor child, making joint legal  
7014 custody unreasonable;

7015 (iii) physical distance between the residences of the parents, making joint decision  
7016 making impractical in certain circumstances; or

7017 (iv) any other factor the court considers relevant, including the factors described in  
7018 Subsection (5) and Section 81-9-204.

7019 (b) A presumption for joint legal custody may be rebutted by showing by a  
7020 preponderance of the evidence that it is not in the best interest of the minor child.

7021 (3) (a) Joint legal custody does not affect the physical custody of the minor child  
7022 except as specified in the order of joint legal custody.

7023 (b) Joint legal custody is not based on awarding equal or nearly equal periods of  
7024 physical custody of and access to the minor child to each of the parents because the best  
7025 interest of the minor child often requires that a primary physical residence for the minor child  
7026 be designated.

7027 (c) In ordering joint legal custody, the court:

7028 (i) may include an award of exclusive authority by the court to one parent to make  
7029 specific decisions regarding the minor child; and

7030 (ii) is not prohibited from specifying one parent as the primary caretaker and one home  
7031 as the primary residence of the minor child.

7032 (4) (a) Joint physical custody may result in equal or nearly equal periods of physical  
7033 custody of and access to the minor child by each of the parents to meet the best interest of the  
7034 minor child.

7035 (b) Joint physical custody may require that a physical residence for the minor child be  
7036 designated.

7037 (c) In ordering joint physical custody, the court is not prohibited from specifying one  
7038 parent as the primary caretaker and one home as the primary residence of the minor child.

7039 (5) In addition to the factors described in Section 81-9-204, the court shall consider the  
7040 following factors in determining whether joint legal custody, joint physical custody, or both  
7041 joint legal custody and joint physical custody, is in the best interest of the minor child:

7042 (a) whether the physical, psychological, and emotional needs and development of the  
7043 minor child will benefit from joint legal custody or joint physical custody or both joint legal  
7044 custody and joint physical custody;

7045 (b) the ability of the parents to give first priority to the welfare of the minor child and  
7046 reach shared decisions in the minor child's best interest;

7047 (c) co-parenting skills, including:

7048 (i) ability to appropriately communicate with the other parent;  
7049 (ii) ability to encourage the sharing of love and affection; and  
7050 (iii) willingness to allow frequent and continuous contact between the minor child and  
7051 the other parent, except that, if the court determines that the parent is acting to protect the  
7052 minor child from domestic violence, neglect, or abuse, the parent's protective actions may be  
7053 taken into consideration; [~~and~~]

7054 (d) whether both parents participated in raising the minor child before the divorce;

7055 (e) the geographical proximity of the homes of the parents;

7056 (f) the preference of the minor child if the minor child is of sufficient age and capacity  
7057 to reason so as to form an intelligent preference as to joint legal custody or joint physical  
7058 custody or both joint legal custody and joint physical custody;

7059 (g) the maturity of the parents and their willingness and ability to protect the minor  
7060 child from conflict that may arise between the parents;

7061 (h) the past and present ability of the parents to cooperate with each other and make  
7062 decisions jointly; and

7063 (i) any other factor the court finds relevant.

7064 [~~(3) The determination of the best interest of the child shall be by a preponderance of  
7065 the evidence.~~]

7066 [(4)] (6) The court shall inform both parties that an order for joint physical custody  
7067 may preclude eligibility for cash assistance provided under Title 35A, Chapter 3, Employment  
7068 Support Act.

7069 (7) An order of joint legal custody or joint physical custody shall provide terms the  
7070 court determines appropriate, which may include specifying:

7071 (a) the county of residence of the minor child, until altered by further order of the court,  
7072 or the custodian who has the sole legal right to determine the residence of the minor child;

7073 (b) that the parents shall exchange information concerning the health, education, and  
7074 welfare of the minor child, and where possible, confer before making decisions concerning any  
7075 of these areas;

7076 (c) the rights and duties of each parent regarding the minor child's present and future  
7077 physical care, support, and education;

7078 (d) provisions to minimize disruption of the minor child's attendance at school and

7079 other activities, the minor child's daily routine, and the minor child's association with friends;  
7080 and

7081 (e) as necessary, the remaining parental rights, privileges, duties, and powers to be  
7082 exercised by the parents solely, concurrently, or jointly.

7083 (8) An order of joint legal custody or joint physical custody shall require the parenting  
7084 plan contain a dispute resolution procedure that the parties agree to use:

7085 (a) in accordance with Subsection 81-9-203(10); and

7086 (b) before seeking enforcement or modification of the terms and conditions of the order  
7087 of joint legal custody or joint physical custody through litigation, except in emergency  
7088 situations requiring ex parte orders to protect the minor child.

7089 (9) The court shall, where possible, include in the order the terms of the parenting plan  
7090 provided in accordance with Section 81-9-203.

7091 (10) Any parental rights not specifically addressed by the court order may be exercised  
7092 by the parent having physical custody of the minor child the majority of the time.

7093 (11) The appointment of joint legal or physical custodians does not impair or limit the  
7094 authority of the court to order support of the child, as defined in Section 81-6-101, including  
7095 payments by one custodian to the other.

7096 (12) An order of joint legal custody, in itself, is not grounds for modifying a support  
7097 order.

7098 ~~[(5)]~~ (13) The court may order that when possible the parties attempt to settle future  
7099 disputes by a dispute resolution method before seeking enforcement or modification of the  
7100 terms and conditions of the order of joint legal custody or joint physical custody through  
7101 litigation, except in emergency situations requiring ex parte orders to protect the minor child.

7102 Section 182. Section **81-9-206**, which is renumbered from Section 30-3-34 is  
7103 renumbered and amended to read:

7104 ~~[30-3-34].~~ **81-9-206. Determination of parent-time schedule -- Parent-time**  
7105 **factors.**

7106 (1) If the parties are unable to agree on a parent-time schedule, the court may:

7107 (a) establish a parent-time schedule; or

7108 (b) order a parent-time schedule described in ~~[Section 30-3-35, 30-3-35.1, 30-3-35.2,~~  
7109 ~~or 30-3-35.5]~~ Part 3, Parent-time Schedules.



7110 (2) [~~The advisory guidelines as provided in Section 30-3-33 and the parent-time~~  
7111 ~~schedule as provided in Sections 30-3-35 and 30-3-35.5 shall be considered]~~ There is a  
7112 presumption that the advisory guidelines described in Section 81-9-202 and the parent-time  
7113 schedules described in Part 3, Parent-time Schedules, are the minimum parent-time to which  
7114 the noncustodial parent and the minor child [~~shall be~~] are entitled.

7115 (3) A court may consider the following when ordering a parent-time schedule:

7116 (a) whether parent-time would endanger the minor child's physical health or mental  
7117 health, or significantly impair the minor child's emotional development;

7118 (b) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
7119 abuse, involving the minor child, a parent, or a household member of the parent as described  
7120 Subsection (4) and Section 81-9-204;

7121 (c) the distance between the residency of the minor child and the noncustodial parent;

7122 (d) a credible allegation of child abuse has been made;

7123 (e) the lack of demonstrated parenting skills without safeguards to ensure the minor  
7124 child's well-being during parent-time;

7125 (f) the financial inability of the noncustodial parent to provide adequate food and  
7126 shelter for the minor child during periods of parent-time;

7127 (g) the preference of the minor child if the court determines the minor child is of  
7128 sufficient maturity;

7129 (h) the incarceration of the noncustodial parent in a county jail, secure youth  
7130 corrections facility, or an adult corrections facility;

7131 (i) shared interests between the minor child and the noncustodial parent;

7132 (j) the involvement or lack of involvement of the noncustodial parent in the school,  
7133 community, religious, or other related activities of the minor child;

7134 (k) the availability of the noncustodial parent to care for the minor child when the  
7135 custodial parent is unavailable to do so because of work or other circumstances;

7136 (l) a substantial and chronic pattern of missing, canceling, or denying regularly  
7137 scheduled parent-time;

7138 (m) the minimal duration of and lack of significant bonding in the parents' relationship  
7139 before the conception of the minor child;

7140 (n) the parent-time schedule of siblings;

7141 (o) the lack of reasonable alternatives to the needs of a nursing minor child; and  
7142 (p) any other criteria the court determines relevant to the best interests of the minor  
7143 child.

7144 (4) The court shall enter the reasons underlying the court's order for parent-time that:

7145 (a) incorporates a parent-time schedule [~~provided in Section 30-3-35 or 30-3-35.5~~]  
7146 described in Section 81-9-302 or 81-9-304; or

7147 (b) provides more or less parent-time than a parent-time schedule [~~provided in Section~~  
7148 ~~30-3-35 or 30-3-35.5~~] described in Section 81-9-302 or 81-9-304.

7149 (5) A court may not order a parent-time schedule unless the court determines by a  
7150 preponderance of the evidence that the parent-time schedule is in the best interest of the minor  
7151 child.

7152 (6) Once the parent-time schedule has been established, the parties may not alter the  
7153 parent-time schedule except by mutual consent of the parties or a court order.

7154 (7) (a) If the court orders parent-time and a protective order or stalking injunction is  
7155 still in place, the court shall consider whether to order the parents to conduct parent-time  
7156 pick-up and transfer through a third party.

7157 (b) The parent who is the stated victim in the protective order or stalking injunction  
7158 may submit to the court, and the court shall consider, the name of a person considered suitable  
7159 to act as the third party.

7160 (c) If the court orders the parents to conduct parent-time through a third party, the  
7161 parenting plan shall specify the time, day, place, manner, and the third party to be used to  
7162 implement the exchange.

7163 (8) If there is a protective order, stalking injunction, or the court finds that a parent has  
7164 committed domestic violence, the court shall:

7165 (a) consider the impact of domestic violence in awarding parent-time; and

7166 (b) make specific findings regarding the award of parent-time.

7167 (9) Upon a specific finding by the court of the need for peace officer enforcement, the  
7168 court may include a provision in an order for parent-time that authorizes a peace officer to  
7169 enforce the order for parent-time.

7170 (10) When parent-time has not taken place for an extended period of time and the  
7171 minor child lacks an appropriate bond with the noncustodial parent, both parents shall consider

7172 the possible adverse effects upon the minor child and gradually reintroduce an appropriate  
7173 parent-time plan for the noncustodial parent.

7174 Section 183. Section **81-9-207**, which is renumbered from Section 30-3-34.5 is  
7175 renumbered and amended to read:

7176 ~~[30-3-34.5].~~ **81-9-207. Supervised parent-time.**

7177 ~~[(1) Considering the fundamental liberty interests of parents and children, it is the~~  
7178 ~~policy of this state that divorcing parents have unrestricted and unsupervised access to their~~  
7179 ~~children. When necessary to protect a child and no less restrictive means is reasonably~~  
7180 ~~available however, a court may order supervised parent-time if the court finds evidence that the~~  
7181 ~~child would be subject to physical or emotional harm or child abuse, as described in Sections~~  
7182 ~~76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the noncustodial parent if left~~  
7183 ~~unsupervised with the noncustodial parent.]~~

7184 (1) If it is necessary to protect a minor child and there is no less restrictive means  
7185 reasonably available, a court may order supervised parent-time if the court finds evidence that  
7186 the minor child would be subject to physical or emotional harm or child abuse, as described in  
7187 Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114, from the noncustodial parent if left  
7188 unsupervised with the noncustodial parent.

7189 (2) (a) A court that orders supervised parent-time shall give preference to persons  
7190 suggested by the parties to supervise, including relatives.

7191 (b) If the court finds that the persons suggested by the parties are willing to supervise,  
7192 and are capable of protecting the ~~[children]~~ minor child from physical or emotional harm, or  
7193 child abuse, the court shall authorize the persons to supervise parent-time.

7194 ~~[(3)]~~ (c) If the court is unable to authorize any persons to supervise parent-time  
7195 ~~[pursuant to Subsection (2)],~~ the court may require that the noncustodial parent seek the  
7196 services of a professional individual or agency to exercise their supervised parent-time.

7197 ~~[(4)]~~ (3) At the time supervised parent-time is imposed, the court shall consider:

7198 (a) whether the cost of professional or agency services is likely to prevent the  
7199 noncustodial parent from exercising parent-time; and

7200 (b) whether the requirement for supervised parent-time should expire after a set period  
7201 of time.

7202 ~~[(5)]~~ (4) (a) The court shall, in its order for supervised parent-time, provide specific

7203 goals and expectations for the noncustodial parent to accomplish before unsupervised  
7204 parent-time may be granted.

7205 (b) The court shall schedule one or more follow-up hearings to revisit the issue of  
7206 supervised parent-time.

7207 [(6)] (5) A noncustodial parent may, at any time, petition the court to modify the order  
7208 for supervised parent-time if the noncustodial parent can demonstrate that the specific goals  
7209 and expectations set by the court [~~in Subsection (5)] as described in Subsection (4)~~ have been  
7210 accomplished.

7211 *The following section is affected by a coordination clause at the end of this bill.*

7212 Section 184. Section **81-9-208**, which is renumbered from Section 30-3-10.4 is  
7213 renumbered and amended to read:

7214 [~~30-3-10.4~~]. **81-9-208. Modification or termination of a custody or parent-time**  
7215 **order -- Noncompliance with a parent-time order.**

7216 (1) The court has continuing jurisdiction to make subsequent changes to modify:

7217 (a) custody of a minor child if there is a showing of a substantial and material change  
7218 in circumstances since the entry of the order; and

7219 (b) parent-time for a minor child if there is a showing that there is a change in  
7220 circumstances since the entry of the order.

7221 [(1)] (2) On the petition of one or both of the parents, or the joint legal or physical  
7222 custodians if they are not the parents, the court may, after a hearing, modify or terminate an  
7223 order that established joint legal custody or joint physical custody if:

7224 (a) the verified petition or accompanying affidavit initially alleges that admissible  
7225 evidence will show that there has been a substantial and material change in the circumstances  
7226 of the minor child or one or both parents or joint legal or physical custodians [~~have materially~~  
7227 ~~and substantially changed~~] since the entry of the order to be modified;

7228 (b) a modification of the terms and conditions of the order would be an improvement  
7229 for and in the best interest of the minor child; and

7230 (c) (i) both parents have complied in good faith with the dispute resolution procedure  
7231 in accordance with Subsection [~~30-3-10.3(7)] 81-9-205(8)~~; or

7232 (ii) if no dispute resolution procedure is contained in the order that established joint  
7233 legal custody or joint physical custody, the court orders the parents to participate in a dispute

7234 resolution procedure in accordance with Subsection ~~[30-3-10.2(5)]~~ [81-9-205\(13\)](#) unless the  
7235 parents certify that, in good faith, they have used a dispute resolution procedure to resolve their  
7236 dispute.

7237 ~~[(2)]~~ (3) (a) In determining whether the best interest of a minor child will be served by  
7238 either modifying or terminating the joint legal custody or joint physical custody order, the court  
7239 shall, in addition to other factors the court considers relevant, consider the factors ~~[outlined in~~  
7240 ~~Section 30-3-10 and Subsection 30-3-10.2(2)]~~ described in Sections 81-9-204 and 81-9-205.

7241 (b) A court order modifying or terminating an existing joint legal custody or joint  
7242 physical custody order shall contain written findings that:

7243 (i) a ~~[material and substantial]~~ substantial and material change of circumstance has  
7244 occurred; and

7245 (ii) a modification of the terms and conditions of the order would be an improvement  
7246 for and in the best interest of the minor child.

7247 (c) The court shall give substantial weight to the existing joint legal custody or joint  
7248 physical custody order when the minor child is thriving, happy, and well-adjusted.

7249 ~~[(3)]~~ (4) The court shall, in every case regarding a petition for termination of a joint  
7250 legal custody or joint physical custody order, consider reasonable alternatives to preserve the  
7251 existing order in accordance with ~~[Subsection 30-3-10(3)]~~ Section 81-9-204.

7252 (5) The court may modify the terms and conditions of the existing order in accordance  
7253 with ~~[Subsection 30-3-10(8)]~~ this chapter and may order the parents to file a parenting plan in  
7254 accordance with ~~[this chapter]~~ Section 81-9-203.

7255 ~~[(4)]~~ (6) A parent requesting a modification from sole custody to joint legal custody or  
7256 joint physical custody or both, or any other type of shared parenting arrangement, shall file and  
7257 serve a proposed parenting plan with the petition to modify in accordance with Section  
7258 ~~[30-3-10.8]~~ 81-9-203.

7259 ~~[(5) If the court finds that an action under this section is filed or answered frivolously~~  
7260 ~~and in a manner designed to harass the other party, the court shall assess attorney fees as costs~~  
7261 ~~against the offending party.]~~

7262 ~~[(6)]~~ (7) If an issue before the court involves custodial responsibility in the event of  
7263 deployment of one or both parents who are service members, and the service member has not  
7264 yet been notified of deployment, the court shall resolve the issue based on the standards in

7265 Sections 78B-20-306 through 78B-20-309.

7266 (8) If the court finds that an action to modify custody or parent-time is filed or  
7267 answered frivolously and, in a manner, designed to harass the other party, the court shall assess  
7268 attorney fees as costs against the offending party.

7269 (9) If a petition to modify custody or parent-time provisions of a court order is made  
7270 and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by  
7271 the prevailing party in that action if the court determines that the petition was without merit and  
7272 not asserted or defended against in good faith.

7273 (10) If a motion or petition alleges noncompliance with a parent-time order by a parent,  
7274 or a visitation order by a grandparent or other member of the immediate family where a  
7275 visitation or parent-time right has been previously granted by the court, the court:

7276 (a) may award to the prevailing party:

7277 (i) actual attorney fees incurred;

7278 (ii) the costs incurred by the prevailing party because of the other party's failure to  
7279 provide or exercise court-ordered visitation or parent-time, including:

7280 (A) court costs;

7281 (B) child care expenses;

7282 (C) transportation expenses actually incurred;

7283 (D) lost wages, if ascertainable; or

7284 (E) counseling for a parent or a minor child if ordered or approved by the court; or

7285 (iii) any other appropriate equitable remedy; and

7286 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up  
7287 parent-time is not in the best interest of the minor child.

7288 Section 185. Section **81-9-209**, which is renumbered from Section 30-3-37 is  
7289 renumbered and amended to read:

7290 **[30-3-37]. 81-9-209. Notice of relocation -- Effect of relocation on parent-time**  
7291 **schedule.**

7292 (1) ~~[For purposes of this section]~~ As used in this section, "relocation" means moving  
7293 150 miles or more from the residence of the other parent.

7294 (2) The relocating parent shall provide ~~[60 days advance]~~ written notice ~~[of the~~  
7295 ~~intended relocation]~~ to the other parent at least 60 days before the day on which the relocating

7296 parent intends to relocate.

7297 (3) The written notice of relocation under Subsection (2) shall contain statements  
7298 affirming ~~[the following]~~:

7299 (a) the parent-time provisions in Subsection ~~[(6)]~~ (9) or a parent-time schedule  
7300 approved by both parties will be followed; and

7301 (b) ~~[neither parent will]~~ that a parent will not interfere with the other's parental rights  
7302 pursuant to court ordered parent-time arrangements~~;~~ or the parent-time schedule approved by  
7303 both parties.

7304 ~~[(3)]~~ (4) The court shall, upon motion of any party or upon the court's own motion,  
7305 schedule a hearing with notice to:

7306 (a) review the notice of relocation and ~~[parent-time schedule as provided in Section~~  
7307 ~~30-3-35]~~ the relevant parent-time schedule under Section 81-8-302 or 81-8-304; and

7308 (b) make appropriate orders regarding the parent-time schedule and costs for  
7309 parent-time transportation.

7310 ~~[(4)]~~ (5) In a hearing to review the notice of relocation, the court shall, in determining  
7311 if the relocation of a custodial parent is in the best interest of the minor child, consider any  
7312 other factors that the court considers relevant to the determination.

7313 (6) If the court determines that relocation is not in the best interest of the minor child,  
7314 and the custodial parent relocates, the court may order a change of custody.

7315 ~~[(5)]~~ (7) (a) If the court finds that the relocation is in the best interest of the minor  
7316 child, the court shall determine the parent-time schedule and allocate the transportation costs  
7317 that will be incurred for the minor child to visit the noncustodial parent.

7318 (b) In making ~~[its determination]~~ a determination under Subsection (7)(a), the court  
7319 shall consider:

7320 ~~[(a)]~~ (i) the reason for the parent's relocation;

7321 ~~[(b)]~~ (ii) the additional costs or difficulty to both parents in exercising parent-time;

7322 ~~[(c)]~~ (iii) the economic resources of both parents; and

7323 ~~[(d)]~~ (iv) other factors the court considers necessary and relevant.

7324 (8) If a parent relocates because of an act of domestic violence or family violence by  
7325 the other parent, the court shall make specific findings and orders with regard to the application  
7326 of this section.

7327            [(6)] (9) Unless otherwise ordered by the court, upon the relocation~~[, as defined in~~  
7328            Subsection (1)], of one of the parties, the following schedule ~~[shall be the minimum~~  
7329            requirements for parent-time for children 5 to 18 years of age] is the minimum parent-time the  
7330            noncustodial parent is entitled to a minor child who is five to 18 years old:

7331            (a) in years ending in an odd number, the minor child shall spend the following  
7332            holidays with the noncustodial parent:

7333            (i) Thanksgiving holiday beginning Wednesday until Sunday; and

7334            (ii) Spring break, if applicable, beginning the last day of school before the holiday until  
7335            the day before school resumes;

7336            (b) in years ending in an even number, the minor child shall spend the following  
7337            holidays with the noncustodial parent:

7338            (i) the entire winter school break period; and

7339            (ii) the Fall school break beginning the last day of school before the holiday until the  
7340            day before school resumes;

7341            (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive  
7342            weeks~~[- The children should be returned to the custodial home no later than seven days before~~  
7343            school begins; however, this week shall be counted when determining the amount of  
7344            parent-time to be divided between the parents for the summer or off-track period]; and

7345            (d) one weekend per month, at the option and expense of the noncustodial parent.

7346            (10) For extended parent-time under Subsection (9)(c), the minor child should be  
7347            returned to the custodial home no later than seven days before school begins, except that this  
7348            week is counted when determining the amount of parent-time to be divided between the parents  
7349            for the summer or off-track period.

7350            [(7)] (11) (a) The court may also set a parent-time schedule for ~~[children under the age~~  
7351            ~~of five]~~ a minor child who is younger than five years old.

7352            (b) The schedule shall take into consideration the following:

7353            [(a)] (i) the age of the minor child;

7354            [(b)] (ii) the developmental needs of the minor child;

7355            [(c)] (iii) the distance between the parents' homes;

7356            [(d)] (iv) the travel arrangements and cost;

7357            [(e)] (v) the level of attachment between the minor child and the noncustodial parent;



7358 and

7359 [(f)] (vi) any other factors relevant to the best interest of the minor child.

7360 [(8)] (12) The noncustodial parent's monthly weekend entitlement is subject to the  
7361 following restrictions.

7362 (a) (i) If the noncustodial parent has not designated a specific weekend for parent-time,  
7363 the noncustodial parent shall receive the last weekend of each month unless a holiday assigned  
7364 to the custodial parent falls on that particular weekend.

7365 (ii) If a holiday assigned to the custodial parent falls on the last weekend of the month,  
7366 the noncustodial parent [~~shall be~~] is entitled to the next to the last weekend of the month.

7367 (b) If a noncustodial parent's extended parent-time or parent-time over a holiday  
7368 extends into or through the first weekend of the next month, that weekend shall be considered  
7369 the noncustodial parent's monthly weekend entitlement for that month.

7370 (c) If a minor child is out of school for teacher development days or snow days after  
7371 the [~~children begin~~] minor child begins the school year, or other days not included in the list of  
7372 holidays in Subsection [(6)] (9) and those days are contiguous with the noncustodial parent's  
7373 monthly weekend parent-time, those days shall be included in the weekend parent-time.

7374 [(9)] (13) The custodial parent is entitled to all parent-time not specifically allocated to  
7375 the noncustodial parent.

7376 [(10)] (14) In the event finances and distance preclude the exercise of minimum  
7377 parent-time for the noncustodial parent during the school year, the court should consider  
7378 awarding more time for the noncustodial parent during the summer time if it is in the best  
7379 interests of the [~~children~~] the minor child.

7380 [(11)] (15) (a) Upon the motion of any party, the court may order uninterrupted  
7381 parent-time with the noncustodial parent for a minimum of 30 days during extended  
7382 parent-time, unless the court finds it is not in the best [~~interests~~] interest of the minor child.

7383 (b) If the court orders uninterrupted parent-time during a period not covered by this  
7384 section, [~~it~~] the court shall specify in its order which parent is responsible for the minor child's  
7385 travel expenses.

7386 [(12)] (16) (a) Unless otherwise ordered by the court the relocating party shall be  
7387 responsible for all the minor child's travel expenses relating to Subsections [(6)(a)] (9)(a) and  
7388 (b) and 1/2 of the minor child's travel expenses relating to Subsection [(6)(c)] (9)(c), provided

7389 the noncustodial parent is current on all support obligations.

7390 (b) If the noncustodial parent has been found in contempt for not being current on all  
7391 support obligations, the noncustodial parent [~~shall be~~] is responsible for all of the minor child's  
7392 travel expenses under Subsection [~~(6)~~] (9), unless the court rules otherwise.

7393 (c) [~~Reimbursement by either~~] A responsible party shall make a reimbursement to the  
7394 other for the minor child's travel expenses [~~shall be made~~] within 30 days of receipt of  
7395 documents detailing those expenses.

7396 [~~(13)~~] (17) The court may apply this provision to any preexisting decree of divorce.

7397 [~~(14)~~] (18) Any action under this section may be set for an expedited hearing.

7398 [~~(15)~~] (19) A parent who fails to comply with the notice of relocation in Subsection (2)  
7399 [~~shall be~~] is in contempt of the court's order.

7400 Section 186. Section **81-9-301** is enacted to read:

7401 **Part 3. Parent-time Schedules**

7402 **81-9-301. Definitions for part.**

7403 As used in this part:

7404 (1) "Juneteenth National Freedom Day" means the day on which the Juneteenth  
7405 National Freedom Day holiday is celebrated in this state in accordance with Section  
7406 63G-1-301.

7407 (2) "Weekends" include, for a parent-time schedule under Sections 81-9-302 and  
7408 81-9-303, any snow days, teacher development days, or other days when school is not  
7409 scheduled and that are contiguous to the weekend period.

7410 Section 187. Section **81-9-302**, which is renumbered from Section 30-3-35 is  
7411 renumbered and amended to read:

7412 [~~30-3-35~~]. **81-9-302. Minimum schedule for parent-time for a minor child five**  
7413 **to 18 years old.**

7414 [~~(1)~~] As used in this section:

7415 [~~(a)~~] "Juneteenth National Freedom Day" means the day on which the Juneteenth  
7416 National Freedom Day holiday is celebrated in this state in accordance with Section  
7417 63G-1-301.]

7418 [~~(b)~~] "Weekends" include any snow days, teacher development days, or other days when  
7419 school is not scheduled and that are contiguous to the weekend period.]

7420            [~~(2)~~] (1) The parent-time schedule in this section applies to a minor child who is five to  
7421 18 years old.

7422            [~~(3)~~] (2) If the parties do not agree to a parent-time schedule for a minor child  
7423 described in Subsection [~~(2)~~] (1), the following schedule is considered the minimum  
7424 parent-time to which the noncustodial parent is entitled to the minor child:

7425            (a) (i) one weekday evening to be specified by the noncustodial parent or the court or  
7426 Wednesday evening if not specified, beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7427            (ii) at the election of the noncustodial parent, one weekday to be specified by the  
7428 noncustodial parent or the court:

7429            (A) beginning at the time that the minor child's school is regularly dismissed and  
7430 ending at 8:30 p.m.; or

7431            (B) if school is not in session, the noncustodial parent is available to be with the minor  
7432 child, and in accommodation with the custodial parent's work schedule, beginning at 9 a.m. and  
7433 ending at 8:30 p.m.;

7434            (b) (i) beginning on the first weekend after entry of the decree, alternating weekends  
7435 beginning at 6 p.m. on Friday and ending on Sunday at 7 p.m.; or

7436            (ii) at the election of the noncustodial parent and beginning on the first weekend after  
7437 the entry of the decree, alternating weekends:

7438            (A) beginning at the time that the minor child's school is regularly dismissed on Friday  
7439 and ending on Sunday at 7 p.m.; or

7440            (B) if school is not in session, the noncustodial parent is available to be with the minor  
7441 child, and in accommodation with the custodial parent's work schedule, beginning on Friday at  
7442 9 a.m. and ending on Sunday at 7 p.m.;

7443            (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7444 schedule described in Subsection [~~(13)~~] (12); and

7445            (d) extended parent-time with the minor child when school is not in session for  
7446 summer break in accordance with Subsection [~~(4)~~] (3).

7447            [~~(4)~~] (3) (a) For extended parent-time with the minor child under Subsection [~~(3)~~]~~(d)~~  
7448 ~~(2)~~(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to  
7449 four weeks of parent-time with the minor child, which may be consecutive, when school is not  
7450 in session for summer break.

7451 (b) For the four weeks of extended parent-time for a noncustodial parent under  
7452 Subsection [~~(4)(a)~~] (3)(a):

7453 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the  
7454 noncustodial parent; and

7455 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent  
7456 for a weekday visit on the same day on which the noncustodial parent is granted weekday day  
7457 parent-time.

7458 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
7459 two weeks, which may be consecutive, when school is not in session for summer break.

7460 [~~(5)~~] (4) (a) Each parent shall provide notification to the other parent of the parent's  
7461 plans for the exercise of extended parent-time for summer break under Subsection [~~(4)~~] (3).

7462 (b) For the notification requirement under Subsection [~~(5)(a)~~] (4)(a):

7463 (i) in odd-numbered years:

7464 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

7465 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

7466 (ii) in even-numbered years:

7467 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

7468 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

7469 (c) (i) If a parent fails to provide a notification within the time periods described in  
7470 Subsection [~~(5)(b)~~] (4)(b), the complying parent may determine the schedule for summer break  
7471 for the noncomplying parent.

7472 (ii) If both parents fail to provide notice within the time periods described in  
7473 Subsection [~~(5)(b)~~] (4)(b), the first parent to provide notice may determine the schedule for  
7474 summer break for the other parent.

7475 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under  
7476 Subsection [~~(4)(b)(ii)~~] (3)(b)(ii), the custodial parent shall provide notification to the  
7477 noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which  
7478 the custodial parent receives notification of the noncustodial parent's plans for the exercise of  
7479 interrupted extended parent-time.

7480 [~~(6)~~] (5) (a) An election should be made by the noncustodial parent at the time of entry  
7481 of the divorce decree or court order, except that the election may be changed by mutual

7482 agreement, court order, or by the noncustodial parent in the event of a change in the minor  
7483 child's schedule.

7484 (b) An election by either parent concerning parent-time shall be made a part of the  
7485 decree and made a part of the parent-time order.

7486 ~~[(7)]~~ (6) (a) Changes may not be made to the parent-time schedule under this section,  
7487 except that if a conflict arises in the parent-time schedule, the following order of precedence  
7488 shall be applied when determining which parent is entitled to parent-time:

7489 (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(13)]~~ (12);

7490 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising  
7491 uninterrupted extended parent-time under Subsection ~~[(4)]~~ (3) and takes the minor child away  
7492 from that parent's residence during the uninterrupted extended parent-time;

7493 (iii) the holiday schedule for any holiday under Subsection ~~[(13)]~~ (12) that is not  
7494 Father's Day, Mother's Day, or the minor child's birthday;

7495 (iv) extended parent-time under Subsection ~~[(4)]~~ (3); and

7496 (v) the schedule for weekday or weekend parent-time.

7497 (b) A parent exercising parent-time for the minor child's birthday may bring other  
7498 siblings along for the minor child's birthday.

7499 ~~[(8)]~~ (7) A stepparent, grandparent, or other responsible adult designated by the  
7500 noncustodial parent, may pick up the minor child for parent-time if the custodial parent is  
7501 aware of the identity of the individual and the noncustodial parent will be with the minor child  
7502 by 7 p.m.

7503 ~~[(9)]~~ (8) If a holiday falls on a regularly scheduled school day, the parent exercising  
7504 parent-time shall be responsible for the minor child's attendance at school for that school day.

7505 ~~[(10)]~~ (9) If there is more than one minor child and the minor children's school  
7506 schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the  
7507 parent's half of the holiday, the minor children may remain together for the holiday period  
7508 beginning the first evening that all minor children's schools are dismissed for the holiday and  
7509 ending the evening before any minor child returns to school.

7510 ~~[(11)]~~ (10) (a) Telephone contact shall be at reasonable hours and for a reasonable  
7511 duration.

7512 (b) (i) Virtual parent-time, if the equipment is reasonably available and the parents

7513 reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration.

7514 (ii) If the parties cannot agree on whether the equipment is reasonably available, the  
 7515 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
 7516 into consideration:

- 7517 (A) the best interests of the minor child;
- 7518 (B) each parent's ability to handle any additional expenses for virtual parent-time; and
- 7519 (C) any other factors the court considers material.
- 7520 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

7521 ~~[(12)]~~ (11) If there is a minor child five to 18 years old and a minor child under five  
 7522 years old and both minor children are the ~~[natural or adopted]~~ children of the parties, the  
 7523 parents and the court should consider an upward deviation for parent-time with all the minor  
 7524 children so that parent-time is uniform based on a schedule under this section.

7525 ~~[(13)]~~ (12) The following table is the holiday schedule for parent-time under this  
 7526 section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
7527  7528 Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years

7529

<p>President's Day</p>	<p>(1) Holiday begins Friday at:                  (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;                  (b) the time that school is regularly dismissed; or                  (c) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Even years</p>	<p>Odd years</p>
<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.                  (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Odd years</p>	<p>Even years</p>
<p>Memorial Day</p>	<p>(1) Holiday begins Friday at:                  (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;                  (b) the time that school is regularly dismissed; or                  (c) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends at 7 p.m. on Memorial Day.</p>	<p>Even years</p>	<p>Odd years</p>

7530

7531

7532 Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial parent is the mother or other parent granted the holiday in the order.	All years if custodial parent is the mother or other parent granted the holiday in the order.
7533 Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent granted the holiday in the order.	All years if custodial parent is the father or other parent granted the holiday in the order.
7534 Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years



7535	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
7536	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
7537	Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
7538	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
7539	Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years

7540	Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at 4 p.m. if there is no school.</p> <p>(2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	Even years	Odd years
7541	Veterans Day	<p>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</p> <p>(2) Holiday ends at 7 p.m. on Veterans Day.</p>	Odd years	Even years
7542	Thanksgiving	<p>(1) Holiday begins on Wednesday at:</p> <p>(a) 6 p.m.; or</p> <p>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</p> <p>(2) Holiday ends at 7 p.m. on the day before school resumes.</p>	Even years	Odd years

7543	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day on that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7544	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7545	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
7546	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

7547 Section 188. Section **81-9-303**, which is renumbered from Section 30-3-35.1 is  
7548 renumbered and amended to read:

7549 **~~[30-3-35.1].~~ 81-9-303. Optional schedule for parent-time for a minor child five**  
7550 **to 18 years old.**

7551 ~~[(1) As used in this section:]~~

7552 ~~[(a) "Juneteenth National Freedom Day" means the day on which the Juneteenth~~  
7553 ~~National Freedom Day holiday is celebrated in this state in accordance with Section~~  
7554 ~~63G-1-301.]~~

7555 ~~[(b) "Weekends" include any snow days, teacher development days, or other days when~~

7556 school is not scheduled and that are contiguous to the weekend period.]

7557           ~~[(2)]~~ (1) (a) The optional parent-time schedule in this section applies to a minor child  
7558 who is five to 18 years old.

7559           (b) For purposes of calculating child support, the optional parent-time schedule in this  
7560 section is 145 overnights.

7561           (c) Any impact on child support shall be consistent with joint physical custody~~[, as~~  
7562 ~~defined in Section 78B-12-102]~~.

7563           ~~[(3)]~~ (2) The parents and the court may consider the increased parent-time schedule in  
7564 this section as a minimum parent-time schedule when the parties agree or the noncustodial  
7565 parent can demonstrate:

7566           (a) the noncustodial parent has been actively involved in the minor child's life;

7567           (b) the parties can communicate effectively regarding the minor child or the  
7568 noncustodial parent has a plan to accomplish effective communications regarding the minor  
7569 child;

7570           (c) the noncustodial parent has the ability to facilitate the increased parent-time;

7571           (d) the increased parent-time would be in the best interest of the minor child; and

7572           (e) any other factor the court considers relevant.

7573           ~~[(4)]~~ (3) In determining whether a noncustodial parent has been actively involved in the  
7574 minor child's life, the court shall consider:

7575           (a) demonstrated responsibility in caring for the minor child;

7576           (b) involvement in childcare;

7577           (c) presence or volunteer efforts in the minor child's school and at extracurricular  
7578 activities;

7579           (d) assistance with the minor child's homework;

7580           (e) involvement in preparation of meals, bath time, and bedtime for the minor child;

7581           (f) bonding with the minor child; and

7582           (g) any other factor the court considers relevant.

7583           ~~[(5)]~~ (4) In determining whether a noncustodial parent has the ability to facilitate the  
7584 increased parent-time, the court shall consider:

7585           (a) the geographic distance between the residences of the parents and the distance  
7586 between the parents' residences and the minor child's school;

- 7587 (b) the noncustodial parent's ability to assist with after school care;
- 7588 (c) the health of the minor child and the noncustodial parent in accordance with
- 7589 Subsection [~~30-3-10(6)~~] 81-9-204(5);
- 7590 (d) flexibility of employment or another schedule of the noncustodial parent;
- 7591 (e) ability to provide appropriate playtime with the minor child;
- 7592 (f) history and ability of the noncustodial parent to implement a flexible schedule for
- 7593 the minor child;
- 7594 (g) physical facilities of the noncustodial parent's residence; and
- 7595 (h) any other factor the court considers relevant.

7596 [~~(6)~~] (5) If the parties agree or the court enters an order for the optional parent-time

7597 schedule under this section, a parenting plan in compliance with [~~Sections 30-3-10.7 through~~

7598 ~~30-3-10.10~~] Section 81-9-203 shall be filed with any order incorporating the optional

7599 parent-time schedule described in Subsection [~~(7)~~] (6).

7600 [~~(7)~~] (6) The following schedule is considered the optional parent-time to which the

7601 noncustodial parent is entitled to the minor child:

7602 (a) (i) one weekday evening to be specified by the noncustodial parent or the court or

7603 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the following day upon

7604 delivering the minor child to school or at 8 a.m. if there is no school; or

7605 (ii) at the election of the noncustodial parent, one weekday specified by the

7606 noncustodial parent or the court:

7607 (A) beginning at the time the minor child's school is regularly dismissed until the

7608 following day upon delivering the minor child to school or at 8 a.m. if there is no school; or

7609 (B) if there is no school, the noncustodial parent is available to be with the minor child,

7610 and in accommodation with the custodial parent's work schedule, beginning at 8 a.m. and

7611 ending on the following day upon delivering the minor child to school or at 8 a.m. if there is no

7612 school;

7613 (b) (i) beginning the first weekend after the entry of the decree, alternating weekends

7614 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor child to school

7615 or at 8 a.m. if there is no school; or

7616 (ii) at the election of the noncustodial parent, beginning the first weekend after the

7617 entry of the decree, alternating weekends:

7618 (A) beginning at the time the minor child's school is regularly dismissed on Friday and  
7619 ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no school;  
7620 or

7621 (B) if there is no school, the noncustodial parent is available to be with the minor child,  
7622 and in accommodation with the custodial parent's work schedule, beginning on Friday at 9 a.m.  
7623 and ending on Monday upon delivering the minor child to school or at 8 a.m. if there is no  
7624 school;

7625 (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7626 schedule described in Subsection [~~(16)~~] (15); and

7627 (d) extended parent-time with the minor child when school is not in session for  
7628 summer break in accordance with Subsection [~~(8)~~] (7).

7629 [~~(8)~~] (7) (a) For extended parent-time with the minor child under Subsection [~~(7)(d)~~]  
7630 (6)(d) and at the election of the noncustodial parent, the noncustodial parent is entitled up to  
7631 four weeks of parent-time with the minor child, which may be consecutive, when school is not  
7632 in session for summer break.

7633 (b) For the four weeks of extended parent-time for a noncustodial parent under  
7634 Subsection [~~(8)(a)~~] (7)(a):

7635 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the  
7636 noncustodial parent; and

7637 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent  
7638 for a weekday visit on the same day on which the noncustodial parent is granted weekday day  
7639 parent-time.

7640 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for  
7641 two weeks, which may be consecutive, when school is not in session for summer break.

7642 [~~(9)~~] (8) (a) Each parent shall provide notification to the other parent of the parent's  
7643 plans for the exercise of parent-time for summer break under Subsection [~~(8)~~] (7).

7644 (b) For the notification requirement under Subsection [~~(9)(a)~~] (8)(a):

7645 (i) in odd-numbered years:

7646 (A) the noncustodial parent shall provide notice to the custodial parent by May 1; and

7647 (B) the custodial parent shall provide notice to the noncustodial parent by May 15; and

7648 (ii) in even-numbered years:

7649 (A) the custodial parent shall provide notice to the noncustodial parent by May 1; and

7650 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.

7651 (c) (i) If a parent fails to provide a notification within the time periods described in

7652 Subsection [~~(9)(b)~~] (8)(b), the complying parent may determine the schedule for summer break

7653 for the noncomplying parent.

7654 (ii) If both parents fail to provide notice within the time periods described in

7655 Subsection [~~(9)(b)~~] (8)(b), the first parent to provide notice may determine the schedule for

7656 summer break for the other parent.

7657 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under

7658 Subsection [~~(8)(b)(ii)~~] (7)(b)(ii), the custodial parent shall provide notification to the

7659 noncustodial parent of the intent to interrupt parent-time within 10 days after the day on which

7660 the custodial parent receives notification of the noncustodial parent's plans for the exercise of

7661 interrupted extended parent-time.

7662 [~~(10)~~] (9) (a) An election should be made by the noncustodial parent at the time of

7663 entry of the divorce decree or court order, except that the election may be changed by mutual

7664 agreement, court order, or by the noncustodial parent in the event of a change in the minor

7665 child's schedule.

7666 (b) An election by either parent concerning parent-time shall be made a part of the

7667 decree and made a part of the parent-time order.

7668 [~~(11)~~] (10) (a) Changes may not be made to the parent-time schedule under this

7669 section, except that if a conflict arises in the parent-time schedule, the following order of

7670 precedence shall be applied when determining which parent is entitled to parent-time:

7671 (i) the holiday schedule for Mother's Day or Father's Day under Subsection [~~(16)~~] (15);

7672 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising

7673 uninterrupted extended parent-time under Subsection [~~(8)~~] (7) and takes the minor child away

7674 from that parent's residence during the uninterrupted extended parent-time;

7675 (iii) the holiday schedule for any holiday under Subsection [~~(16)~~] (15) that is not

7676 Father's Day, Mother's Day, or the minor child's birthday;

7677 (iv) extended parent-time under Subsection [~~(8)~~] (7); and

7678 (v) the schedule for weekday or weekend parent-time.

7679 (b) A parent exercising parent-time for the minor child's birthday may bring other

7680 siblings along for the minor child's birthday.

7681 [(12)] (11) A stepparent, grandparent, or other responsible adult designated by the  
7682 noncustodial parent, may pick up the minor child for parent-time if the custodial parent is  
7683 aware of the identity of the individual and the noncustodial parent will be with the minor child  
7684 by 7 p.m.

7685 [(13)] (12) If a holiday falls on a regularly scheduled school day, the parent exercising  
7686 parent-time shall be responsible for the minor child's attendance at school for that school day.

7687 [(14)] (13) If there is more than one minor child and the minor children's school  
7688 schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the  
7689 parent's half of the holiday, the minor children may remain together for the holiday period  
7690 beginning the first evening that all minor children's schools are dismissed for the holiday and  
7691 ending the evening before any minor child returns to school.

7692 [(15)] (14) If there is a minor child five to 18 years old and a minor child under five  
7693 years old and both minor children are the [~~natural or adopted~~] children of the parties, the  
7694 parents and the court should consider an upward deviation for parent-time with all the minor  
7695 children so that parent-time is uniform based on a schedule under this section.

7696 [(16)] (15) The following table is the holiday schedule for parent-time under this  
7697 section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday

7698



7699

<p>Dr. Martin Luther King Jr. Day</p>	<p>(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;                  (b) the time that school is regularly dismissed; or                  (c) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends:                  (a) upon delivering of the <u>minor</u> child to school on the day following Dr. Martin Luther King Jr. Day; or                  (b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
<p>President's Day</p>	<p>(1) Holiday begins Friday at:                  (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;                  (b) the time that school is regularly dismissed; or                  (c) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends:                  (a) upon delivering the <u>minor</u> child to school on the day following President's Day; or                  (b) at 8 a.m. on the day following President's Day if there is no school.</p>	<p>Even years</p>	<p>Odd years</p>

7700

7701

Spring Break	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the day following the end of spring break; or</p> <p>(b) at 8 a.m. on the day following the end of spring break if there is no school.</p>	Odd years	Even years
--------------	---	-----------	------------

7702

Memorial Day	<p>(1) Holiday begins Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the day following Memorial Day; or</p> <p>(b) at 8 a.m. on the day following Memorial Day if there is no school.</p>	Even years	Odd years
--------------	--	------------	-----------

7703

Mother's Day	<p>(1) Holiday begins on Mother's Day at 9 a.m.</p> <p>(2) Holiday ends on Mother's Day at 7 p.m.</p>	All years if noncustodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
--------------	---	---	--

7704	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.
7705	Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
7706	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
7707	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years

7708

<p>Labor Day</p>	<p>(1) Holiday begins Friday at:                  (a) 9 a.m. if school is not in session and the parent can be with the <u>minor</u> child;                  (b) the time that school is regularly dismissed; or                  (c) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends:                  (a) upon delivering the <u>minor</u> child to school on the day following Labor Day; or                  (b) at 8 a.m. on the day following Labor Day if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
------------------	--	------------------	-------------------

7709

<p>Columbus Day</p>	<p>(1) Holiday begins at 6 p.m. on the day before Columbus Day.                  (2) Holiday ends at 7 p.m. on Columbus Day.</p>	<p>Even years</p>	<p>Odd years</p>
---------------------	--	-------------------	------------------

7710

<p>Fall Break</p>	<p>(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break.                  (2) Holiday ends:                  (a) upon delivering the <u>minor</u> child to school on the day following the end of fall break; or                  (b) at 8 a.m. on the day following the end of fall break if there is no school.</p>	<p>Odd years</p>	<p>Even years</p>
-------------------	---	------------------	-------------------

7711

Halloween	<p>(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community:</p> <p>(a) at the time that school is dismissed; or</p> <p>(b) at 4 p.m. if there is no school.</p> <p>(2) Holiday ends at 9 p.m. on the same day the holiday begins.</p>	Even years	Odd years
-----------	---	------------	-----------

7712

Veterans Day	<p>(1) Holiday begins at 6 p.m. on the day before Veterans Day.</p> <p>(2) Holiday ends at 7 p.m. on Veterans Day.</p>	Odd years	Even years
--------------	--	-----------	------------

7713

Thanksgiving	<p>(1) Holiday begins on Wednesday at:</p> <p>(a) 6 p.m.; or</p> <p>(b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the <u>minor</u> child to school on the Monday following Thanksgiving; or</p> <p>(b) at 8 a.m. on the Monday following Thanksgiving if there is no school.</p>	Even years	Odd years
--------------	---	------------	-----------

7714	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7715	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the <u>minor</u> child to school on the day that school resumes after the winter break.	Even years	Odd years
7716	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
7717	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

7718 Section 189. Section **81-9-304**, which is renumbered from Section 30-3-35.5 is  
7719 renumbered and amended to read:

7720 **[30-3-35.5]. 81-9-304. Minimum schedule for parent-time for a minor child**  
7721 **under five years old.**

7722 ~~[(1) As used in this section, "Juneteenth National Freedom Day" means the day on~~  
7723 ~~which the Juneteenth National Freedom Day holiday is celebrated in this state in accordance~~

7724 with Section ~~63G-1-301~~.]

7725           [(2)] (1) The parent-time schedule in this section applies to a minor child who is  
7726 younger than five years old.

7727           [(3)] (2) If the parties do not agree to a parent-time schedule, the schedules in  
7728 Subsections [~~(4) through (9)~~] (3) through (8) are considered the minimum parent-time to which  
7729 the noncustodial parent is entitled to the minor child.

7730           [(4)] (3) For a minor child who is younger than five months old, the noncustodial  
7731 parent is entitled to:

7732           (a) three two-hour visits every week; and

7733           (b) two hours for each holiday granted to the noncustodial parent in the holiday  
7734 schedule under Subsection [~~(16)~~] (15).

7735           [(5)] (4) For a minor child who is at least five months old but younger than nine  
7736 months old, the noncustodial parent is entitled to:

7737           (a) three three-hour visits every week; and

7738           (b) two hours for each holiday granted to the noncustodial parent in the holiday  
7739 schedule under Subsection [~~(16)~~] (15).

7740           [(6)] (5) For a minor child who is at least nine months old but younger than 12 months  
7741 old, the noncustodial parent is entitled to [~~the child~~]:

7742           (a) one eight-hour visit every week;

7743           (b) one three-hour visit every week; and

7744           (c) eight hours for each holiday granted to the noncustodial parent in accordance with  
7745 the holiday schedule under Subsection [~~(16)~~] (15).

7746           [(7)] (6) For a minor child who is at least 12 months old but younger than 18 months  
7747 old, the noncustodial parent is entitled to:

7748           (a) one three-hour visit every week;

7749           (b) one eight-hour visit on alternating weekends to be specified by the noncustodial  
7750 parent or court;

7751           (c) an overnight visit on opposite weekends from Subsection [~~(7)(b)~~] (6)(b) beginning  
7752 at 6 p.m. on Friday and ending at noon on Saturday; and

7753           (d) eight hours for each holiday granted to the noncustodial parent in the holiday  
7754 schedule under Subsection [~~(16)~~] (15).

7755            [~~(8)~~] (7) For a minor child who is at least 18 months old but younger than three years  
7756 old, the noncustodial parent is entitled to:

7757            (a) one weekday evening to be specified by the noncustodial parent or the court:

7758            (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7759            (ii) if the minor child is being cared for during the day outside the minor child's regular  
7760 place of residence and with advance notice to the custodial parent, beginning at the time that  
7761 the minor child is picked up from the caregiver and ending at 8:30 p.m.;

7762            (b) beginning on the first weekend after the entry of the decree, alternating weekends  
7763 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

7764            (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7765 schedule described in Subsection [~~(16)~~] (15); and

7766            (d) extended parent-time for two one-week periods, separated by at least four weeks, at  
7767 the option of the noncustodial parent, as follows:

7768            (i) one week of uninterrupted parent-time for the noncustodial parent; and

7769            (ii) one week of interrupted parent-time where the custodial parent may have an equal  
7770 amount of weekday parent-time as the noncustodial parent on the same day on which the  
7771 noncustodial parent is granted weekday parent-time under Subsection [~~(8)(a)~~] (7)(a).

7772            [~~(9)~~] (8) For a minor child who is at least three years old but younger than five years  
7773 old, the noncustodial parent is entitled to:

7774            (a) one weekday evening to be specified by the noncustodial parent or the court:

7775            (i) beginning at 5:30 p.m. and ending at 8:30 p.m.; or

7776            (ii) if the minor child is being cared for during the day outside the minor child's regular  
7777 place of residence and with advance notice to the custodial parent, beginning at the time that  
7778 the minor child is picked up from the caregiver and ending at 8:30 p.m.;

7779            (b) beginning on the first weekend after the entry of the decree, alternating weekends  
7780 beginning at 6 p.m. on Friday and ending at 7 p.m. on Sunday;

7781            (c) each holiday granted to the noncustodial parent in accordance with the holiday  
7782 schedule described in Subsection [~~(16)~~] (15); and

7783            (d) extended parent-time for two two-week periods, separated by at least four weeks, at  
7784 the option of the noncustodial parent, as follows:

7785            (i) two weeks of uninterrupted parent-time, which may be consecutive, for the



7786 noncustodial parent; and

7787 (ii) two weeks of interrupted parent-time, which may be consecutive, where the  
7788 custodial parent may have an equal amount of weekday parent-time as the noncustodial parent  
7789 on the same day on which the noncustodial parent is granted weekday parent-time under  
7790 Subsection ~~[(9)(a)]~~ (8)(a).

7791 ~~[(10)]~~ (9) For a minor child who is at least 18 months old but younger than five years  
7792 old, the custodial parent is entitled to one week of uninterrupted extended parent-time.

7793 ~~[(11)]~~ (10) (a) For a minor child who is nine months old or older, the noncustodial  
7794 parent shall have at least two times a week:

7795 (i) brief telephone contact at reasonable hours and for a reasonable duration; and

7796 (ii) virtual parent-time, if the equipment is reasonably available and the parents reside  
7797 at least 100 miles apart, at reasonable hours and for reasonable duration.

7798 (b) If the parties cannot agree on whether the equipment is reasonably available, the  
7799 court shall decide whether the equipment for virtual parent-time is reasonably available, taking  
7800 into consideration:

7801 (i) the best interests of the minor child;

7802 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

7803 (iii) any other factors the court considers material.

7804 (c) Virtual parent-time supplements, but does not replace, in-person parent-time.

7805 ~~[(12)]~~ (11) For a minor child who is younger than nine months old, unless the parents  
7806 agree otherwise, parent-time should take place in the home of the custodial parent, an  
7807 established child-care setting, or other environment familiar to the minor child.

7808 ~~[(13)]~~ (12) (a) Changes may not be made to the parent-time schedule under this  
7809 section, except that if a conflict arises in the parent-time schedule, the following order of  
7810 precedence shall be applied when determining which parent is entitled to parent-time:

7811 (i) the holiday schedule for Mother's Day or Father's Day under Subsection ~~[(16)]~~ (15);

7812 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising  
7813 uninterrupted extended parent-time under Subsection ~~[(8)(d), (9)(d), or (10)]~~ (7)(d), (8)(d), or  
7814 (9) and takes the minor child away from that parent's residence during the uninterrupted  
7815 extended parent-time;

7816 (iii) the holiday schedule for any holiday under Subsection ~~[(16)]~~ (15) that is not

7817 Father's Day, Mother's Day, or the minor child's birthday;  
 7818 (iv) extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~] (7)(d), (8)(d), or  
 7819 (9); and  
 7820 (v) the schedule for weekday or weekend parent-time.  
 7821 (b) A parent exercising parent-time for the minor child's birthday may bring other  
 7822 siblings along for the minor child's birthday.  
 7823 [~~(14)~~] (13) If a holiday falls on a regularly scheduled school day, the parent exercising  
 7824 parent-time shall be responsible for the minor child's attendance at school for that school day.  
 7825 [~~(15)~~] (14) A parent shall notify the other parent at least 30 days in advance of the  
 7826 parent's plans for the exercise of extended parent-time under Subsection [~~(8)(d), (9)(d), or (10)~~]  
 7827 (7)(d), (8)(d), or (9).  
 7828 [~~(16)~~] (15) The following table is the holiday schedule for parent-time under this  
 7829 section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
7830  7831 Dr. Martin Luther King Jr. Day	(1) Holiday begins on Friday at:(a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years

7832	<p>President's Day</p>	<p>(1) Holiday begins on Friday at:                  (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or                  (b) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends at 7 p.m. on President's Day.</p>	<p>Even years</p>	<p>Odd years</p>
7833	<p>Spring Break</p>	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.                  (2) Holiday ends at 7 p.m. on the day before school resumes.</p>	<p>Odd years</p>	<p>Even years</p>
7834	<p>Memorial Day</p>	<p>(1) Holiday begins on Friday at:                  (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or                  (b) 6 p.m. at the election of the parent granted the holiday.                  (2) Holiday ends at 7 p.m. on Memorial Day.</p>	<p>Even years</p>	<p>Odd years</p>
7835	<p>Mother's Day</p>	<p>(1) Holiday begins on Mother's Day at 9 a.m.                  (2) Holiday ends on Mother's Day at 7 p.m.</p>	<p>All years if noncustodial parent is the mother or other parent designated in the order.</p>	<p>All years if custodial parent is the mother or other parent designated in the order.</p>

7836	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.
7837	Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
7838	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
7839	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years

7840	Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if the parent is available to be with the <u>minor</u> child; or (b) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
7841	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
7842	Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
7843	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years
7844	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

7845	Thanksgiving	(1) Holiday begins at 6 p.m. on the day that school dismisses for Thanksgiving. (2) Holiday ends at 7 p.m. on day before school resumes.	Even years	Odd years
7846	Winter Break (First Half)	(1) Holiday begins at 6 p.m. on the day on that school dismisses for winter break. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
7847	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
7848	Day of <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years
7849	Day Before or After <u>Minor</u> Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years

7850 Section 190. Section **81-9-305**, which is renumbered from Section 30-3-35.2 is

7851 renumbered and amended to read:

7852 **[30-3-35.2]. 81-9-305. Equal parent-time schedule.**

7853 (1) (a) A court may order the equal parent-time schedule described in this section if the  
7854 court determines that:

7855 (i) the equal parent-time schedule is in the minor child's best interest;

7856 (ii) each parent has been actively involved in the minor child's life; and

7857 (iii) each parent can effectively facilitate the equal parent-time schedule.

7858 (b) To determine whether each parent has been actively involved in the minor child's  
7859 life, the court shall consider:

7860 (i) each parent's demonstrated responsibility in caring for the minor child;

7861 (ii) each parent's involvement in child care;

7862 (iii) each parent's presence or volunteer efforts in the minor child's school and at  
7863 extracurricular activities;

7864 (iv) each parent's assistance with the minor child's homework;

7865 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the  
7866 minor child;

7867 (vi) each parent's bond with the minor child; and

7868 (vii) any other factor the court considers relevant.

7869 (c) To determine whether each parent can effectively facilitate the equal parent-time  
7870 schedule, the court shall consider:

7871 (i) the geographic distance between the residence of each parent and the distance  
7872 between each residence and the minor child's school;

7873 (ii) each parent's ability to assist with the minor child's after school care;

7874 (iii) the health of the minor child and each parent, consistent with Subsection  
7875 ~~[30-3-10(6)]~~ 81-9-204(5);

7876 (iv) the flexibility of each parent's employment or other schedule;

7877 (v) each parent's ability to provide appropriate playtime with the minor child;

7878 (vi) each parent's history and ability to implement a flexible schedule for the minor  
7879 child;

7880 (vii) physical facilities of each parent's residence; and

7881 (viii) any other factor the court considers relevant.

7882 (2) (a) If the parties agree to or the court orders the equal parent-time schedule  
7883 described in this section, a parenting plan in accordance with ~~[Sections 30-3-10.7 through~~  
7884 ~~30-3-10.10]~~ Section 81-9-203 shall be filed with an order incorporating the equal parent-time  
7885 schedule.

7886 (b) An order under this section shall result in 182 overnights per year for one parent,  
7887 and 183 overnights per year for the other parent.

7888 (c) Under the equal parent-time schedule, ~~[neither parent is]~~ a parent is not considered

7889 to have the minor child the majority of the time for the purposes of Subsection [~~30-3-10.3(4)~~ or  
7890 ~~30-3-10.9(5)(c)(ii)~~ 81-9-203(11)(e)(ii) or 81-9-205(10).

7891 (d) Child support for the equal parent-time schedule shall be consistent with Section  
7892 [~~78B-12-208~~] 81-6-206.

7893 (e) [(†)] A court shall determine which parent receives 182 overnights and which parent  
7894 receives 183 overnights for parent-time.

7895 [~~(ii) For the purpose of calculating child support under Section 78B-12-208, the~~  
7896 ~~amount of time to be spent with the parent who has the lower gross monthly income is~~  
7897 ~~considered 183 overnights, regardless of whether the parent receives 182 overnights or 183~~  
7898 ~~overnights under Subsection (2)(c)(i).~~]

7899 (3) (a) Unless the parents agree otherwise and subject to a holiday, the equal  
7900 parent-time schedule is as follows:

7901 (i) one parent shall exercise parent-time starting Monday morning and ending [  
7902 ]Wednesday morning;

7903 (ii) the other parent shall exercise parent-time starting Wednesday morning and ending  
7904 Friday morning; and

7905 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning  
7906 and ending Monday morning.

7907 (b) The child exchange shall take place:

7908 (i) at the time the minor child's school begins; or

7909 (ii) if school is not in session, at 9 a.m.

7910 (4) (a) The parents may create a holiday schedule.

7911 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the  
7912 court shall:

7913 (i) order the holiday schedule described in Section [~~30-3-35~~] 81-9-302 or 81-9-304;  
7914 and

7915 (ii) designate which parent shall exercise parent-time for each holiday described in  
7916 Section [~~30-3-35~~] 81-9-302 or 81-9-304.

7917 (5) (a) Each year, a parent may designate two consecutive weeks to exercise  
7918 uninterrupted parent-time during the summer when school is not in session.

7919 (b) (i) One parent may make a designation at any time and the other parent may make a



7920 designation after May 1.

7921 (ii) A parent shall make a designation at least 30 days before the day on which the  
7922 designated two-week period begins.

7923 (c) The court shall designate which parent may make the earlier designation described  
7924 in Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make the  
7925 earlier designation in an odd numbered year.

7926 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all  
7927 holidays except for Mother's Day and Father's Day.

7928 Section 191. Section **81-9-401**, which is renumbered from Section 30-5-1 is  
7929 renumbered and amended to read:

7930 **Part 4. Custody and Visitation by Individual Other than a Parent**

7931 ~~[30-5-1]~~. **81-9-401**. **Definitions for part.**

7932 As used in this ~~[act]~~ part:

7933 (1) "District court" means the district court with proper jurisdiction over the  
7934 ~~[grandchild]~~ minor child.

7935 (2) "Grandchild" means the minor child with respect to whom a grandparent is seeking  
7936 visitation rights under this ~~[chapter]~~ part.

7937 (3) "Grandparent" means an individual whose child, either by blood, marriage, or  
7938 adoption, is the parent of the grandchild.

7939 (4) "Individual other than a parent" means an individual who is not a parent and is  
7940 related to the minor child by marriage or blood, including:

7941 (a) siblings;

7942 (b) aunts;

7943 (c) uncles;

7944 (d) grandparents;

7945 (e) current or former step-parents; or

7946 (f) any of the individuals described in Subsections (4)(a) through (d) in a step  
7947 relationship to the minor child.

7948 Section 192. Section **81-9-402**, which is renumbered from Section 30-5a-103 is  
7949 renumbered and amended to read:

7950 ~~[30-5a-103]~~. **81-9-402**. **Custody and visitation for individuals other than a**

7951 **parent -- Venue.**

7952 (1) (a) In accordance with Section [80-2a-201](#), it is the public policy of this state that a  
7953 parent retain the fundamental right and duty to exercise primary control over the care,  
7954 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

7955 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's  
7956 best interests.

7957 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or  
7958 visitation rights to an individual other than a parent who, by clear and convincing evidence,  
7959 establishes that:

7960 (a) the individual has intentionally assumed the role and obligations of a parent;

7961 (b) the individual and the minor child have formed a substantial emotional bond and  
7962 created a parent-child type relationship;

7963 (c) the individual substantially contributed emotionally or financially to the minor  
7964 child's well being;

7965 (d) the assumption of the parental role is not the result of a financially compensated  
7966 surrogate care arrangement;

7967 (e) the continuation of the relationship between the individual and the minor child is in  
7968 the minor child's best interest;

7969 (f) the loss or cessation of the relationship between the individual and the minor child  
7970 would substantially harm the minor child; and

7971 (g) the parent:

7972 (i) is absent; or

7973 (ii) is found by a court to have abused or neglected the minor child.

7974 (3) ~~[A proceeding under this chapter may be commenced by filing a verified petition,  
7975 or petition supported by an affidavit,]~~ Notwithstanding Title 78B, Chapter 3a, Venue for Civil  
7976 Actions, or Section [78A-6-350](#), an individual shall file a verified petition, or a petition  
7977 supported by an affidavit, for custodial or visitation rights to the minor child in the juvenile  
7978 court if a matter is pending in the juvenile court, or in the district court in the county where the  
7979 minor child:

7980 (a) currently resides; or

7981 (b) lived with a parent or an individual other than a parent who acted as a parent within

7982 six months before the commencement of the action.

7983 (4) ~~[A proceeding under this chapter may be filed]~~ An individual may file a petition  
7984 under this section in a pending divorce, parentage action, or other proceeding, including a  
7985 proceeding in the juvenile court involving custody of or visitation with a minor child.

7986 (5) The petition shall include detailed facts supporting the petitioner's right to file the  
7987 petition including the criteria set forth in Subsection (2) and residency information ~~[as set~~  
7988 ~~forth]~~ described in Section 78B-13-209.

7989 (6) ~~[A proceeding under this chapter may not be filed]~~ An individual may not file a  
7990 petition under this section against a parent who is actively serving outside the state in any  
7991 branch of the military.

7992 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with  
7993 the ~~[rules of civil procedure]~~ Utah Rules of Civil Procedure on all of the following:

- 7994 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;  
7995 (b) any individual who has court-ordered custody or visitation rights;  
7996 (c) the minor child's guardian;  
7997 (d) the guardian ad litem, if one has been appointed;  
7998 (e) an individual or agency that has physical custody of the minor child or that claims  
7999 to have custody or visitation rights; and

8000 (f) any other individual or agency that has previously appeared in any action regarding  
8001 custody of or visitation with the minor child.

8002 (8) The court may order a custody evaluation to be conducted in any ~~[action brought~~  
8003 ~~under this chapter]~~ proceeding brought under this section.

8004 (9) The court may enter temporary orders in ~~[an action brought under this chapter]~~ a  
8005 proceeding brought under this section pending the entry of final orders.

8006 (10) Except as provided in Subsection (11), a court may not grant custody of a minor  
8007 child under this section to an individual:

8008 (a) who is not the parent of the ~~[child and]~~ minor child; and

8009 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no  
8010 contest to a felony or attempted felony involving conduct that constitutes any of the following:

8011 ~~[(a)]~~ (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and  
8012 76-5-114;

8013           ~~[(b)]~~ (ii) child abuse homicide, as described in Section 76-5-208;

8014           ~~[(c)]~~ (iii) child kidnapping, as described in Section 76-5-301.1;

8015           ~~[(d)]~~ (iv) human trafficking of a child, as described in Section 76-5-308.5;

8016           ~~[(e)]~~ (v) sexual abuse of a minor, as described in Section 76-5-401.1;

8017           ~~[(f)]~~ (vi) rape of a child, as described in Section 76-5-402.1;

8018           ~~[(g)]~~ (vii) object rape of a child, as described in Section 76-5-402.3;

8019           ~~[(h)]~~ (viii) sodomy on a child, as described in Section 76-5-403.1;

8020           ~~[(i)]~~ (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated

8021 sexual abuse of a child, as described in Section 76-5-404.3;

8022           ~~[(j)]~~ (x) sexual exploitation of a minor, as described in Section 76-5b-201;

8023           ~~[(k)]~~ (xi) aggravated sexual exploitation of a minor, as described in Section

8024 76-5b-201.1; or

8025           ~~[(l)]~~ (xii) an offense in another state that, if committed in this state, would constitute an

8026 offense described in this Subsection (10).

8027           (11) (a) As used in this Subsection (11), "disqualifying offense" means an offense

8028 listed in Subsection (10) that prevents a court from granting custody except as provided in this

8029 Subsection (11).

8030           (b) An individual described in Subsection (10) may only be considered for custody of a

8031 minor child if the following criteria are met by clear and convincing evidence:

8032           (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;

8033           (ii) at least 10 years have elapsed from the day on which the individual is successfully

8034 released from prison, jail, parole, or probation related to a disqualifying offense;

8035           (iii) during the 10 years before the day on which the individual files a petition with the

8036 court seeking custody the individual has not been convicted, plead guilty, or plead no contest to

8037 an offense greater than an infraction or traffic violation that would likely impact the health,

8038 safety, or well-being of the minor child;

8039           (iv) the individual can provide evidence of successful treatment or rehabilitation

8040 directly related to the disqualifying offense;

8041           (v) the court determines that the risk related to the disqualifying offense is unlikely to

8042 cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at

8043 any time in the future when considering all of the following:

- 8044 (A) the minor child's age;
- 8045 (B) the minor child's gender;
- 8046 (C) the minor child's development;
- 8047 (D) the nature and seriousness of the disqualifying offense;
- 8048 (E) the preferences of a minor child who is 12 years old or older;
- 8049 (F) any available assessments, including custody evaluations, parenting assessments,
- 8050 psychological or mental health assessments, and bonding assessments; and
- 8051 (G) any other relevant information;
- 8052 (vi) the individual can provide evidence of the following:
- 8053 (A) the relationship with the minor child is of long duration;
- 8054 (B) that an emotional bond exists with the minor child; and
- 8055 (C) that custody by the individual who has committed the disqualifying offense ensures
- 8056 the best interests of the minor child are met;
- 8057 (vii) (A) there is no other responsible relative known to the court who has or likely
- 8058 could develop an emotional bond with the minor child and does not have a disqualifying
- 8059 offense; or
- 8060 (B) if there is a responsible relative known to the court that does not have a
- 8061 disqualifying offense, Subsection (11)(d) applies; and
- 8062 (viii) that the continuation of the relationship between the individual with the
- 8063 disqualifying offense and the minor child could not be sufficiently maintained through any type
- 8064 of visitation if custody were given to the relative with no disqualifying offense described in
- 8065 Subsection (11)(d).
- 8066 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 8067 why placement with that individual is in the best interest of the minor child over another
- 8068 responsible relative or equally situated individual who does not have a disqualifying offense.
- 8069 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known
- 8070 to the court who does not have a disqualifying offense:
- 8071 (i) preference for custody is given to a relative who does not have a disqualifying
- 8072 offense; and
- 8073 (ii) before the court may place custody with the individual who has the disqualifying
- 8074 offense over another responsible, willing, and able relative:

8075 (A) an impartial custody evaluation shall be completed; and

8076 (B) a guardian ad litem shall be assigned.

8077 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a  
8078 final decision on custody has not been made and to a case filed on or after March 25, 2017.

8079 Section 193. Section **81-9-403**, which is renumbered from Section 30-5-2 is  
8080 renumbered and amended to read:

8081 ~~[30-5-2]~~. **81-9-403. Visitation rights of grandparents.**

8082 (1) In accordance with the provisions and requirements of this section:

8083 (a) a grandparent has standing to bring an action requesting visitation in district court  
8084 by petition; and

8085 (b) a grandparent may file a petition for visitation rights in the juvenile court or district  
8086 court where a divorce proceeding or other proceeding involving custody and visitation issues is  
8087 pending.

8088 (2) (a) In accordance with Section ~~80-2a-201~~, it is the public policy of this state that a  
8089 parent retains the fundamental right and duty to exercise primary control over the care,  
8090 supervision, upbringing, and education of ~~[the parent's children]~~ a minor child of the parent.

8091 (b) A court shall presume that a parent's decision in regard to grandparent visitation is  
8092 in the best interest of the parent's minor child.

8093 (3) A court may find the presumption in Subsection (2)(b) rebutted if the grandparent,  
8094 by clear and convincing evidence, establishes that:

8095 (a) the grandparent has filled the role of custodian or caregiver to the grandchild that:

8096 (i) is in a manner akin to a parent; and

8097 (ii) the loss of the relationship between the grandparent and the grandchild would cause  
8098 substantial harm to the grandchild; or

8099 (b) both parents are unfit or incompetent in a manner that causes potential harm to the  
8100 grandchild.

8101 (4) (a) If the court finds the presumption in Subsection (2)(b) is rebutted, the court may  
8102 consider whether grandparent visitation is in the best interest of the grandchild.

8103 (b) If the court considers whether grandparent visitation is in the best interest of the  
8104 child, the court shall take into account the totality of the circumstances, including:

8105 (i) the reasonableness of the parent's decision to deny grandparent visitation;

8106 (ii) the age of the grandchild;  
8107 (iii) the death or unavailability of a parent; and  
8108 (iv) if the grandchild is 14 years old or older, the grandchild's desires regarding  
8109 visitation after the court inquires of the grandchild.

8110 (5) If the court finds the presumption in Subsection (2)(b) is rebutted and grandparent  
8111 visitation is in the best interest of the grandchild, the court may issue an order for grandparent  
8112 visitation.

8113 (6) [The] Notwithstanding Section 81-9-404, the adoption of a grandchild by the  
8114 grandchild's stepparent does not diminish or alter visitation rights previously ordered under this  
8115 section.

8116 (7) On the petition of a grandparent or the legal custodian of a grandchild the court  
8117 may, after a hearing, modify an order regarding grandparent visitation if:

8118 (a) the circumstances of the grandchild, the grandparent, or the custodian have  
8119 materially and substantially changed since the entry of the order to be modified, or the order  
8120 has become unworkable or inappropriate under existing circumstances; and

8121 (b) the court determines that a modification is appropriate based upon the factors set  
8122 forth in Subsections (3) and (4).

8123 (8) A grandparent may petition the court to remedy a parent's wrongful noncompliance  
8124 with a visitation order.

8125 Section 194. Section **81-9-404**, which is renumbered from Section 30-5a-104 is  
8126 renumbered and amended to read:

8127 ~~[30-5a-104].~~ **81-9-404. Exceptions to visitation by nonparent.**

8128 This ~~[chapter]~~ part may not be used to seek, obtain, maintain or continue custody of, or  
8129 visitation with, a minor child who has been relinquished for adoption, or adopted ~~[pursuant to~~  
8130 ~~an order of a court of competent jurisdiction]~~ in accordance with a court order.

8131 Section 195. **Repealer.**

8132 This bill repeals:

8133 Section **26B-9-227, Determination of parental liability.**

8134 Section **30-1-5, Marriage solemnization -- Before unauthorized person -- Validity.**

8135 Section **30-1-9.1, Parental consent to prohibited marriage of minor -- Penalty.**

8136 Section **30-1-10, Affidavit before the clerk -- Penalty.**

- 8137 Section **30-1-11**, Return of license after ceremony -- Failure -- Penalty.
- 8138 Section **30-1-13**, Solemnization without license -- Penalty.
- 8139 Section **30-1-14**, Acting without authority -- Penalty.
- 8140 Section **30-1-15**, Solemnization of prohibited marriage -- Penalty.
- 8141 Section **30-1-16**, Misconduct of county clerk -- Penalty.
- 8142 Section **30-1-17.2**, Action to determine validity of marriage -- Orders relating to
- 8143 **parties, property, and children -- Presumption of paternity in marriage.**
- 8144 Section **30-1-17.3**, Age as basis of action to determine validity of marriage --
- 8145 **Refusal to grant annulment.**
- 8146 Section **30-3-2**, Right of husband to divorce.
- 8147 Section **30-3-4**, Pleadings -- Decree -- Use of affidavit -- Private records.
- 8148 Section **30-3-5**, Disposition of property -- Maintenance and health care of parties
- 8149 **and children -- Division of debts -- Court to have continuing jurisdiction -- Custody and**
- 8150 **parent-time -- Alimony -- Nonmeritorious petition for modification.**
- 8151 Section **30-3-5.1**, Provision for income withholding in child support order.
- 8152 Section **30-3-5.4**, Designation of primary and secondary health, dental, or hospital
- 8153 **insurance coverage.**
- 8154 Section **30-3-7**, When decree becomes absolute.
- 8155 Section **30-3-8**, Remarriage -- When unlawful.
- 8156 Section **30-3-10.3**, Terms of joint legal or physical custody order.
- 8157 Section **30-3-10.5**, Payments of support, maintenance, and alimony.
- 8158 Section **30-3-10.7**, Parenting plan -- Definitions.
- 8159 Section **30-3-10.8**, Parenting plan -- Filing -- Modifications.
- 8160 Section **30-3-10.10**, Parenting plan -- Domestic violence.
- 8161 Section **30-3-10.17**, Social security number in court records.
- 8162 Section **30-3-11.1**, Family Court Act -- Purpose.
- 8163 Section **30-3-11.2**, Appointment of counsel for child.
- 8164 Section **30-3-18**, Waiting period for hearing after filing for divorce -- Exemption --
- 8165 **Use of counseling and education services not to be construed as condonation or**
- 8166 **promotion.**
- 8167 Section **30-3-32**, Parent-time -- Definitions -- Considerations for parent-time --



- 8168 **Relocation.**
- 8169 Section **30-3-36**, Special circumstances.
- 8170 Section **30-5a-101**, Title.
- 8171 Section **30-5a-102**, Definitions.
- 8172 Section **30-8-1**, Title.
- 8173 Section **63I-1-230**, Repeal dates: Title 30.
- 8174 Section **75-2b-101**, Title.
- 8175 Section **78B-12-101**, Title.
- 8176 Section **78B-12-104**, Continuing jurisdiction.
- 8177 Section **78B-12-106**, Ward of state -- Natural or adoptive parent has primary
- 8178 **obligation to support -- Right of third party to recover support.**
- 8179 Section **78B-12-107**, Duty of obligor regardless of presence or residence of obligee.
- 8180 Section **78B-12-108**, Support follows the child.
- 8181 Section **78B-12-110**, Appeals.
- 8182 Section **78B-12-111**, Court order -- Medical expenses of dependent children --
- 8183 **Assigning responsibility for payment -- Insurance coverage -- Income withholding.**
- 8184 Section **78B-12-116**, Social Security number in court records.
- 8185 Section **78B-12-117**, Rights are in addition to those presently existing.
- 8186 Section **78B-12-202**, Determination of amount of support -- Rebuttable guidelines.
- 8187 Section **78B-12-204**, Adjusted gross income.
- 8188 Section **78B-12-205**, Calculation of obligations.
- 8189 Section **78B-12-206**, Income in excess of tables.
- 8190 Section **78B-12-207**, Obligation -- Adjusted gross income used.
- 8191 Section **78B-12-208**, Joint physical custody -- Obligation calculations.
- 8192 Section **78B-12-209**, Split custody -- Obligation calculations.
- 8193 Section **78B-12-211**, Limitation on amount of support ordered.
- 8194 Section **78B-12-212.1**, Pregnancy expenses.
- 8195 Section **78B-12-213**, Determination of parental liability.
- 8196 Section **78B-12-215**, Child care costs.
- 8197 Section **78B-12-219**, Adjustment when child becomes emancipated.
- 8198 Section 196. Effective date.

8199 (1) Except as provided in Subsection (2), this bill takes effect on September 1, 2024.

8200 (2) The actions affecting Section [78A-5a-103](#) (Effective 10/01/24) take effect on  
8201 October 1, 2024.

8202 Section 197. **Coordinating S.B. 95 with H.B. 134.**

8203 If S.B. 95, Domestic Relations Recodification, and H.B. 134, Marriage Modifications,  
8204 both pass and become law, the Legislature intends that, on September 1, 2024:

8205 (1) Section [30-1-2.2](#) be repealed; and

8206 (2) Section [30-1-2.4](#) enacted in H.B.134 be renumbered to Section [81-2-405](#).

8207 Section 198. **Coordinating S.B. 95 with H.B. 140.**

8208 If S.B. 95, Domestic Relations Recodification, and H.B. 140, Amendments to Custody  
8209 and Parent-time, both pass and become law, the Legislature intends that, on September 1, 2024:

8210 (1) all references to the term "child" in Subsection [30-3-33](#)(18) in H.B. 140 change to  
8211 "minor child"; and

8212 (2) Subsections [30-3-10.4](#)(1) and (2) in H.B. 140 be amended to read:

8213 "(1) The court has continuing jurisdiction to make subsequent changes to modify:

8214 (a) custody of a minor child if there is a showing of a substantial and material change  
8215 in circumstances since the entry of the order; and

8216 (b) parent-time for a minor child if there is a showing that there is a change in  
8217 circumstances since the entry of the order.

8218 (2) A substantial and material change in circumstances under Subsection (1)(a)

8219 includes a showing by a parent that the other parent:

8220 (a) resides with an individual or provides an individual with access to the minor child;

8221 and

8222 (b) knows that the individual:

8223 (i) is required to register as a sex offender or a kidnap offender for an offense against a  
8224 minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;

8225 (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child  
8226 Abuse Offender Registry; or

8227 (iii) has been convicted of:

8228 (A) a child abuse offense under Section [76-5-109](#), [76-5-109.2](#), [76-5-109.3](#), [76-5-114](#),

8229 or [76-5-208](#);

8230 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual  
 8231 Offenses;

8232 (C) an offense for kidnapping or human trafficking of a minor child under Title 76,  
 8233 Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

8234 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,  
 8235 Sexual Exploitation Act; or

8236 (E) an offense that is substantially similar to an offense under Subsections  
 8237 (2)(b)(iii)(A) through (D)."

8238 Section 199. **Coordinating S.B. 95 with H.B. 157.**

8239 If S.B. 95, Domestic Relations Recodification, and H.B. 157, Child Custody Factor  
 8240 Amendments, both pass and become law, the Legislature intends that, on September 1, 2024,  
 8241 all references to "child" in Subsection 30-3-10(10)(b) in H.B. 157 change to "minor child."

8242 Section 200. **Coordinating S.B. 95 with H.B. 328.**

8243 If S.B. 95, Domestic Relations Recodification, and H.B. 328, Victims of Sexual  
 8244 Offenses Amendments, both pass and become law, the Legislature intends that, on September  
 8245 1, 2024, all references to "child" in Subsections 30-3-10(11) and 30-3-10(12) in H.B. 328  
 8246 change to "minor child."

8247 Section 201. **Coordinating S.B. 95 with H.B. 337.**

8248 If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to  
 8249 Mandatory Courses for Family Law Actions, both pass and become law, the Legislature intends  
 8250 that, on September 1, 2024:

8251 (1) the changes to Subsection 81-9-208(2)(c)(i) in S.B. 95 supersede the changes to  
 8252 Subsection 30-3-10.4(1)(c)(i) in H.B. 337;

8253 (2) Section 30-3-11.3 be renumbered to Section 81-9-103 and be amended to read:

8254 "[30-3-11.3.] 81-9-103. **Mandatory parenting course for parties in a divorce**  
 8255 **or parentage action.**

8256 (1) The Judicial Council shall approve and implement:

8257 (a) a mandatory parenting course [for divorcing parents] in all judicial districts[.The  
 8258 mandatory course is designed to educate and sensitize divorcing parties to their children's needs  
 8259 both during and after the divorce process:] for married parties in a divorce action determining  
 8260 issues of child custody and parent-time; and

8261 (b) a mandatory parenting course in all judicial districts for unmarried parties in a  
 8262 parentage action determining issues of child custody and parent-time.

8263 (2) The Judicial Council shall adopt rules to implement and administer [~~this program.~~]  
 8264 the mandatory parenting courses described in Subsection (1).

8265 [~~(3)(a) As a prerequisite to receiving a divorce decree, both parties are required to~~  
 8266 ~~attend a mandatory course on their children's needs after filing a complaint for divorce and~~  
 8267 ~~receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived,~~  
 8268 ~~the court may permit the divorce action to proceed.]~~

8269 [~~(b) With the exception of a temporary restraining order pursuant to Rule 65, Utah~~  
 8270 ~~Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order~~  
 8271 ~~related to the divorce until the moving party completes the mandatory educational course for~~  
 8272 ~~divorcing parents required by this section.]~~

8273 [~~(4) The court may require unmarried parents to attend this educational course when~~  
 8274 ~~those parents are involved in a visitation or custody proceeding before the court.]~~

8275 [~~(5) (3) [The mandatory course shall instruct both parties:]~~ The mandatory parenting  
 8276 courses shall educate and sensitize parties to the needs of the parties' minor child during and  
 8277 after the court process, including instructing the parties:

8278 (a) about [~~divorce and its impacts~~] the impact of the court process, and its outcome,  
 8279 on:

8280 (i) [~~their child or children~~] the minor child;

8281 (ii) [~~their~~] the family relationship; and

8282 (iii) [~~their financial responsibilities for their child or children~~] the financial  
 8283 responsibilities of the parties to the minor child; and

8284 (b) that domestic violence has a harmful effect on [~~children~~] a minor child and family  
 8285 relationships.

8286 [~~(6) (4) (a) [The course]~~ The mandatory parenting course may be provided through  
 8287 live instruction, video instruction, or an online provider.

8288 (b) The online and video options under Subsection (4)(a) must be formatted as  
 8289 interactive presentations that ensure active participation and learning by the [~~parent~~] party.

8290 [~~(7) (5) (a)~~ The Administrative Office of the Courts shall administer [~~the course~~  
 8291 ~~pursuant to]~~ the mandatory parenting courses, in accordance with Title 63G, Chapter 6a, Utah

8292 Procurement Code, through private or public contracts and organize the program in each of  
8293 Utah's judicial districts.

8294 (b) The contracts shall provide for the recoupment of administrative expenses through  
8295 the costs charged to individual parties[~~, pursuant to Subsection (9)~~] as described in Subsection  
8296 (7).

8297 [~~(8)~~] (6) A certificate of completion constitutes evidence to the court of [~~course~~]  
8298 completion of a parenting course under this section by the parties.

8299 [~~(9)~~] (7) (a) Each party shall pay the [~~costs of the~~] cost of the parenting course to the  
8300 independent contractor providing the course at the time and place of the course.

8301 (b) A fee of \$8 shall be collected, as part of [~~the course~~] a parenting course fee paid by  
8302 each participant, and deposited in the Children's Legal Defense Account, described in Section  
8303 51-9-408.

8304 [~~(b)~~] (c) Each party who is unable to pay the [~~costs of the~~] cost of a parenting course  
8305 may attend the parenting course, without payment, upon a prima facie showing of indigency as  
8306 evidenced by an affidavit of indigency filed in the [~~district~~] court in accordance with Section  
8307 78A-2-302. [~~In those situations, the independent contractor shall be reimbursed for the~~  
8308 ~~independent contractor's costs from the appropriation to the Administrative Office of the~~  
8309 ~~Courts for "Mandatory Educational Course for Divorcing Parents Program." Before a decree of~~  
8310 ~~divorce may be entered, the court shall make a final review and determination of indigency and~~  
8311 ~~may order the payment of the costs if so determined.~~]

8312 (d) The Administrative Office of the Courts shall use appropriations from the  
8313 Children's Legal Defense Account to reimburse an independent contractor for the costs of a  
8314 party who is unable to pay for a parenting course under Subsection (7)(c).

8315 [~~(10)~~] ~~Appropriations from the General Fund to the Administrative Office of the Courts~~  
8316 ~~for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to pay~~  
8317 ~~the costs of an indigent parent who makes a showing as provided in Subsection (9)(b).~~]

8318 [~~(H)~~] (8) The Administrative Office of the Courts shall:

8319 (a) adopt a program to evaluate the effectiveness of [~~the mandatory educational course.~~  
8320 ~~Progress reports shall be provided if requested by the Judiciary Interim Committee.~~] the  
8321 mandatory parenting courses; and

8322 (b) provide progress reports to the Judiciary Interim Committee if requested.";

8323 (3) Section 30-3-11.4 be renumbered to Section 81-4-105, except the changes within  
8324 Section 30-3-11.4 in H.B. 337 supersede the changes within Section 30-3-11.4 in S.B. 95;

8325 (4) Subsection 81-4-401(2) enacted in S.B. 95 be amended to read:

8326 "(2) "Mandatory courses" means:

8327 (a) the mandatory divorce orientation course described in Section 81-4-105; and

8328 (b) the mandatory parenting course described in Section 81-9-103.";

8329 (5) Subsection 51-9-408(3)(a)(i) be amended to read:

8330 "(i) implementing the mandatory courses described in Sections 81-4-105 and 81-9-103

8331 and the mediation program for child custody or parent-time;" and

8332 (6) the reference in Subsection 78B-15-610(4)(a) in H.B. 337 to "Subsection

8333 30-3-11.3(1)(b)" be changed to "Subsection 81-9-103(1)(b)."

8334 **Section 202. Coordinating S.B. 95 with S.B. 81.**

8335 If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk

8336 Amendments, both pass and become law, the Legislature intends that, on September 1, 2024:

8337 (1) Subsection 81-2-303(3)(b) in S.B. 95 be amended to read:

8338 "(b) The Department of Health[~~Bureau of Vital Records and Health~~] and Human  
8339 Services, Office of Vital Records and Statistics shall, upon request, supply the social security  
8340 numbers to the Department of Health and Human Services, Office of Recovery Services

8341 [~~within the Department of Human Services~~].";

8342 (2) Subsection 81-2-303(4) in S.B. 95 be amended to read:

8343 "(4) (a) A county clerk may not issue a marriage license until the county clerk receives:

8344 (i) an affidavit from each party applying for the marriage license, stating that there is  
8345 no lawful reason preventing the marriage; and

8346 (ii) if one of the parties will not be physically present in the state at the time of  
8347 solemnization of the marriage, an affidavit from each party applying for the marriage license,  
8348 stating that the party consents to personal jurisdiction of the state, and of the county issuing the  
8349 marriage license, for the purposes of filing a divorce or annulment of the marriage.

8350 (b) A county clerk shall file and preserve each affidavit provided under this section.

8351 (c) A party who makes an affidavit described in Subsection (4)(a), or a subscribing  
8352 witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be  
8353 prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official

8354 Matters.;

8355 (3) Subsection [81-2-305\(5\)](#) in S.B. 95 be amended to read:

8356 "(5) (a) Within 30 days after the day on which a marriage is solemnized, the individual  
 8357 solemnizing the marriage shall return the marriage license to the county clerk that issued the  
 8358 marriage license with a certificate of the marriage over the individual's signature stating the  
 8359 date and place of solemnization and the names of two or more witnesses present at the  
 8360 marriage.

8361 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty  
 8362 of an infraction.

8363 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes  
 8364 a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and  
 8365 punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.";

8366 (4) Subsection [81-2-408\(3\)\(b\)](#) in S.B. 95 be amended to read:

8367 "(b) Except as otherwise explicitly provided by law, Subsection (3)(a) may not be  
 8368 construed to validate a marriage that:

8369 (i) is prohibited or void under Section [81-2-403](#); or

8370 (ii) fails to meet the requirements of Section [81-2-302](#), as validated by a court with  
 8371 jurisdiction."; and

8372 (5) the reference in Section [30-1-7](#) in S.B. 81 to "Subsection [30-1-10\(1\)](#)" be changed to  
 8373 "Subsection [81-2-303\(4\)\(a\)](#)."

8374 Section 203. **Coordinating S.B. 95 with S.B. 81 and H.B. 337 if all pass and**  
 8375 **become law.**

8376 If S.B. 95, Domestic Relations Recodification, S.B. 81, County Clerk Amendments,  
 8377 and H.B. 337, Amendments to Mandatory Courses for Family Law Actions, all pass and  
 8378 become law, the Legislature intends that, on September 1, 2024:

8379 (1) Section [81-4-104](#) (renumbered from Section [30-3-4.5](#)) in S.B. 95 be amended to  
 8380 read:

8381 "~~[[30-3-4.5\]](#)~~ [81-4-104](#). **Temporary separation order.**

8382 ~~[(1) A petitioner may file an action for a temporary separation order without filing a~~  
 8383 ~~petition for divorce by filing a petition for temporary separation and motion for temporary~~  
 8384 ~~orders if:]~~

8385 ~~[(a) the petitioner is lawfully married to the respondent; and]~~  
8386 ~~[(b) both parties are residents of the state for at least 90 days prior to the date of filing.]~~  
8387 (1) An individual may file an action for a temporary separation order, without filing a  
8388 petition for divorce, by filing a petition for temporary separation and motion for temporary  
8389 orders if:  
8390 (a) the individual is lawfully married to the individual from whom the separation is  
8391 sought; and  
8392 (b) (i) both parties are residents of the state for at least 90 days before the day on which  
8393 the action is filed; or  
8394 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or  
8395 annulment under Subsection [81-2-303\(4\)\(a\)\(ii\)](#).  
8396 (2) The temporary orders are valid for one year [from the date of the hearing;] after the  
8397 day on which the hearing for the order is held or until one of the following occurs:  
8398 (a) a petition for divorce is filed and consolidated with the petition for temporary  
8399 separation; or  
8400 (b) the case is dismissed.  
8401 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
8402 separation, orders entered in the temporary separation shall continue in the consolidated case.  
8403 ~~[(4) Both parties shall attend the divorce orientation course described in Section~~  
8404 ~~[30-3-11.4](#) within 60 days of the filing of the petition, for petitioner, and within 45 days of being~~  
8405 ~~served, for respondent.]~~  
8406 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~  
8407 ~~accordance with the rules of civil procedure.]~~  
8408 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either~~  
8409 ~~party files a petition for divorce within one year from the date of filing the petition for~~  
8410 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~  
8411 ~~divorce.]~~  
8412 (4) (a) If the parties to the temporary separation action have a minor child, the parties  
8413 shall attend the divorce orientation course described in Section [81-4-105](#):  
8414 (i) for the petitioner, within 60 days after the day on which the petition is filed; and  
8415 (ii) for the respondent, within 30 days after the day on which the respondent is served.



8416 (b) If the parties to the temporary separation action do not have a minor child, the  
8417 parties may choose to attend the divorce orientation course described in Section 81-4-105.

8418 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation  
8419 course requirement.

8420 (d) A petition shall include information regarding the divorce orientation course  
8421 requirement when the petition is served on the respondent.

8422 (5) For a party that is unable to pay the costs of the divorce orientation course, and  
8423 before the court enters a decree of divorce in the action, the court shall:

8424 (a) make a final determination of indigency; and

8425 (b) order the party to pay the costs of the divorce orientation course if the court  
8426 determines the party is not indigent.

8427 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8428 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8429 the temporary separation petition until the moving party completes the divorce orientation  
8430 course.

8431 (b) It is an affirmative defense in a temporary separation action that a party has not  
8432 completed the divorce orientation course and the action may not continue until a party has  
8433 complied with the divorce orientation course.

8434 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8435 requirement that the parties attend the divorce orientation course, on the court's own motion or  
8436 on the motion of one of the parties, if the court determines course attendance and completion  
8437 are not necessary, appropriate, feasible, or in the best interest of the parties.

8438 (b) If the requirement is waived, the court may permit the temporary separation action  
8439 to proceed.

8440 (8) The petitioner shall serve the petition for a temporary separation order in  
8441 accordance with the Utah Rules of Civil Procedure.

8442 (9) If a party files for divorce within one year after the day on which the petition for  
8443 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
8444 credited towards the filing fee for a divorce."; and

8445 (2) Section 81-4-402 enacted in S.B. 95 be amended to read:

8446 "81-4-402. Petition for divorce -- Divorce proceeding -- Temporary orders.

- 8447           (1) An individual may bring a petition for divorce if:  
8448           (a) the individual or the individual's spouse is an actual and bona fide resident of the  
8449 county where the petition is filed for at least 90 days before the day on which the petition is  
8450 filed;  
8451           (b) the individual is a member of the armed forces of the United States and the  
8452 individual is stationed under military orders in this state for at least 90 days before the day on  
8453 which the petition is filed; or  
8454           (c) both parties to the marriage have consented to personal jurisdiction for divorce or  
8455 annulment under Subsection [81-2-303\(4\)\(a\)\(ii\)](#).  
8456           (2) A divorce action shall be commenced and conducted in accordance with this  
8457 chapter and the Utah Rules of Civil Procedure.  
8458           (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
8459 the petition is filed, unless the court finds that extraordinary circumstances exist.  
8460           (b) The court may make interim orders as the court considers just and equitable before  
8461 the expiration of the 30-day period described in Subsection (3)(a).  
8462           (4) (a) If the parties to the divorce action have a minor child, the parties shall attend the  
8463 mandatory courses:  
8464           (i) for the petitioner, within 60 days after the day on which the petition is filed; and  
8465           (ii) for the respondent, within 30 days after the day on which the respondent is served.  
8466           (b) If the parties to a divorce action do not have a minor child, the parties may choose  
8467 to attend the divorce orientation course described in Section [81-4-105](#).  
8468           (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
8469 mandatory courses.  
8470           (d) A petition shall include information regarding the mandatory courses when the  
8471 petition is served on the respondent.  
8472           (5) For a party that is unable to pay the costs of the mandatory courses, and before the  
8473 court enters a decree of divorce in the action, the court shall:  
8474           (a) make a final determination of indigency; and  
8475           (b) order the party to pay the costs of the mandatory courses if the court determines the  
8476 party is not indigent.  
8477           (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of

8478 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8479 the divorce until the moving party completes the mandatory courses.

8480 (b) It is an affirmative defense in a divorce action that a party has not completed the  
8481 mandatory courses and the action may not continue until a party has complied with the  
8482 mandatory courses.

8483 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8484 requirement that the parties attend the mandatory courses, on the court's own motion or on the  
8485 motion of one of the parties, if the court determines course attendance and completion are not  
8486 necessary, appropriate, or feasible, or in the best interest of the parties.

8487 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8488 (8) The use of counseling, mediation, and education services provided under this part  
8489 may not be construed as condoning or promoting divorce."

8490 Section 204. **Coordinating S.B. 95 with S.B. 81 if H.B. 337 does not pass and**  
8491 **become law.**

8492 If S.B. 95, Domestic Relations Recodification, and S.B. 81, County Clerk  
8493 Amendments, both pass and become law, and H.B. 337, Amendments to Mandatory Courses  
8494 for Family Law Actions, does not pass and become law, the Legislature intends that, on  
8495 September 1, 2024:

8496 (1) Section [81-4-104](#) (renumbered from Section [30-3-4.5](#)) in S.B. 95 be amended to  
8497 read:

8498 ~~["(1) A petitioner may file an action for a temporary separation order without filing a~~  
8499 ~~petition for divorce by filing a petition for temporary separation and motion for temporary~~  
8500 ~~orders if:]~~

8501 ~~[(a) the petitioner is lawfully married to the respondent; and]~~

8502 ~~[(b) both parties are residents of the state for at least 90 days prior to the date of filing.]~~

8503 (1) An individual may file an action for a temporary separation order, without filing a  
8504 petition for divorce, by filing a petition for temporary separation and motion for temporary  
8505 orders if:

8506 (a) the individual is lawfully married to the individual from whom the separation is  
8507 sought; and

8508 (b) (i) both parties are residents of the state for at least 90 days before the day on which

8509 the action is filed; or

8510 (ii) both parties to the marriage have consented to personal jurisdiction for divorce or  
8511 annulment under Subsection [81-2-303\(4\)\(a\)\(ii\)](#).

8512 (2) The temporary orders are valid for one year [~~from the date of the hearing~~] after the  
8513 day on which the hearing for the order is held, or until one of the following occurs:

8514 (a) a petition for divorce is filed and consolidated with the petition for temporary  
8515 separation; or

8516 (b) the case is dismissed.

8517 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
8518 separation, orders entered in the temporary separation shall continue in the consolidated case.

8519 (4) (a) [~~Both~~] If the parties have a minor child, the parties shall attend the divorce  
8520 orientation course described in Section [~~30-3-11.4~~] [81-4-105](#) within:

8521 (i) 60 days of the filing of the petition, for the petitioner[~~, and within~~]; and

8522 (ii) 45 days of being served, for the respondent.

8523 (b) The clerk of the court shall provide notice to the petitioner of the requirement for  
8524 the divorce orientation course.

8525 (c) The petition shall include information regarding the divorce orientation course  
8526 when the petition is served on the respondent.

8527 (d) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
8528 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
8529 petition for temporary separation, until the moving party completes the divorce orientation  
8530 course.

8531 (e) The court may waive the requirement for the parties to attend the mandatory  
8532 courses under this Subsection (4), on the court's own motion or on the motion of one of the  
8533 parties, if the court determines course attendance and completion are not necessary,  
8534 appropriate, feasible, or in the best interest of the parties.

8535 (5) The petitioner shall serve the petition for a temporary separation order in  
8536 accordance with the Utah Rules of Civil Procedure.

8537 (6) If a party files for divorce within one year after the day on which the petition for  
8538 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
8539 credited towards the filing fee for a divorce.

8540 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in~~  
8541 ~~accordance with the rules of civil procedure.]~~

8542 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either~~  
8543 ~~party files a petition for divorce within one year from the date of filing the petition for~~  
8544 ~~temporary separation, the separation filing fee shall be credited towards the filing fee for the~~  
8545 ~~divorce.] "; and~~

8546 (2) Section 81-4-402 enacted in S.B. 95 be amended to read:

8547 **"81-4-402. Petition for Divorce -- Divorce proceedings -- Temporary orders.**

8548 (1) An individual may bring a petition for divorce if:

8549 (a) the individual or the individual's spouse is an actual and bona fide resident of the  
8550 county where the petition is filed for at least 90 days before the day on which the petition is  
8551 filed;

8552 (b) the individual is a member of the armed forces of the United States and the  
8553 individual is stationed under military orders in this state for at least 90 days before the day on  
8554 which the petition is filed; or

8555 (c) both parties to the marriage have consented to personal jurisdiction for divorce or  
8556 annulment under Subsection 81-2-303(4)(a)(ii).

8557 (2) A divorce action shall be commenced and conducted in accordance with this  
8558 chapter and the Utah Rules of Civil Procedure.

8559 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
8560 the petition is filed, unless the court finds that extraordinary circumstances exist.

8561 (b) The court may make interim orders as the court considers just and equitable before  
8562 the expiration of the 30-day period described in Subsection (3)(a).

8563 (4) (a) Except as provided in Subsection (5), if the parties to the divorce action have a  
8564 minor child, the parties shall attend the mandatory courses described in Sections 81-4-105 and  
8565 81-4-106 within:

8566 (i) for the petitioner, 60 days after the day on which the petition is filed; and

8567 (ii) for the respondent, 30 days after the day on which the respondent is served.

8568 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
8569 to attend the mandatory divorce orientation course described in Section 81-4-105.

8570 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the

8571 mandatory courses.

8572 (d) A petition shall include information regarding the mandatory courses when the  
8573 petition is served on the respondent.

8574 (e) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil  
8575 Procedure, a party may file, but the court may not hear, a motion for an order related to the  
8576 divorce until the moving party completes the mandatory courses.

8577 (5) (a) The court may waive the requirement for the parties to attend the mandatory  
8578 courses under Subsection (4), on the court's own motion or on the motion of one of the parties,  
8579 if the court determines course attendance and completion are not necessary, appropriate,  
8580 feasible, or in the best interest of the parties.

8581 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8582 (6) The use of counseling, mediation, and education services provided under this part  
8583 may not be construed as condoning or promoting divorce."

8584 **Section 205. Coordinating S.B. 95 with H.B. 337 if S.B. 81 does not pass and**  
8585 **become law.**

8586 If S.B. 95, Domestic Relations Recodification, and H.B. 337, Amendments to  
8587 Mandatory Courses for Family Law Actions, both pass and become law, and S.B. 81, County  
8588 Clerk Amendments, does not pass and become law, the Legislature intends that, on September  
8589 1, 2024:

8590 (1) Section ~~81-4-104~~ (renumbered from Section ~~30-3-4.5~~) in S.B. 95 be amended to  
8591 read:

8592 "~~30-3-4.5~~. **81-4-104. Temporary separation order.**

8593 (1) [~~A petitioner~~] An individual may file an action for a temporary separation order,  
8594 without filing a petition for divorce, by filing a petition for temporary separation and motion  
8595 for temporary orders if:

8596 (a) the [~~petitioner~~] individual is lawfully married to the [~~respondent~~] individual from  
8597 whom the separation is sought; and

8598 (b) both parties are residents of the state for at least 90 days [~~prior to the date of filing~~]  
8599 before the day on which the action is filed.

8600 (2) The temporary orders are valid for one year [~~from the date of the hearing,~~] after the  
8601 day on which the hearing for the order is held or until one of the following occurs:

8602 (a) a petition for divorce is filed and consolidated with the petition for temporary  
8603 separation; or

8604 (b) the case is dismissed.

8605 (3) If a petition for divorce is filed and consolidated with the petition for temporary  
8606 separation, orders entered in the temporary separation shall continue in the consolidated case.

8607 ~~[(4) Both parties shall attend the divorce orientation course described in Section  
8608 30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days of being  
8609 served, for respondent.]~~

8610 ~~[(5) Service shall be made upon respondent, together with a 20-day summons, in  
8611 accordance with the rules of civil procedure.]~~

8612 ~~[(6) The fee for filing the petition for temporary separation orders is \$35. If either  
8613 party files a petition for divorce within one year from the date of filing the petition for  
8614 temporary separation, the separation filing fee shall be credited towards the filing fee for the  
8615 divorce.]~~

8616 (4) (a) If the parties to the temporary separation action have a minor child, the parties  
8617 shall attend the divorce orientation course described in Section 81-4-105:

8618 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8619 (ii) for the respondent, within 30 days after the day on which the respondent is served.

8620 (b) If the parties to the temporary separation action do not have a minor child, the  
8621 parties may choose to attend the divorce orientation course described in Section 81-4-105.

8622 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation  
8623 course requirement.

8624 (d) A petition shall include information regarding the divorce orientation course  
8625 requirement when the petition is served on the respondent.

8626 (5) For a party that is unable to pay the costs of the divorce orientation course, and  
8627 before the court enters a decree of divorce in the action, the court shall:

8628 (a) make a final determination of indigency; and

8629 (b) order the party to pay the costs of the divorce orientation course if the court  
8630 determines the party is not indigent.

8631 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8632 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to

8633 the temporary separation petition until the moving party completes the divorce orientation  
8634 course.

8635 (b) It is an affirmative defense in a temporary separation action that a party has not  
8636 completed the divorce orientation course and the action may not continue until a party has  
8637 complied with the divorce orientation course.

8638 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8639 requirement that the parties attend the divorce orientation course, on the court's own motion or  
8640 on the motion of one of the parties, if the court determines course attendance and completion  
8641 are not necessary, appropriate, feasible, or in the best interest of the parties.

8642 (b) If the requirement is waived, the court may permit the temporary separation action  
8643 to proceed.

8644 (8) The petitioner shall serve the petition for a temporary separation order in  
8645 accordance with the Utah Rules of Civil Procedure.

8646 (9) If a party files for divorce within one year after the day on which the petition for  
8647 temporary separation is filed, the filing fee for a petition for temporary separation shall be  
8648 credited towards the filing fee for a divorce."; and

8649 (2) Section 81-4-402 enacted in S.B. 95 be amended to read:

8650 **"81-4-402. Petition for divorce -- Divorce proceeding -- Temporary orders.**

8651 (1) An individual may bring a petition for divorce if:

8652 (a) the individual or the individual's spouse is an actual and bona fide resident of the  
8653 county where the petition is filed for at least 90 days before the day on which the petition is  
8654 filed; or

8655 (b) the individual is a member of the armed forces of the United States and the  
8656 individual is stationed under military orders in this state for at least 90 days before the day on  
8657 which the petition is filed.

8658 (2) A divorce action shall be commenced and conducted in accordance with this  
8659 chapter and the Utah Rules of Civil Procedure.

8660 (3) (a) The court may not enter a decree of divorce until 30 days after the day on which  
8661 the petition is filed, unless the court finds that extraordinary circumstances exist.

8662 (b) The court may make interim orders as the court considers just and equitable before  
8663 the expiration of the 30-day period described in Subsection (3)(a).



8664 (4) (a) If the parties to the divorce action have a minor child, the parties shall attend the  
8665 mandatory courses:

8666 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

8667 (ii) for the respondent, within 30 days after the day on which the respondent is served.

8668 (b) If the parties to a divorce action do not have a minor child, the parties may choose  
8669 to attend the divorce orientation course described in Section [81-4-105](#).

8670 (c) The clerk of the court shall provide notice to a petitioner of the requirement for the  
8671 mandatory courses.

8672 (d) A petition shall include information regarding the mandatory courses when the  
8673 petition is served on the respondent.

8674 (5) For a party that is unable to pay the costs of the mandatory courses, and before the  
8675 court enters a decree of divorce in the action, the court shall:

8676 (a) make a final determination of indigency; and

8677 (b) order the party to pay the costs of the mandatory courses if the court determines the  
8678 party is not indigent.

8679 (6) (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of  
8680 Civil Procedure, a party may file, but the court may not hear, a motion for an order related to  
8681 the divorce until the moving party completes the mandatory courses.

8682 (b) It is an affirmative defense in a divorce action that a party has not completed the  
8683 mandatory courses and the action may not continue until a party has complied with the  
8684 mandatory courses.

8685 (7) (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the  
8686 requirement that the parties attend the mandatory courses, on the court's own motion or on the  
8687 motion of one of the parties, if the court determines course attendance and completion are not  
8688 necessary, appropriate, or feasible, or in the best interest of the parties.

8689 (b) If the requirement is waived, the court may permit the divorce action to proceed.

8690 (8) The use of counseling, mediation, and education services provided under this part  
8691 may not be construed as condoning or promoting divorce."